

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

**May 4, 2020
6:00 P.M.**

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

ABSENT: Dan Allen

PRESIDING: Mayor Bob Everson

AGENDA:

Mayor Everson removed Item "F" Approve East Norway Avenue Storm Sewer Installation in the 500-700 Blocks of East Norway Project #2020-26 from the consent agenda to the formal agenda.

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

- a. City Council Minutes
 1. City Council April 20, 2020, and
 2. Special City Council April 27, 2020.
- b. Committee Meeting Minutes
 1. Planning Commission April 13, 2020.
- c. Raffle Permit
 1. Mitchell Regional Habitat for Humanity with the drawing to be held on June 12, 2020.
- d. Approve Change Order #2 for Corn Palace Plaza Phase II Project #2019-48 increasing contract amount by \$31,591.00 to install equipment associated with audio, electrical, and mounting of a permanent audio system at the stage contracted to Puetz Corporation, adjust contract amount to \$560,976.49.
- e. Set Date of 05-18-2020 for hearings
 1. On the application to transfer Retail (On-Off Sale) Malt Beverage License RB-3133 from Hohn Partnership, LLC, 1510 S Burr St STE C, Mitchell, South Dakota to Hohn Partnership, LLC dba Platinum Player's Club III, 719 North Sanborn Blvd, Ste #1, Mitchell, South Dakota, and
 2. On the application to transfer Retail (On-Off Sale) Malt Beverage License RB-2835 from Hohn Partnership, LLC, dba Platinum Players Club I, 719 N Sanborn Blvd, Mitchell, South Dakota to Hohn Partnership, LLC, dba Platinum Players Club I, 719 North Sanborn Blvd. Ste #3, Mitchell, South Dakota due to configuration of Malt Beverage License.
- g. Pay Estimates 05-04-2020

Pay Estimate #8 in the amount of \$64,047.91 for E. Central Drainage-Phase I #2018-39 contracted to Menning Backhoe, LLC,
Pay Estimate #62 in the amount of \$1,975.00 for E. Central Drainage-Phase I-Water #2018-39 contracted to SPN & Associates,
Pay Estimate #63 in the amount of \$1,300.00 for E. Central Drainage-Phase I-WW #2018-39 contracted to SPN & Associates,
Pay Estimate #64 in the amount of \$498.75 for E. Central Drainage-Phase I-Water #2018-39 contracted to SPN & Associates,
Pay Estimate #65 in the amount of \$8,923.00 for E. Central Drainage-Phase I-WW #2018-39 contracted to SPN & Associates,
Pay Estimate #1 in the amount of \$50,020.00 for Asphalt/Concrete Crushing #2019-9 contracted to Dakota Constructors, Inc,
Pay Estimate #8 in the amount of \$2,500.85 for Corn Palace Plaza Phase II #2019-48 contracted to Confluence, Inc,
Pay Estimate #5 in the amount of \$154,557.49 for Corn Palace Plaza Phase II #2019-48 contracted to Puetz Corporation, and
Pay Estimate #1-Final in the amount of \$72,788.00 for Corn Palace Backstops #2019-50 contracted to Mueller Lumber Company.

- h. 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 APRIL 5, 2020 – APRIL 18, 2020: City Council \$3,199.68, Mayor \$1,331.42, City Administrator \$5,216.46, Attorney \$4,210.23, Finance \$13,936.53, Human Resources \$2,869.85, Municipal Building \$2,888.88, Information Technology \$2,655.64, Police \$74,276.73, Traffic \$4,492.27, Fire \$47,541.38, Street \$30,324.97, Public Works \$22,421.65, Cemetery \$4,006.18, Animal Control \$1,510.24, Library \$15,036.27, Recreation & Aquatics \$5,146.19, Recreation Center \$9,229.74, Sports Complexes \$7,761.95, Parks \$9,565.56, Supervision \$5,449.06, E911 \$23,668.46, RSVP \$5,371.36, Palace Transit \$15,339.98, JVCC \$511.32, Nutrition \$421.31, Water Distribution \$10,813.73, Sewer \$13,506.14, Airport \$3,086.79, Recycling Program \$5,838.13, Waste Collection \$5,592.00, Landfill \$9,915.03, Corn Palace \$12,564.20, Golf Course \$6,785.71, Emergency Medical Services \$10,409.56.

