

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

March 19, 2018
6:00 P.M.

PRESENT: Dan Allen, Marty Barington, John Doescher, Kevin McCardle, Mel Olson,
Steve Rice, Jeffrey Smith, Susan Tjarks

ABSENT:

PRESIDING Mayor Jerry Toomey

AGENDA:

Mayor Toomey requested that Item “i” Core Engineering pay estimate be removed from the consent agenda.

Moved by Barington, seconded by Olson, to remove Item “i” Core Engineering pay estimate and approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council Minutes March 5, 2018.
- b. Committee Meeting Minutes
 1. Planning Commission February 26, 2018,
 2. Public Health & Safety March 5, 2018, and
 3. Historical Preservation Commission December 31, 2017.
- c. Department Reports
 1. Sales Tax Collections (February),
 2. Finance Department (January)
 3. Finance Department (February)
 4. Building Permits (February),
 5. Snow Removal (January),
 6. Snow Removal (February)
 7. Fire (February),
 8. EMS (February),
 9. Fire & EMS Combined (February),
 10. Palace Transit Ridership (February),
 11. Airport (February), and
 12. Water (January).
- d. Approve taxicab license of Cary Muilenburg dba as LYFT.
- e. Change Order #1 for Phase III Force Main Bid Schedule A: Pump Room Piping Project #2017-11 increasing contract amount by \$7,690.00 adding three 8”

Kennedy check valves on raw sewage pumps at the Wastewater pump station contracted to D. W. Proehl Construction, Inc., adjust contract amount to \$144,910.00.

- f. Raffle Permits
 - 1. Helping with Horsepower with the drawing to be held on August 1, 2018, and
 - 2. The Imagine Guild Inc. with the drawing to be held on May 26, 2018.
- g. Set date for hearing April 02, 2018 on the application of Imagine Guild Inc. for a Special Event Liquor/Malt Beverage License located on Main Street by closing the following: South Main Street from 2nd south to the Depot as well as Railroad from 1/2 block west of Main to east of Main to Lawler Street, include both City of Mitchell parking lots south of 1st Street and Railroad Street, also request closing the Alley on the West parking lot and allow to use the adjoining City gravel parking area between the alley and the Public Safety storage building. Also, to obtain a Special Liquor License, Consumption, Noise, and Poker Run permits and discuss the associated costs for the Memorial Weekend in Mitchell and Barbecue Cook-Off on May 26, 2018.
- h. Set date for hearing April 02, 2018
 - On the application of Corn Palace Shrine Club for a Special Event Malt Beverage License on April 14, 2018 for a dance,
 - On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center on April 6, 2018 for a banquet,
 - On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center on April 14, 2018 for a benefit, and
 - On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center on April 28, 2018 for a dinner.
- i. Pay Estimates March 19, 2018
 - Pay Estimate #24 in the amount of \$9,498.01 for Mitchell Aquatic Center #2016-11 contracted to MSH Architects,
 - Pay Estimate #13 in the amount of \$535,481.72 for Mitchell Aquatic Center #2016-11 contracted to Puetz Corporation,
 - Pay Estimate #3-Final in the amount of \$2,500.00 for Veteran's Park Schedule "7" #2016-43 contracted to J&D Masonry Inc.,
 - Pay Estimate #1 in the amount of \$21,700.00 for Forcemain-Phase III Schedule B #2017-12 contracted to D.W. Proehl Construction,
 - Pay Estimate #1 in the amount of \$2,181.25 for Hanson-Wallace Watermain Replacement #2018-2 contracted to SPN & Associates,
 - Pay Estimate #12 in the amount of \$1,500.00 for Sanborn Design/Const. Contract #2018-22 contracted to SPN & Associates,
 - Pay Estimates #1 in the amount of \$585.00 for 15th/Minnesota Valve Replacement #2018-23 contracted to SPN & Associates,
 - Pay Estimates #1-Final in the amount of \$31,750.00 for Cemetery Utility Dump Vehicle #2018-30 contracted to Midwest Turf & Equipment, and

Pay Estimates #1 in the amount of \$3,400.00 for Kibbee Ditch Tributary Design #2018-31 contracted to SPN & 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 FEBRUARY 11, 2018 – FEBRUARY 24, 2018: City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,658.42, Attorney \$3,871.18, Finance \$12,483.91, Human Resources \$3,382.92, Municipal Building \$3,535.70, Information Technology \$2,363.92, Police \$67,931.15, Traffic \$4,214.05, Fire \$51,497.47, Street \$36,175.08, Public Works \$14,962.96, Cemetery \$3,597.99, Animal Control \$1,591.92, Emergency Medical Services \$12,009.22, Library \$13,568.91, Recreation & Aquatics \$9,759.72, Recreation Center \$10,251.64, Sports Complexes \$11,040.41, Parks \$8,980.97, Supervision \$5,010.24, E911 \$21,783.18, RSVP \$5,502.29, Palace Transit \$20,052.82, JVCC \$1,459.88, Nutrition \$1,015.89, Water Distribution \$6,632.45, Sewer \$14,556.98, Airport \$3,704.44, Waste Collection \$12,537.47, Landfill \$8,878.93, Corn Palace \$22,103.63, Golf Course \$5,478.06.

