

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

**April 1, 2019
6:00 P.M.**

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

ABSENT:

PRESIDING: Mayor Bob Everson

AGENDA:

Moved by Tjarks, seconded by Rice, to remove item "k" 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. Motion carried.

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

- a. City Council Minutes
 1. City Council March 18, 2019.
- b. Committee Meeting Minutes
 1. Planning Commission March 25, 2019, and
 2. Traffic Commission March 18, 2019.
- c. Raffle Permits
 1. Fur Get Me Not Animal Care/Mitchell Area Children's Choir with the drawing to be held on April 28, 2019,
 2. Xtreme Cheer & Dance with the drawing to be held on April 29, 2019, and
 3. Big Friend Little Friend with the drawing to be held on August 21, 2019.
- d. Set date of 04-15-2019 for hearing
 1. On the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Temple for June 7, 2019 for a wedding, and
 2. On the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Temple for September 21, 2019 for a wedding.
- e. Set date for bid opening 1:30 P.M., April 23, 2019 for Paving & Overlay Project #2019-15.
- f. Approve New Taxi License Applications
 1. D & J Fun Bus LLC, and
 2. Arin Winger/DBA LYFT.
- g. Authorization to accept Homeland Security Grant Funds.
- h. Approval to submit entity application for Agricultural Land Easement (ALE) Agreement-Parcel 0600-10360-062-00; Parcel 06000-10360-61-20, Parcel 06066-10360-002-00.

i. Fuel Quotes

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel-#2 Unleaded Gas	2,100	2,100	\$2.435	\$ 5,113.50*
10% Ethanol	5,400	5,400	\$2.1245	\$11,472.30*
		Total Bid:		\$16,585.80*

Howes Oil was the only bidder for items marked with an asterisk.

j. Pay Estimates April 1, 2019

Pay Estimate #6 in the amount of \$12,840.00 for Waste Water Collection Evaluation #2018-34 contracted to SPN & Associates,
 Pay Estimate #17 in the amount of \$9,780.00 for East Central Drainage-Waste Water #2018-39 contracted to SPN & Associates,
 Pay Estimate #18 in the amount of \$3,400.00 for East Central Drainage-Storm Sewer #2018-39 contracted to SPN & Associates,
 Pay Estimate #19 in the amount of \$2,400.00 for East Central Drainage-Water #2018-39 contracted to SPN & Associates,
 Pay Estimate #8 in the amount of \$5,330.00 for Sanborn Phases II & III - Water #2019-22 contracted to SPN & Associates, and
 Pay Estimate #9 in the amount of \$725.00 for Sanborn Phases II & III – WW & SS #2019-22 contracted to SPN & Associates.

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

CONSIDER APPROVAL:

Moved by Rice, seconded by Smith to approve item “k”.

k. 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 24, 2019 – MARCH 9, 2019: City Council \$3,106.48, Mayor \$1,292.65, City Administrator \$5,008.15, Attorney \$4,037.15, Finance \$13,561.19, Human Resources \$3,527.96, Municipal Building \$3,564.19, Information Technology \$2,496.10, Police \$64,855.14, Traffic \$4,471.53, Fire \$49,772.55, Street \$36,889.29, Public Works \$19,865.38, Cemetery \$3,872.48, Animal Control \$1,466.24, Emergency Medical Services \$9,229.85, Library \$14,375.57, Recreation & Aquatics \$6,454.59, Recreation Center \$16,517.80, Sports Complexes \$10,952.31, Parks \$8,992.83, Supervision \$5,225.01, E911 \$20,798.85, RSVP \$5,649.44, Palace Transit \$20,675.77, JVCC \$1,497.25, Nutrition \$1,040.44, Water Distribution \$10,807.84, Sewer \$11,640.52, Airport \$3,439.21, Waste Collection \$16,895.62, Landfill \$9,554.27, Corn Palace \$18,317.27, Golf Course \$5,849.13.