SALARY ADJUSTMENTS:

FINANCE: Michele DeVries-\$22.470, Janice Peterson-\$22.737.

PUBLIC WORKS: Catherine Krall-\$22.179.

FIRE: Chad Cody-\$21.967.

POLICE: Tyler Urban-\$24.467, Niko Arnold-\$24.467.

EMS: Daniel Pollreisz-\$23.940.

STREET: Nathan Hegg-\$28.041, Jason Tuttle-\$25.419.

RECYCLING: David Schulte-\$23.608.

WARRANTS: A & B Business Solutions, Contact-\$3,701.84; Aflac, Aflac Withholding-\$11,524.88; Aflac Group, Critical Care-\$976.34; AFSCME Council 65, Union Dues-\$542.80; Amazon Capital Services, Supplies-\$545.34; Ameripride Services, Supplies-\$93.29; AT&T Mobility, Utilities-\$2,276.71; Avera Occupational Medicine, Contract Services-\$1,202.70; Bailey Metal Fabricators, Repairs-\$11.49; Baker & Taylor, Books-\$300.08; Baker Bros Electric, Repairs-\$280.61; Big Daddy D's, Contract Services-\$4,448.63; Bonnie Hatzenbuhler, Refund-\$75.00; Boyer Trucks Sioux Falls, Supplies-\$469.43; Break Time Portables, Rental-\$125.00; Buhl's Drycleaning, Service-\$90.00; Butler Machinery, Repairs-\$1,325.47; BX Civil & Construction, Repair-\$6,382.84; C & B Operations, Supplies-\$350.07; CASA First Circuit, Grant-\$3,000.00; CDW Government, Supplies-\$265.30; Central Electric, Repair-\$255.10; Century Link, Utilities-\$13.43; CHR Solutions, March Billing-\$2,909.16; Clean Sweep, Supplies-\$251.75; Commercial Recreation Specialists, Supplies-\$303.02; Confluence, 2019-48 P.E. #8-\$2,500.85; Cook Implement, Supplies-\$1,353.36; Craig Fuerst, Reimbursement-\$350.00; Dakota Constructors, 2019-9 P.E. #1-\$50,020.00; Dakota Fluid Power, Supplies-\$547.07; Dakota Pump, Repairs-\$459.18; Dakota Supply Group, Supplies-\$210.00; Dale Star, Reimbursement-\$461.96; Dale Steffen, Training-\$90.00; Davison County Treasurer, Property Taxes-\$12,759.14; Dean Knippling, Reimbursement-\$287.28; Delta Dental Plan of South Dakota, Delta Dental Premiums-\$14,913.06; Department of Social Services, Child Support-\$1,159.27; Dick's Towing, Police Tow-\$160.00; Dug Out, Contract Services-\$85.32; Environmental Equipment & Service, Supplies-\$862.84; Environmental Resource, Lab-\$394.17; Eric Hieb, Contract Services-\$7,103.35; Evident, Supplies-\$29.50; Farmers Alliance, Repair-\$15.96; Fastenal, Supplies-\$147.96; Fedex, Express Service-\$27.84; First National Bank Omaha, Loan Payment-\$7,753.19; Forterra Pipe & Precast, Supplies-\$426.00; Fox Paint & Blinds, Supplies-\$13.59; Gary Walton, Reimbursement-\$19.49; Grainger, Supplies-\$25.79; Graybar Electric, Repair-\$740.00; Greenwood Cleaning, Supplies-\$450.00; Harve's Pro Prints, Supplies-\$70.00; Honda of Mitchell, Supplies-\$44.25; Howes Oil, Supplies-\$6,502.94; Innovative Office Solution, Supplies-\$23.95; Integrity Transcription, Transcribing Service-\$62.70; Interstate Office Products, Supplies-\$145.03; Jason Tuttle, Reimbursement-\$32.48; JCL Solutions, Supplies-\$142.17; JD Enterprises, Maintenance-\$5,291.30; John Short, Refund-\$35.00; Jones Supplies, Supplies-\$177.82; Kevin Hughes, Reimbursement-\$59.90; Krohmer Plumbing, Repairs-\$1,690.38; Lawson Products, Supplies-\$685.48; Lifequest, 2020 Allocation-\$9,000.00; Menard's, Supplies-\$637.09; Menning Backhoe, 2018-39 P.E. #8-\$64,047.91; Meyers Oil, Supplies-\$576.40; Mid States Audio, Repairs-\$335.63;