NEW HIRE:

CORN PALACE: Katherine Stern-\$10.35.

SALARY ADJUSTMENTS:

POLICE: Crystal Schlimgen-\$18.706.

COMMUNITY SERVICES: Kenyon Graves-\$18.022.

FIRE: Mark White-\$18.993, Mark Eliason-\$23.423.

SANITATION: Scott Phillips-\$19.899.

WARRANTS: A-OX Welding Supply, Supplies-\$255.95; Accounts Management, Garnishment-\$265.66; Advance Auto Parts, Supplies-\$56.87; Aflac, Aflac Withholding-\$10,521.16; Aflac Group, Critical Care-\$1,456.92; Afscome Council 65, Union Dues-\$495.18; Ameripride Services, Supplies-\$203.91; Aqua-Pure, Supplies-\$1,475.00; Aramark, Supplies-\$237.85; Arctic Refrigeration, Repairs-\$140.08; Arrowwood Resort & Conference, Travel-\$91.95; Avera Occupational Medicine, Contract Services-\$767.00; Avera Queen of Peace Hospital, Supplies-\$283.81; B-Y Water District, Utilities-\$35,062.20; Bailey Metal Fabricators, Supplies-\$522.46; Baker & Taylor, Books-\$642.74; Big Daddy D's, Contract Services-\$4,230.00; Blue Ridge Technologies, Supplies-\$1,045.95; Brian Larson, Travel-\$79.00; Brown & Saenger, Supplies-\$687.39; C & B Operations, Supplies-\$48.42; Campbell Supply, Supplies-\$245.85; Carquest Auto Parts, Supplies-\$130.10; Center Point Large Print, Books-\$89.28; Central Electric, Utilities-