NEW HIRES:

COMMUNITY SERVICES: Christian Luke-\$17.445.

CORN PALACE: Ashley Sanderson-\$9.35.

SALARY ADJUSTMENTS:

FIRE: Andrew Shank-\$21.063

WATER DISTRIBUTION: Darin Richey-\$17.883.

WARRANTS: A & B Business Solutions, Contract Services-\$3,887.82; A-OX Welding Supply, Supplies-\$210.48; AAA Collections, Contract Services-\$10.00; Accent, Ambulance Refund-\$632.93; Adam Fosness, Contract Services-\$380.00; AFSCME Council 65, Union Dues-\$590.00; Al's Engraving, Supplies-\$59.20; Ameripride Services, Supplies-\$134.50; Avera Occupational Medicine, Contract Services-\$480.15; Avera Queen of Peace Hospital, Training-\$50.00; BNSF Railroad, Insurance Fee-\$2,016.00; Bailey Metal Fabricators, Repairs-\$246.65; Bender's Sewer Cleaning, Contract Services-\$2,320.00; Big Daddy D's, Contract Services-\$4,436.25; Blackburn Manufacturing, Supplies-\$332.74; Bound Tree Medical, Supplies-\$65.00; Break Time Portables, Rentals-\$380.00; Buhl's Drycleaning, Service-\$34.00; Buxton, Professional Service-\$50,000.00; Campbell Supply, Supplies-\$1,083.76; Carlos Reyes, Travel-\$64.26; Carquest Auto Parts, Supplies-\$84.69; CDW Government, Supplies-\$316.38; Century Link, Utilities-\$1,354.53; CHR Solutions, Contract Services-\$2,940.20; City of Lennox, Training-\$101.50; City of Mitchell, Utilities-\$4,442.35; City of Mitchell, Corn Palace Games-\$1,394.85; City of Sioux Falls, Repair-\$29.18; Coast to Coast Solutions, Supplies-\$286.85; Coca Cola Bottling, Supplies-\$1,050.10; Commercial Asphalt/Spencer Quarries, Supplies-\$1,778.00; Connie Parish, Refund-\$150.00; Core & Main, Supplies-\$372.96; Core-Mark Midcontinent, Supplies-\$6,166.45; Corn Palace Concessions, Supplies-\$12.00; Daily Republic, Subscription-\$175.00; Dak Tech, Supplies-\$2,196.00; Dakota Pump, Repairs-\$102.04; Dakota Scuba, Equipment-\$1,543.45; Dakota Supply Group, Supplies-\$41.99; Davison County Register of Deeds, Copies-\$32.00; Davison County Treasurer, Professional Service-\$89.36; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$1,275.22; Dick's Towing, Police Tow-\$150.00; Diesel Laptops, Supplies-\$7,859.00; Dakota Wesleyan University Athletics, Sports Authority Promotion,-\$1,500.00; Dakota Wesleyan University, Sports Authority Promotion-\$500.00; Eric Hieb, Contract Services-\$4,361.26; Farmers Alliance, Supplies-\$1,327.29; Fastenal, Supplies-\$313.02; Fedex, Express Services-\$13.33; First National Bank Omaha, Supplies-\$10,809.62; Fisher Scientific, Supplies-\$360.03; G & R Controls, Repairs-\$1,537.91; Galls, Supplies-\$40.00; Gaylen's Homegrown Popcorn, Supplies-\$600.00; Gotcha Covered, Supplies-\$2,000.00; Graham Advertising, Golf Pro Contract-\$1,500.00; Grainger, Supplies-\$23.73; Harve's Sport Shop, Supplies-\$43.98; Heiman Fire Equipment, Supplies-\$103.80; Henry Schein, Supplies-\$956.94; Honda of Mitchell, Supplies-\$31.88; ICAN, Contract-\$2,300.00;

