

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

**June 15, 2020
6:00 P.M.**

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

ABSENT:

PRESIDING: Mayor Bob Everson

EXECUTIVE SESSION:

Moved by Rice, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, where public discussions would be harmful to the competitive position of the business. Motion carried.

Mayor Everson declared the board out of executive session at 6:20 p.m. and the City Council to reconvene in regular session at 6:21 p.m.

AGENDA:

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

- a. City Council Minutes
 1. City Council June 1, 2020, and
 2. City Council June 8, 2020.
- b. Committee Meeting Minutes
 1. Planning Commission May 26, 2020.
- c. Department Reports
 1. Finance (May),
 2. Building Permits (May),
 3. Police (May),
 4. Fire and EMS (May)
 5. Palace Transit Ridership (May),
 6. Airport (May), and
 7. Water (May).
- d. Raffle Permits
 1. Mitchell Ducks Unlimited with the drawing to be held on June 25, 2020.
- e. Approval of Volunteer Board Appointments

1. To appoint Diane Goldhammer to the Library Board for a term to run July 2020-June 2022,
 2. To appoint Emma DeVos to the Library Board for a term to run July 2020- June 2022,
 3. To appoint Pat Skinner to the Park & Recreation board for a term to run from July 2020-June 2022,
 4. To appoint Brad Penney to Planning & Zoning Board for a term to run from July 2020- June 2025,
 5. To appoint Jeff McEntee to the Golf Board for a term to run from July 2020- June 2023, and
 6. To appoint Tom Young to the Golf Board for a term to run from July 2020- June 2023.
- f. Set date of 1:30 p.m., July 1, 2020 for bid opening for Public Safety Building Tuckpointing Project #2020-35.
 - g. Approve Change Order #1 for Curb & Gutter Project #2019-14B increasing contract amount by \$5,419.80 to update quantities previously installed contracted to Rexwinkel Construction, adjust contract amount to \$122,806.30.
 - h. Request to accept CARES Act Funds for Palace Transit.
 - i. Request to accept Coronavirus Grant Funds from the U.S. Department of Justice.
 - j. Request to Approve Mitchell Exchange Club 4th of July Fireworks permit.
 - k. Request to approve James Valley Cycle Club March of Dimes 25th Annual Poker Run Saturday, July 18, 2020.
 - l. Request to approve a Road Closure for Outkast Car Club Show on September 19, 2020 by closing Main Street from Railroad to 7th Avenue for a parade.

m. Approval of Gas and Fuel Quotations

<u>Howes Oil Company</u>	<u>Requested</u>	<u>Bid</u>	<u>Price per</u>	<u>Total Bid</u>
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	1,500	1,500	\$1.3175	\$ 1,976.25*
Unleaded Gas- 10% Ethanol	6,000	6,000	\$1.361	\$ 8,166.00*
		Total Bid:		\$ 10,142.25*

Howes Oil was the only bidder for items marked with an asterisk. They were awarded the bid.

n. Pay Estimates 06-15-2020

- Pay Estimate #19 in the amount of \$625.00 for Sanborn Bridge Repair Construction #2018-22B contracted to Brosz Engineering,
- Pay Estimate #3 in the amount of \$2,244.32 for Sidewalk Schedule "D" #2019-4 contracted to Top Grade Concrete,
- Pay Estimate #8 in the amount of \$3,909.70 for Sidewalk Schedule "E" #2019-4 contracted to Top Grade Concrete,
- Pay Estimate #5 in the amount of \$475.00 for James Valley Community Center Drive-up Window #2019-7 contracted to L.L. Jirsa, Architect,
- Pay Estimate #1 in the amount of \$61,159.86 for James Valley Community Center Drive-up Window #2019-7 contracted to Puetz Design & Build,
- Pay Estimate #5 in the amount of \$26,460.00 for Curb & Gutter #2019-14 contracted to Rexwinkel Concrete,