\$11,514.79; Century Link, Utilities-\$53.13; City of Mitchell, Utilities-\$3,248.40; City of Mitchell, Permit-\$5.00; City of Mitchell, Startup Cash-\$1,000.00; Coborn's, Supplies-\$780.00; Coca Cola Bottling, Supplies-\$1,861.60; Commercial Asphalt/Spencer Quarries, Supplies-\$904.50; Core & Main, Repair-\$1,030.02; Core Engineering & Consultant, 2016-11 P.E. #10 Final-\$271.71; Core-Mark Midcontinent, Supplies-\$3,444.62; Corn Palace Concessions, Supplies-\$9.00; Corporate Translation Service, Translation Service-\$25.92; County Fair, Supplies-\$116.39; County Fair, Contract Services-\$330.00; D W Proehl Construction, 2017-12 P.E. #1-\$21,700.00; Dakota Data Shred, Professional Services-\$239.09; Dakota Supply Group, Supplies-\$1,428.28; Dale Star, Supplies-\$350.00; Darrington Water, Rental-\$78.40; Davison County Register of Deeds, Supplies-\$34.00; Davison Rural Water Systems, Utilities-\$75.40; Delta Dental Plan of South Dakota, Delta Dental Plan of South Dakota-\$14,371.72; Demco, Supplies-\$567.74; Department of Social Services, Child Support-\$1,049.68; Dice Benefits Consulting, Administration Fees-\$1,017.00; Dug Out, Contract Services-\$682.50; Dakota Wesleyan University Women's Basketball, Sports Authority-\$500.00; ELO Prof, Annual Audit-\$12,500.00; Emergency Education, Training-\$150.00; Farmers Alliance, Supplies-\$241.35; Fastenal, Supplies-\$324.91; Findaway World, Books-\$765.05; Gale, Book-\$800.94; Galls, Supplies-\$125.00; Grainger, Supplies-\$63.59; H & R Salvage, Supplies-\$22.50; Hanson School District, Corn Palace Games-\$7,819.50; Happy Memories Band, Contract Services-\$150.00; Harlow's Bus Sales, Repairs-\$128.16; Harve's Sport Shop, Supplies-\$83.82; Heartland Paper Company, Supplies-\$38.97; Henry Schein, Supplies-\$451.74; Independent Viking Glass, Supplies-\$67.00; Ingram Library Services, Books-\$81.63; Interstate Office Products, Supplies-\$177.76; J & D Masonry, 2016-43 P.E. #3 Final-\$2,500.00; JCL Solutions, Supplies-\$1,384.88; Kerry Plooster, Reimbursement-\$80.00; Lab LLC Digital Media, Advertising-\$750.00; Lakeview Veterinary Clinic, Service Dog Tommy-\$1,051.16; Larry's I-90 Service, Repair-\$205.84; Leota K Garner, Refund-\$300.00; Lori Schmidt, Contract Services-\$240.00; Marco Technologies, Supplies-\$166.00; Marilee Johnson-Geary, Contract Services-\$450.00; McFarland Supply, Supplies-\$10.33; McLeod's Printing, Supplies-\$496.28; Menard's, Supplies-\$1,103.04; Meyers Oil, Supplies-\$1,176.36; Midwest Turf & Irrigation, 2018-30 P.E. #1-\$31,750.00; Mitchell Area Chamber of Commerce, 2018 Funding-March -\$5,417.00; Mitchell Area Convention Visitors Bureau, 2018 Funding-March-\$17,333.00; Mitchell Boys Basketball, Little Kernel BB Camp-\$439.00; Mitchell Girls Basketball, Little Kernel BB Camp-\$439.00; Mitchell Iron & Supply, Supplies-\$285.24; Mitchell Main Street and Beyond, Flower Basket Sponsorship-\$200.00; Mitchell Park & Recreation, Little Kernel BB Camp-\$200.00; Mitchell School District, Utilities-\$1,769.37; Mitchell School District, Corn Palace Games-\$8,576.95; Mitchell Telecom, Utilities-\$2,343.43; Mitchell United Way, United Way Deductions-\$171.67; MSH Architects, 2016-11 P.E. #24-\$9,498.01; Mount Vernon School District, Contract Services-\$47.30; Mitchell Technical Institute Corporate Education, Travel-\$325.00; Mueller Lumber, Supplies-\$175.79; Muth Electric, Supplies-\$3,520.49; Napa Auto Parts, Supplies-\$707.40; Nena, 2018 Dues-\$137.00; Newman Traffic Signs, Supplies-\$2,248.44; Northwestern Energy & Communications, Utilities-\$54,540.26; O'Connor & Son Trucking, Repair-