Midcontinent Communication, Publication-\$1,162.00; Midwest Turf & Irrigation, Supplies-\$551.17; Millennium Recycling, Contract-\$2,444.40; Mitchell Animal Rescue, May Payment-\$350.00; Mitchell Iron & Supply, Supplies-\$31.50; Mitchell Power Equipment, Supplies-\$8.94; Mitchell United Way, United Way-\$303.69; Mueller Lumber, 2019-50 P.E. #1 Final-\$72,804.14; Muth Electric, Repairs-\$1,824.00; Napa Auto Parts, Supplies-\$633.10; Northwestern Energy & Communications, Utilities-\$33,835.65; OCLC, Subscription-\$354.63; Overdrive, Supplies-\$1,701.27; Parkston Boom's Restaurant, Contract Services-\$413.66; Pepsi Cola, Supplies-\$136.90; Prairie Fire Solutions, Contract Services-\$630.00; Premier Pest Control, Contract Services-\$75.00; Public Health Laboratory, Lab-\$587.00; Puetz Construction, 2019-48 P.E. #5-\$154,557.49; Qualified Presort, Mailing Service-\$500.65; Runnings Supply, Supplies-\$2,090.67; S & M Printing, Supplies-\$460.00; Salem Press, Book-\$196.56; Sanitation Products, Supplies-\$2,123.75; Schmucker Paul & Nohr, 2018-39 P.E. #62-\$12,696.75; Schumacher Elevator, Maintenance-\$205.41; South Dakota Public Assurance Alliance, Property Coverage-\$919.62; South Dakota Retirement System, Retirement Contributions-\$51,291.98; South Dakota Supplemental Retirement, Supplemental Retirement-\$15,664.02; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$475.00; Sherwin-Williams, Supplies-\$1,684.76; Sign Pro, Supplies-\$803.25; Standard Insurance, Insurance Premium-\$2,041.02; Staples, Supplies-\$168.01; State Disbursement Unit, Child Support-\$594.96; Sturdevant's Auto Parts, Supplies-\$1,456.07; Subway, Meals-\$25.16; Tessier's, Maintenance-\$1,046.50; Thune True Value Hardware, Rental-\$348.04; TMA Stores, Supplies-\$248.25; Traditions Prepared Meals, Supplies-\$2,096.80; Travis Hohrman, Reimbursement-\$207.30; Two Way Solutions, Repairs-\$400.00; Verizon Wireless, Utilities-\$26.02; Vern Eide Chevrolet Buick, Tow-\$45.00; Wheelco Brake & Supply, Supplies-\$1,028.62; Wireless Links, Supplies-\$1,830.00; Zimco Supply, Supplies-\$541.50.

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

CONSIDER APPROVAL:

Moved by Rice, seconded by Tjarks, to approve Item "F" Approve East Norway Avenue Storm Sewer Installation in the 500-700 Blocks of East Norway Project #2020-26. Motion carried.