Pay Estimate #5 in the amount of \$16,531.25 for Sunnyside & University Storm Water Study #2020-8 contracted to McLaury Engineering Inc,

Pay Estimate #3 in the amount of \$8,571.25 for Dailey Drive Lift Station #2020-12 contracted to SPN & Associates,

Pay Estimate #3 in the amount of \$87,885.00 for Paving & Overlay #2020-15 contracted to Commercial Asphalt,

Pay Estimate #5 in the amount of \$380.00 for Public Safety Building Reroof #2020-16 contracted to L.L. Jirsa, Architect,

Pay Estimate #4 in the amount of \$22,416.25 for Waste Water Treatment Plant Facility Plan #2020-17 contracted to HDR Engineering, and

Pay Estimate #1 in the amount of \$4,165.00 for Norway & Rowley Shared Use Path #2020-23 contracted to McLaury Engineering.

- o. 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 MAY 17, 2020 – MAY 30, 2020: City Council \$3,199.68, Mayor \$1,331.42, City Administrator \$5,216.46, Attorney \$4,210.23, Finance \$13,981.26, Human Resources \$2,869.85, Municipal Building \$2,888.88, Information Technology \$2,667.73, Police \$72,510.25, Traffic \$4,532.07, Fire \$49,692.98, Street \$30,198.54, Public Works \$22,379.68, Cemetery \$6,612.82, Animal Control \$1,510.24, Library \$11,973.16, Recreation & Aquatics \$5,545.34, Recreation Center \$12,857.34, Sports Complexes \$7,329.61, Parks \$9,401.66, Supervision \$5,449.05, E911 \$22,292.95, RSVP \$5,323.36, Palace Transit \$15,071.28, JVCC \$511.32, Nutrition \$436.00, Water Distribution \$10,272.48, Sewer \$13,728.85, Airport \$2,445.60, Recycling Program \$5,640.88, Waste Collection \$5,350.84, Landfill \$9,195.37, Corn Palace \$15,526.95, Golf Course \$9,993.62, Emergency Medical Services \$9,613.91.

NEW HIRES:

CORN PALACE: Nick Bakhtiari-\$28.374, Ashlyn Weier-\$9.85, Kierstyn Krcil-\$9.85.

CAMPGROUND: Yvonne Karl-\$12.85, William Karl-\$12.85.

PARKS: Christopher Wahlen-\$11.35, Joann Streyle-\$11.85, Kaden Soukup-\$10.85, Stanley Fouberg-\$13.35, Ernest Bies-\$13.35, Alvin Munneke-\$12.35, Bret Werypy-\$10.85, Steven Linke-\$11.35, Janel Contreras-\$10.85, Kendra Brewster-\$10.85, Michael Erlandson-\$11.35.

CADWELL CONCESSIONS: Brooke Brewster-\$9.35, Delaney English-\$11.35, Jocelyn Vogel-\$9.35, Sydney Wojcik-9.35, Morgan Tegels-\$9.35, Madisyn Sheesley-\$9.35, Haley Hohn-\$9.35.

PUBLIC WORKS: Jared Mauer-\$14.35.

WATER: Caleb Gebhard-\$12.85.

RECREATION: Hannah Sebert-\$9.85, Christopher Mayer-\$9.85.

TRAFFIC: Lincoln Erickson-\$13.35, Riley Everson-\$13.35.

SPORTS: Peyton Smith-\$12.35, Gerald Weber-\$12.85, Nick Young-\$10.85, Ashley Faas-\$10.85, Andrew Gunnare-\$10.85, Ethan Huber-\$10.85, Elijah Pommer-\$11.35, Jared Miller-\$10.85, Timothy McCain-\$12.85, Adam Loes-\$11.35, Cooper Knutson-\$11.35, Bradley Hewitt-\$11.85, Drew Kitchens-\$11.85, Josh Engquist-\$10.85, Baley Miller-\$11.35.