\$3,400.00; Online Computer Library Center, Cataloging-\$329.45; One Source, Background Checks-\$198.00; Overdrive, Supplies-\$1,310.37; Palace Cleaners, Service-\$48.25; Parkston Boom's Restaurant, Contract Services-\$2,436.00; Pat Dockendorf, Contract Services-\$150.00; Penguin Random House, Supplies-\$175.00; Pepsi Cola, Supplies-\$686.84; Premier Pest Control, Contract Services-\$175.00; Puetz, 2016-11 P.E. #13-\$535,481.72; Qualified Presort, Contract Services-\$407.29; Recorded Books, Supplies-\$632.51; Rockmount Research & Alloy, Supplies-\$1,035.91; Ronald A Burson, Refund-\$300.00; Rowman & Littlefield Publishing, Book-\$48.82; S & M Printing, Supplies-\$259.00; Sanitation Products, Supplies-\$3,109.45; Santel, Utilities-\$251.16; Satcom Global, Contract Plan-\$42.75; Schmucker Paul & Nohr, 2018-2 P.E. #1-\$7,666.25; Scholastic Library Publish, Book-\$25.35; Scott Supply, Supplies-\$80.00; South Dakota Department of Environment & Natural Resources, February Fees-\$1,729.83; South Dakota Department of Health, Lab-\$476.00; South Dakota Department of Revenue, Renewal-\$3.00; South Dakota Federal Property, Supplies-\$69.50; South Dakota One Call, Professional Service-\$16.80; South Dakota Retailers Association, Renewal-\$150.00; South Dakota Retirement System, South Dakota Retirement System-\$49,542.30; South Dakota-Supplemental Retirement, Supplemental Retirement-\$3,012.66; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$400.00; South Dakota Waste and Wastewater, Renewal Registration-\$270.00; Secretary of State, Notary-\$30.00; Sherwin-Williams, Supplies-\$1.19; Shopko, Supplies-\$23.37; Silverstone Group, Consulting Services-\$5,300.00; Sioux Falls Two-Way Radio, Repairs-\$187.50; Standard Insurance Company, Life Insurance-\$2,455.82; Sturdevant's Auto Parts, Supplies-\$3,576.76; Sun Gold Sports, Supplies-\$2,210.45; Tessier's, Supplies-\$501.61; Test America Laboratories, Lab-\$320.50; Thomson Reuters – West, Law Base Charges-\$612.15; Thune True Value Hardware, Supplies-\$64.26; Ticketforce, Ticketing Fees-\$255.50; Titze Electric & Remodeling, Repair-\$1,949.25; TK Electric, Supplies-\$126.37; TMA Stores, Police Tow-\$177.14; Tractor Supply Credit Plan, Supplies-\$27.77; Traditions Meal Solutions, Contract Services-\$2,007.80; Transource, Supplies-\$2,149.26; Trizetto Provider Solution, Service Contract-\$69.62; True North Steel, Supplies-\$9,848.00; United Parcel Service Store #4227, Shipping-\$257.75; US Foods, Supplies-\$288.67; US Postal Service, Postage-\$75.33; Verizon Wireless, Utilities-\$3,171.95; Vern Eide Chevrolet Buick, Police Tow-\$356.00; Vern Eide of Mitchell, Supplies-\$180.24; Walmart, Supplies-\$20.69; Ward Diesel Filter Systems, Supplies-\$385.00; Wheelco Brake & Supply, Supplies-\$19.93; Wholesale Electronics, Supplies-\$20.52; Woelfel Jewelry Store, Supplies-\$150.00; Wright Brothers Aviation, Maintenance Contract-\$500.00; South Dakota Retirement Special Plan-\$11346.52; South Dakota Retirement Special Plan-\$45.00; Ellwein Brothers-\$115.00; South Dakota State Treasurer, Sales Tax Payment-\$13,423.09; Wellmark of South Dakota, Administration, Prescriptions, Medical-\$171,864.61; Wage Works, Flex Expense-\$13,388.76; 2013 Norway Lift Station, Interest/principal-\$9,058.30; Library Fines, Expense Posting-\$603.64; Library Fines, Expense Posting-\$1,122.32; Wage Works-Flex Expense-\$3,153.90; Wellmark, Administration, Prescriptions, Medical-\$28,354.29.

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

CITIZENS INPUT:

Council Member Steve Rice congratulated Dakota Wesleyan University Women's Basketball team on their National Championship title.

Council Member Susan Tjarks congratulated Mitchell on a great job hosting the show choir competition at the Performing Arts Center and the State Gymnastics competition at the Corn Palace this past weekend.

COMMITTEE REPORTS:

Traffic Commission met at 6:00 p.m. on March 19, 2018 on the following items:

A request to close Main Street between 6th & 7th Avenues on Tuesday, April 24th, 2018 from 8:00 a.m. until approximately noon for the Shrine Circus senior performance was approved.

A request to allow overnight parking in the City Hall Parking Lot from Sunday, April 22, 2018 until Thursday, April 26, 2018 for the Circus campers and trailers was approved.

A request from the James Valley Cycle Club for a parade permit for May 5, 2018 for the March of Dimes Poker Run was approved. The parade will run from the Depot on South Main, North to Ohlman Street (Highway 37 by-pass) stop light and intersection of 23rd Street, turning west to travel back south on Ohlman Street and over the interstate.

Moved by Allen, seconded by Doescher, to approve the Traffic Commission report. Motion carried.

The Public Health & Safety Committee met on March 19, 2018.

The Committee approved the request from Coborns Superstore for a noise permit for the Coborn's Kick Off to Summer event on May 12, 2018 from 12:00 p.m. to 4:00 p.m. located at 1800 North Main, Mitchell, South Dakota.

Moved by Olson, seconded by Barington, to approve the Public Health and Safety Committee report. Motion carried.

BOARD OF ADJUSTMENT:

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

HEARINGS:

It was advised that this is the date and time set for hearing on the application of Roger & Tami Hartley for an oversize variance of 2,448 square feet vs 2,000 square feet for construction of an accessory garage located at 504 West 13th Avenue, legally described as Lot 11, Block 18, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned (R2) Single Family Residential District. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application with the following condition: the permit will follow the recommendation for drainage as recommended by SPN. Moved by Smith, seconded by Allen, to approve said application with the following condition: the permit will follow the recommendation for drainage as recommended by SPN. Motion carried.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Smith, Tjarks. Members present voting nay: Olson. Motion carried.

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

RESOLUTIONS:

Moved by Olson, seconded by Tjarks, to approve Resolution #R2018-14, A Resolution of Intent to Create Business Improvement District #3, as follows:

RESOLUTION NO. R2018-14

A RESOLUTION OF INTENT TO CREATE BUSINESS IMPROVEMENT DISTRICT #3.