Industrial Scientific, Supplies-\$1,354.45; Innovative Office Solution, Supplies-\$138.85; Integrity Transcription, Transcribing Service-\$276.70; Interstate Office Products, Supplies-\$23.79; JCL Solutions, Supplies-\$105.46; Jeni McCutcheon, Professional Service-\$400.00; Jessica Pickett, Travel-\$200.68; Johnson Controls, Contract Services-\$3,873.20; Jones Supplies, Supplies-\$604.29; Klock Werks, Supplies-\$84.96; Knights of Columbus, Sports Authority Promotion, 1,000.00; Lakeview Veterinary Clinic, March Management-\$946.31; Leads Online, Renewal-\$2,148.00; Lewis Family Drug, Supplies-\$234.72; M & T Fire and Safety, Supplies-\$2,316.74; MAC Triathlon, Sports Authority Promotion-\$1,500.00; Make It Mine Designs, Supplies-\$1,944.50; Marco Technologies, Supplies-\$297.97; Marius Laursen, Travel-\$788.50; Maxi-Sweep, Supplies-\$1,775.27; McLeod's Printing, Supplies-\$181.36; Menard's, Supplies-\$1,195.55; Meyers Oil, Supplies-\$483.45; Microsoft, Supplies-\$910.00; Mid States Audio, Repairs-\$161.09; Mitchell Area Human Resources, Dues-\$60.00; Mitchell Iron & Supply, Repairs-\$59.63; Mitchell Power Equipment, Supplies-\$36.62; Mitchell School District, Utilities-\$1,601.93; Mitchell Telecom, Utilities-\$71.53; Mitchell United Way, United Way Deductions-\$188.11; Mueller Lumber, Supplies-\$3,056.95; Muth Electric, Repairs-\$891.80; Napa Auto Parts, Supplies-\$45.57; Nebraska Salt & Grain, Supplies-\$1,865.64; Nedved Media, Advertising-\$1,035.00; North Central Rental & Lease, Rental-\$1,167.00; Northwestern Energy & Communications, Utilities-\$24,219.10; Pam Punt, Reimbursement-\$58.49; Paulson Air, Supplies-\$3,558.00; Pepsi Cola, Supplies-\$1,478.70; Premier Equipment, Supplies-\$214.63; Qualified Presort, Mailing Service-\$427.55; Rink-Tec International, Repairs-\$399.62; Saga Communications of South Dakota, Advertising-\$960.00; Schmucker Paul & Nohr, 2018-34 P.E. #6-\$34,475.00; Schoenfelder Construction, Supplies-\$240.00; Scott Supply, Supplies-\$125.10; South Dakota Association of Code Enforcement, Registration-\$50.00; South Dakota Department of Environment & Natural Resources, Utilities-\$250.00; South Dakota Department of Health, Lab-\$150.00; South Dakota Firefighters, Training-\$3,000.00; South Dakota Governmental Human Resources, Registration-\$50.00; South Dakota Retirement System, Retirement Contributions-\$49,214.89; South Dakota-Supplemental Retirement, Retirement Contributions-\$2,313.83; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$425.00; Senior Meals Program, Wellness-\$172.00; Sherwin-Williams, Supplies-\$544.59; Sign Pro, Supplies-\$25.20; Silverstone Group, Professional Service-\$750.00; Stan Houston Equipment, Supplies-\$985.90; Standard Insurance Company, Premium Insurance-\$406.59; Staples Advantage, Supplies-\$1,443.72; Sturdevant's Auto Parts, Supplies-\$490.69; Subway, Meals-\$31.45; Sun Gold Sports, Supplies-\$446.00; Teamsters Local No. 120, Union Dues-\$905.00; Tessier's, Refund-\$1,566.62; Thomas L Price, Professional Service-\$700.00; Thomson Reuters-West, Supplies-\$18.00; Thune True Value Hardware, Supplies-\$133.54; Tim's Towing & Recovery, Police Tow-\$250.00; Trizetto Provider Solution, Service Contract-\$79.95; Two Way Solutions, Repairs-\$250.00; Tyler Technologies, Supplies-\$1,353.26; Uncle Roy & the Boys, Contract Service-\$150.00; Upper Midwest Garage Door, Supplies-\$4,165.02; US Bank Equipment Finance, Contract Payment-\$64,212.64; Verizon Wireless, Supplies-\$328.94;