RECREATION AND AQUATICS: Sky Weiss-\$11.85, Lucie Anderson-\$11.85, Olivia Vermeulen-\$10.85, Carter Stucky-\$11.85, Lori Schmidt-\$13.35, Hannah Morgan-\$12.35, Kelsey Dahme-\$10.85, Shannen Koch-\$11.85, Nancy Leach-\$13.35, Brenna Morgan-\$11.85.

SALARY ADJUSTMENTS:

PALACE TRANSIT: Jaclyn Larson-\$21.104.

RECREATION: Chris Cranny-\$21.648.

SPORTS: Tyler Vetch-\$21.104.

WASTE: Travis Hohrman-\$21.361.

WARRANTS: A & B Business Solutions, Contract-\$4,068.41; A-OX Welding Supply, Supplies-\$115.55; AAA Lawn Care and Maintenance, Contract Services-\$1,531.75; Accounts Management, Garnishment-\$294.34; Advance Auto Parts, Supplies-\$24.00; AFSCME Council 65, Union Dues-\$542.80; Amazon Capital Services, Supplies-\$1,020.73; Ameripride Services, Supplies-\$115.26; Arctic Refrigeration, Repairs-\$41.84; AT&T Mobility, Utilities-\$1,233.39; Auto Body Specialties, Maintenance-\$138.39; Avera Occupational Medicine, Service-\$56.20; Avera Queen of Peace Hospital, Supplies-\$183.72; B-Y Water District, May Usage-\$50,987.06; Baker & Taylor, Books-\$40.70; Bender's Sewer Cleaning, Maintenance-\$10,800.00; Bierschbach Equipment & Service-Supplies-\$365.24; Big Daddy D's, Supplies-\$4,787.83; Brosz Engineering, 2018-22B P.E. #19-\$625.00; Butler Machinery, Supplies-\$13,226.90; C & B Operations, Supplies-\$668.08; Central Electric, Utilities-\$12,567.67; Century Link, Utilities-\$54.53; City of Mitchell, Supplies-\$3,721.47; City of Mitchell, Campground Hotel Tax-\$51.00; City of South Sioux City, Garnishment-\$403.87; Climate Systems, Repairs-\$786.90; Coborns, Contract Services-\$230.00; Coca Cola Bottling, Supplies-\$103.45; Commercial Asphalt, 2020-15 P.E. #3-\$87,885.00; Commercial Asphalt/Spencer Quarries, Supplies-\$7,366.60; Cook Implement, Supplies-\$1,078.98; Core-Mark Midcontinent, Supplies-\$3,206.30; Corporate Translation Service, Translation Service-\$27.30; Cortrust Bank, Hohn Enterprises-TID #21-\$7,281.58; County Fair, Supplies-\$48.36; County Fair,