WHEREAS the City Council for the City of Mitchell, South Dakota did previously establish the boundaries of a proposed business improvement district (BID) pursuant to Resolution R2018-13 passed in regular session on March 5, 2018; and

WHEREAS the Board for such proposed business improvement district did meet and file a report recommending the creation of a business improvement district within the boundaries previously established and upon such terms and conditions presented in the Board's recommended plan for improvements within such area; and

WHEREAS South Dakota law requires the passage of a Resolution of Intent prior to the creation of a business improvement district.

NOW THEREFORE BE IT RESOLVED by the City Council for Mitchell, South Dakota that:

1. That the proposed business improvement district consists of the area previously established by resolution, which includes the properties listed on the table attached as Exhibit A.
2. A public hearing shall be held by the City Council for Mitchell, South Dakota on May 7, 2018 at 6 p.m., in the City Hall Council Chambers at which time all parties for or against the creation of this new business improvement district may appear and be heard as provided by law.

3. Within the district, the following public facilities, improvements, and activities to be made or maintained are proposed to take place:

Such uses allowed under SDCL 9-55-3 including, but not limited to, items discussed in the Project Plan submitted by Mitchell Main Street & Beyond attached as Exhibit B.

4. The revenue to support the items described in Section 3 shall be raised as follows:

Each property located within the BID (“BID Properties”) will be subject to a special assessment tax, with BID properties paying a special assessment equal to Five Dollars (\$5.00) per One Thousand Dollars (\$1,000) of real property tax assessed valuation, based on the most recent City of Mitchell real property tax-assessed valuation. For illustrative purposes only, a BID Property assessed at Seventy-five Thousand Dollars (\$75,000) shall pay approximately Three Hundred Seventy-five Dollars (\$375) per year as a special assessment. Minimum and maximum monthly payments will be set as a minimum of \$120 and a maximum of \$3,000.

SUCH METHOD OF RAISING REVENUE SHALL BE FAIR AND EQUITABLE.

5. The following costs are estimated for the items described in Section 3 and shall be paid by the following method:

The items described in Section 3 above will be ongoing and will be outlined in the annual budget developed each year by the City of Mitchell BID #3 Board, subject to the approval of the Mitchell City Council. It is estimated that the cost of such activities will be approximately \$45,000.00.

6. The finance officer shall cause a notice of public hearing for the creation of the proposed business improvement district to be mailed to each property owner or user of space in the proposed district at least thirty (30) days prior to the public hearing.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Rice, to approve Resolution #R2018-15, Approving 6th Avenue Plaza Option Agreement, as follows:

RESOLUTION NO. R2018-15

A RESOLUTION APPROVING A 6TH AVENUE PLAZA OPTION AGREEMENT

WHEREAS the City of Mitchell has constructed 6th Avenue Plaza within public right of way on 6th Avenue between Main Street and Lawler Street; and

WHEREAS this portion of right of way may be vacated at some point in the future; and

WHEREAS such vacated right of way would revert to the adjacent property owner by operation of law; and

WHEREAS the Mitchell Area Chamber of Commerce is the current owner of a portion of land adjacent to the above described Plaza location;

WHEREAS the City of Mitchell is the adjacent property owner for all other land adjoining, the above described Plaza location and desires to maintain control over the entire Plaza space;

IT IS THEREFORE RESOLVED by the City Council of the City of Mitchell, SD that the City approves the 6th Avenue Plaza Option Agreement.

IT IS FURTHER RESOLVED by the City Council of the City of Mitchell, SD that the Mayor of Mitchell, SD, is by these presents authorized, pursuant to SDCL 9-1-5, on behalf of the City of Mitchell, to execute the 6th Avenue Plaza Option Agreement and any necessary supplementary documents to effectuate its purpose.

Motion carried and resolution declared duly adopted.

CONSIDER APPROVAL:

Moved by Olson, seconded by Barington, to approve the appointment of Dan Allen as City Council representative to the Consolidated Board of Equalization and John Doescher as alternate. Motion carried.

Moved by Allen, seconded by Olson, to approve the appointment of Kyle Croce as Public Works Director effective April 16, 2018. Motion carried.

ORDINANCE:

Moved by Rice, seconded by Allen, to place Ordinance #O2018-03, A Supplemental Appropriations Ordinance on first reading. Motion carried.

ADJOURN:

There being no further business to come before the meeting, it was moved by Tjarks and seconded by McCardle to adjourn the meeting. Motion carried.

Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.