Vern Eide Ford Lincoln, Supplies-\$60.00; Village Bowl, Sports Authority Promotion-\$3,000.00; Volleyball USA, Equipment-\$5,307.17; Walmart, Supplies-\$7.96; Wheelco Brake & Supply, Supplies-\$129.29; Wholesale Electronics, Supplies-\$53.40; Zimco Supply, Supplies-\$13,943.00.

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

CITIZENS INPUT:

Mayor Bob Everson read a proclamation and proclaimed April 3, 2019 to be Annual Start by Believing Day throughout Mitchell.

Mayor Bob Everson read a proclamation and proclaimed April 2, 2019 to be World Autism Awareness Day and the month of April 2019 to be World Autism Month in Mitchell South Dakota.

Council Member Kevin McCardle commended Director of Golf & Cemetery Kevin Thurman and the Lakeview Golf Course for being recognized as one of the top 10 golf courses in the State of South Dakota.

Chief of Public Safety Lyndon Overweg informed City Council and the public that Jason Hohn has volunteered to mow and fertilize the Veteran's Park for 2019 at no charge.

HEARINGS:

It was advised that this is the date and time set for hearing 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, obtain a Special Liquor License, Consumption, Noise permits, Poker Run permit and donation of a portion of the associated costs for the Memorial Weekend in Mitchell and Barbecue Cook-Off on May 25, 2019. Notice of hearing has been given and affidavit of publication is on file. Moved by Tjarks, seconded by Allen, to approve said application. Motion carried.

BOARD OF ADJUSTMENT:

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

SET DATE:

Moved by Rice, seconded by Tjarks, to table the hearing on the application of Yvonne Steward, applicant, and Mid Dakota Properties, owner, for a conditional use permit to operate a family residential child care center located at 517 N Duff St, legally described as S 1/2 of Lots 1 & 2 and N 1/2 of vacated alley, Rowley's 2nd Addition, NE 1/4 Section 21, 103-60, City of Mitchell, Davison County, South Dakota. The property is zoned Zoned R4 Multi-Family Residential District. Motion carried.

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

CONSIDER APPROVAL:

Moved by Rice, seconded by McCardle, to approve the Dakota Flight Center airport terminal sublease with Agtegra and to include the sublease renewal dates of June 1, 2019 through June 1, 2020. Motion carried.

Moved by McCardle, seconded by Allen, to approve the City Unmanned Aircraft System (UAS) operation policy. Motion carried.

Moved by Rice, seconded by Sabers, to approve and authorize the Mayor and the Chief of Public Safety to sign Agreement #A2019-16, James Valley Multi-Jurisdictional Drug Task Force Joint Powers Agreement. Motion carried.

RESOLUTIONS:

Moved by Allen, seconded by Tjarks, to approve Resolution #R2019-23, Declaration of Emergency/Disaster, as follows:

**RESOLUTION #R2019-23
DECLARATION OF EMERGENCY/DISASTER**

WHEREAS, the City of Mitchell, South Dakota has suffered severe damage, brought on by the snow melt and flood of March 2019.

WHEREAS, the City of Mitchell, South Dakota has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster, local resources are not adequate to cope with the situation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Mitchell at a regular meeting held on April 1, 2019, it is hereby requested that the Governor declare an emergency disaster to exist for the City of Mitchell, South Dakota.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Rice, to approve Resolution #R2019-24, A Plat of Lot 21 of Airport Addition, A Subdivision of Previously Platted Lot 2 of Fiala's Addition in the East 1/2 of

the NW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2019-24

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 25th day of March, 2019; and

WHEREAS, It appears from an examination of the plat of LOT 21 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 2 OF FIALA'S ADDITION IN THE EAST ½ OF THE NW ¼ OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law.