Contract Services-\$585.00; Cummins Sales and Service, Maintenance-\$677.75; Dakota Data Shred, Professional Service-\$137.45; Dakota Delivery Service, Supplies-\$30.00; Dakota Fluid Power, Supplies-\$1,696.39; Dakota Pump, Maintenance-\$28,360.34; Dakota Resources, Travel-\$95.00; Dan London, Reimbursement-\$59.88; Darrington Water Conditioning, Rental-\$58.40; Davison County Register of Deeds, Copies-\$3.00; Davison Rural Water Systems, June Fees-\$78.60; Dawn Niehoff, Reimbursement-\$8.97; Department of Environment, May Fees-\$2,707.19; Department of Social Services, Child Support-\$1,126.96; Dice Benefits Consulting, May Fees-\$534.00; Dick's Body Shop, Service-\$75.00; Dick's Towing, Police Tow-\$150.00; Dug Out, Contract Services-\$1,031.67; ELO Prof, Audit Year Ended-\$6,750.00; Farmers Alliance, Maintenance-\$1,798.53; Fastenal, Supplies-\$362.04; Fedex, Express Services-\$27.10; Ferguson Waterworks #2516, Supplies-\$10.96; Formulations, Supplies-\$786.07; Fox Paint & Blinds, Supplies-\$11.19; Galls, Supplies-\$22.10; Gaylen's Homegrown Popcorn, Supplies-\$300.80; GF Advertising Services, Supplies-\$140.00; Graham Tire, Supplies-\$18.97; Grainger, Supplies-\$99.34; Harve's Pro Prints, Supplies-\$105.98; Hawkins, Supplies-\$702.67; HDR Engineering, 2020-17 P.E. #4-\$22,416.25; Heather Putnam, Refund-\$140.00; Hennen Equipment, Supplies-\$259.48; Honda of Mitchell, Supplies-\$35.98; Howes Oil, Supplies-\$10,140.88; I-State Truck Center, Supplies-\$117.29; Independent Viking Glass, Supplies-\$590.88; Innovative Office Solution, Supplies-\$140.39; Insurance Benefits, Renewal-\$2,350.00; Integrity Transcription, Transcribing Service-\$349.80; Intellipro Security, Supplies-\$27,594.00; Interstate Office Products, Supplies-\$54.76; James Adams, Repairs-\$83.36; James Valley Garden Center, Supplies-\$1,638.49; JCL Solutions, Supplies-\$1,284.12; JD Concrete Products, Supplies-\$122.50; Jones Supplies, Supplies-\$1,465.92; Julian Houston, Refund-\$152.60; Krohmer Plumbing, Repairs-\$357.46; Lakeview Veterinary Clinic, Service Dog Tommy-\$1,279.92; Larry Jirsa, 2019-7 P.E. #5-\$855.00; Larry Stunes, Retree Program-\$200.00; Larry's I-90 Service, Supplies-\$450.90; Lawson Products, Supplies-\$645.60; Learning Opportunities, Books-\$254.45; Lou's Gloves, Gloves-\$228.00; M & M Greenhouse, Supplies-\$96.00; Make It Mine Designs, Supplies-\$45.00; McLaury Engineering, 2020-23 P.E. #1-\$20,696.25; McLeod's Printing, Supplies-\$1,698.55; Mega Wash, Car Wash-\$4.00; Menard's, Supplies-\$1,297.28; Micah Herren, Refund-\$140.00; Midcontinent Communications, Utilities-\$272.54; Midcontinent Communication, Advertising-\$1,660.00; Midstates Equipment & Supply, Supplies-\$24,999.63; Midwest Equipment Repairs, Repairs-\$431.50; Midwest Fire & Safety, Maintenance-\$558.50; Midwest Turf & Irrigation, Supplies-\$421.38; Millennium Recycling, Contracting-\$2,649.50; Mitchell Convention & Visitors, 2020 Funding-June-\$22,750.00; Mitchell Iron & Supply, Supplies-\$211.81; Mitchell School District, Utilities-\$1,065.74; Mitchell Telecom, Utilities-\$2,392.27; Mitchell United Way, United Way Deductions-\$233.69; Mueller Lumber, Supplies-\$35.00; Muth Electric, Repairs-\$112.20; Napa Auto Parts, Supplies-\$345.79; Northwestern Energy & Communications, Utilities-\$54,772.81; OCLC, Cataloging-\$354.63; One Source the Background, Background Checks-\$2,388.00; Palace Transit, Contracted Rides-\$10,500.00; Parkston Boom's Restaurant, Contract Services-\$4,907.60; Penworthy, Books-\$235.01; Pepsi Cola, Supplies-\$737.30; Peterbilt of Sioux Falls, Supplies-\$513.84; Pomp's Tire Service, Supplies-\$2,644.06; Premier Pest Control, Contract Services-\$275.00; Public Health Laboratory, Supplies-\$60.00; Puetz, 2019-7