CITIZENS INPUT:

Mayor Everson read a proclamation for National Travel & Tourism Week from May 3, 2020 through May 9, 2020.

Mayor Everson recognized Kennedy Vilhauer and Bentley Bates on May 4, 2020 for their volunteer efforts in cleaning the area of Camp Arroya at Lake Mitchell.

BOARD OF ADJUSTMENT:

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

Moved by Rice, seconded by McCardle, to set date for May 18, 2020 on the application of Henry & Patricia Flack for a conditional use permit to construct a storage building on a non-contiguous lot and requesting an oversize variance of 3,200 square feet vs 2,000 square feet and a height variance of 24 feet vs 22 feet as required, located on Barington Court, legally described as Lot 12I within Lot 12 of Fiala's Addition, in the East ½ of the NW ¼, Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned RL Residential Lake District. Motion carried with Barington abstaining.

Moved by Tjarks, seconded by Rice, to set date for May 18, 2020 on the application of R & M Rentals LLC for a conditional use permit to construct a two-family dwelling located at 300 W 10th Ave, legally described as Lot 12, Block 41, Capital Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. 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.

CONSIDER APPROVAL:

Moved by Rice, seconded by Sabers, to approve and authorize the Mayor to sign Agreement #A2020-19, Agreement for Professional Services for Airport Project AIP #3-46-0037-28-2020 with Helms & Associates in the amount of \$371,962.87. Motion carried.

Moved by Sabers, seconded by Rice, to deny approval of Agreement #A2020-20, Helms & Associates for West 8th Compost Yard. Motion carried.

RESOLUTIONS:

Moved by Rice, seconded by Tjarks, to approve Resolution #R2020-24, A Resolution Approving the Change from One-Way Streets to Two-Way Streets in the City of Mitchell, SD as follows:

RESOLUTION #R2020-24

A RESOLUTION APPROVING THE CHANGE FROM 1-WAY STREET TO TWO-WAY STREET IN THE CITY OF MITCHELL, SD

WHEREAS the City Council has the powers and duties in relation to traffic matters as set forth in Mitchell City Code Section 7-1-6; and

WHEREAS Mitchell City Code Section 7-1-6(B)(11) provides that the City Council shall determine in what streets or alleys only one way traffic shall be allowed and to cause such streets or alleys to be marked with appropriate signs; and

WHEREAS 2nd Avenue, 3rd Avenue and 4th Avenue are one-way streets from Kimball Street to Lawler Street, two-way streets from Lawler Street to Rowley Street and one-way streets from Rowley Street to Sanborn Boulevard; and

WHEREAS 2nd Avenue, 3rd Avenue and 4th Avenue are considered commercial and tourist access streets from Kimball Street to Sanborn Boulevard.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the streets of 2nd Avenue, 3rd Avenue, and 4th Avenue are hereby designated as two-way streets from Kimball Street to Sanborn Boulevard and shall be marked and signed as such.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Barington, to table Resolution #R2020-25, Creating Tax Increment District 25 and Approving the Project Plan. Motion carried.

Moved by Smith, seconded by McCardle, to approve Resolution #R2020-26, A Plat of Lots 4 and 5, Tract I, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota as follows:

RESOLUTION #R2020-26

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 27th day of April, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 4 AND 5 IN TRACT I, WILD OAK GOLF CLUB ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, that said 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 4 AND 5 IN TRACT I, WILD OAK GOLF CLUB ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, be and the same is 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 Tjarks, to approve Resolution #R2020-27, Annexation of the Real Property Legally Described as; Lot 18A, Tract L of Wild Oak Golf Club Addition, SE ¼, Section 23, T 103 N, R 60 W, Davison County, South Dakota as follows:

RESOLUTION #R2020-27

ANNEXATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS: LOT 18A, TRACT L OF WILD OAK GOLF CLUB ADDITION, SE ¼, SECTION 23, T 103 N, R 60 W, DAVISON COUNTY, SOUTH DAKOTA.