THEREFORE, Be it resolved by the City Council of Mitchell, South Dakota that the plat of LOT 21 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 2 OF FIALA'S ADDITION IN THE EAST ½ OF THE NW ¼ OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Barington, to approve Resolution #R2019-25, A Plat of Lot B-1, A Subdivision of Lot B, Block 1, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2019-25

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 25th day of March, 2019; and

WHEREAS, It appears from an examination of the plat of LOT B-1, BLOCK 1, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law.

THEREFORE, Be it resolved by the City Council of Mitchell, South Dakota that the plat of LOT B-1, BLOCK 1, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink be and the same is hereby

approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by McCardle, to approve Resolution #R2019-26, A Plat of Lots 5 & 6 of D. & D. Long's First Addition, A Subdivision of Irregular Tract No. 3 in the Northeast Quarter (NE1/4) of Section 23, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2019-26

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 25th day of March, 2019; and

WHEREAS, It appears from an examination of the plat of LOTS 5 AND 6 OF D. & D. LONG'S FIRST ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 3 IN THE NORTHEAST QUARTER (NE ¼) OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA that said plat is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law.

THEREFORE, Be it resolved by the City Council of Mitchell, South Dakota that the plat of LOTS 5 AND 6 OF D.& D. LONG'S FIRST ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 3 IN THE NORTHEAST QUARTER (NE ¼) OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Sabers, to approve Resolution #R2019-27, A Resolution of Intent to Lease City Property located at 514 N. Main Street to the Mitchell Area Development Corporation, as follows:

RESOLUTION #R2019-27

A RESOLUTION OF INTENT TO LEASE CITY PROPERTY LOCATED AT 514 NORTH MAIN STREET TO THE MITCHELL AREA DEVELOPMENT CORPORATION.

WHEREAS the City of Mitchell has been in discussions with the Mitchell Area Development Corporation regarding the lease of 514 North Main Street, Mitchell, SD 57301 which is owned by the City; and

WHEREAS South Dakota State law, under SDCL 9-12-5.2, requires that, for a lease of this nature, the City Council first adopt a Resolution of Intent and hold a hearing on the matter, after providing proper notice of such hearing;

THEREFORE, be it resolved by the Mitchell City Council that such hearing shall be held on the Proposed Lease Agreement at the regular City Council Meeting on Monday, April 15, 2019 at 6:00 P.M. in the City Council Chambers at 612 N Main, at which time interested parties may appear and be heard as provided by law. The City shall cause notice of hearing to be published once not less than ten (10) days prior to the hearing. Following the hearing, the City Council may take whatever action it deems appropriate regarding the Proposed Lease Agreement.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Rice, seconded by Smith, to place Ordinance #O2019-03, Bicycle Updates on first reading and to amend the following items:

- Remove Subsection 4, Item 6,
- Effective day of July 1, 2019.

Mitchell City Code 7-8-2 be amended, as follows:

- Change "Registration Required" to "Registration Available", and
- Change "Every owner of a bicycle shall" to Change "Every owner of a bicycle may".

Motion carried.

Moved by Rice, seconded by Tjarks, to place Ordinance #O2019-04, Grass in Parks on first reading. Motion carried.

Moved by Tjarks, seconded by Rice, to place Ordinance #O2019-05, Supplemental Appropriations on first reading, as amended. Motion carried. The City Council is requesting Public Works Director Kyle Croce to calculate the expense to repair the existing parking lot and path at the rec center in lieu of the expanded parking lot space.

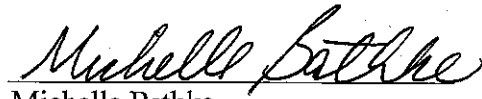
EXECUTIVE SESSION:

Moved by Allen, seconded by McCardle, 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 8:01 p.m. and the City Council to reconvene in regular session at 8:02 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 _____.