Whereas: Ronald W. and Delores A. Peterson Revocable Living Trust, has petitioned to annex the real property legally described as; Lot 18A, Tract L of Wild Oak Golf Club Addition, SE ¼, Section 23, T 103 N, R 60 W, Davison County, South Dakota, and

Whereas: The petitioner is the sole owner of the real property, and

Whereas: There are no improvements on the real property and no persons reside on said real property thus there are no registered voters on said real property, and

Whereas: The real property is contiguous to the corporate limits of the City of Mitchell, South Dakota and Exhibit A identifies the area to be annexed, and

Therefore, be it resolved that the City Council of the City of Mitchell, do hereby annex the real property legally described in this resolution into the corporate limits of the City of Mitchell, Davison County, South Dakota.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Smith, seconded by Sabers, to place Ordinance #O2020-05, Amending City Code Section 5-4A Garbage and Refuse on second reading. Motion carried. Moved by Rice, seconded by McCardle, to adopt Ordinance #O2020-05, as follows:

ORDINANCE #O2020-05

AN ORDINANCE ADDING A NEW CODE SECTION TO
CHAPTER 5-4A: GARBAGE AND REFUSE REGARDING PLACEMENT OF
METAL REFUSE CONTAINERS IN THE PUBLIC RIGHT OF WAY.

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

Section 1.

That a NEW SECTION be added to Mitchell City Code Chapter 5-4A: Garbage and Refuse, to read as follows:

5-4A-7: METAL REFUSE CONTAINERS IN RIGHT OF WAY RESTRICTED:

A. No party responsible for a metal refuse container shall place, cause to be placed, or allow to remain any metal refuse container in the public right of way unless the corners and edges of such metal refuse container are marked with reflective material so as to be plainly visible from a distance of not less than two hundred feet (200').

B. The party responsible for a metal refuse container placed in the right of way must inhibit such container from moving unintentionally and place such container in a manner that does not create an obstruction to pedestrian or vehicle traffic.

C. The Director of Public Works is authorized to require the immediate removal of a metal refuse container in the public right of way if, in the Director's discretion, the metal refuse container has remained at a location for longer than necessary to complete a waste disposal project. The party responsible for the metal refuse container will be provided written notice by City staff to remove the metal refuse container by a given date and time. Failure to remove a metal refuse container by the date and time set in the notice shall be deemed a violation of the ordinance and shall also be grounds for the City to remove the metal refuse container and charge the costs of such removal to the party responsible for such metal refuse container.

D. For purposes of this section, the party responsible for a metal refuse container can be more than one person and may include, but is not limited to, the person/company who owns the container, the person/company who ordered the container, or the person/company who placed the container.

Section 2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Members present voting aye: Barington, Doescher, McCardle, Sabers, Smith, Tjarks. Members present voting nay: Rice. Motion carried and ordinance declared duly adopted.

Moved by Sabers, seconded by McCardle, to place Ordinance #O2020-06, Alternate B in Relation to Coronavirus Response on first reading. Motion carried.

Moved by Rice, seconded by Smith, to place Ordinance #O2020-07, An Ordinance that changes the Zoning District Classification of the Real Property Legally Described as Lot 18A, Tract L of Wild Oak Golf Club Addition, SE ¼, Section 23, T 103 N, R 60 W, Davison County, South Dakota from CN Conservation District to R4 High Density Residential District on first reading. Motion carried.

Moved by Tjarks, seconded by McCardle, to place Ordinance #O2020-08, An Ordinance that changes the Zoning District Classification of the Real Property Legally Described as the North 600 ft. of the W 250 ft. of IT 3 in Lot 3, NE ¼, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota from HB Highway Oriented Business District to I Industrial District on first reading. Motion carried.

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 _____.