P.E. #1-\$61,159.86; Qualified Presort, Mailing Service-\$390.58; Quality Homes, Supplies-\$1,604.94; Recorded Books, Supplies-\$255.40; Rexwinkel Concrete, 2019-14 P.E. #5-\$26,460.00; Ron's Bicycle and Locksmith, Supplies-\$520.25; Runnings Supply, Supplies-\$473.56; S & M Printing, Supplies-\$25.00; S & S Willers, Supplies-\$1,546.82; Schmucker Paul & Nohr, 2020-12 P.E. #3-\$8,571.25; Scott Supply, Supplies-\$124.12; South Dakota Department of Revenue, New Plate-\$11.20; South Dakota Department of Transportation, Supplies-\$774.40; South Dakota Retirement System, Retirement Contributions-\$50,677.00; South Dakota Supplemental Retirement, Supplemental Retirement Contributions-\$2,509.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$525.00; Sherwin-Williams, Supplies-\$3,235.34; Sign Pro, Repair-\$132.00; SL Serco, Report-\$5,076.86; Smart Apple Media, Books-\$243.23; Southeast South Dakota Tourism, Membership Dues-\$245.00; Spencer Quarries, Supplies-\$996.64; Standard Insurance, Life Insurance-\$421.99; Staples, Supplies-\$312.55; State Disbursement Unit, Garnishment-\$546.77; Stitchtogether, Supplies-\$132.00; Stuart Barnes, Refund-\$210.00; Sturdevant's Auto Parts, Supplies-\$4,696.52; Subway, Meals-\$38.74; Sun Gold Sports, Service-\$7.00; T.H. Custom Manufacturing, Supplies-\$12,250.00; Teamsters Local No. 120, Union Dues-\$1,058.00; Thomas L Price, Professional Service-\$350.00; Thomson Reuters West, May Charges-\$803.39; Three-D Specialties, Supplies-\$316.12; Thune True Value Hardware, Supplies-\$522.93; Ticketforce, May Usage Fee-\$85.20; TMA Stores, Supplies-\$415.96; Top Grade Concrete, 2019-4 P.E. #8-\$6,154.02; Tractor Supply, Supplies-\$19.52; Transource, Supplies-\$941.04; True North Steel, Supplies-\$545.40; Two Way Solutions, Repairs-\$995.96; United Parcel Services Store #4227, Shipping-\$894.59; US Bank, Agent Fee-\$600.00; Verizon Wireless, Utilities-\$787.26; Vern Eide Chevrolet Buick, Vehicle Towing-\$529.00; Walmart, Supplies-\$62.76; Wellmark, Cobra-\$2,972.28; Wheelco Brake & Supply, Supplies-\$2,690.99; South Dakota State Treasurer, Sales Tax-\$16,823.84; US Bank, Loan Payment-\$5,872.64; US Bank, Sales Tax Refund-\$308,467.11; Wage Works, Flex Expense-\$5,244.34; Wellmark of South Dakota, Administration & Medical Expenses-\$232,480.22.

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

CITIZENS INPUT:

Mayor Everson congratulated Golf and Cemetery Director Kevin Thurman on his retirement as of June 30, 2020.

Public Works Director Kyle Croce reminded the City Council and the public about the bus tour at the recycling facility at the old landfill location on June 17, 2020 at 11:00 a.m.

Council Member McCardle thanked Golf and Cemetery Director Kevin Thurman and his staff on how well the cemetery looked over the Memorial Day weekend.

Ray and Alice Mentele asked City Council to consider removing the \$4.00 per month recycling fee for apartment complexes. Mentele said the residents are not using the recycling bins and it is very costly for the landlords to pay the monthly recycling fee.

Golf and Cemetery Director Kevin Thurman thanked the City Council for his years of service with the City of Mitchell.

BOARD OF ADJUSTMENT:

Council Member Barington excused himself from the meeting.

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

Henry & Patricia Flack withdrew their application for a conditional use permit to construct a storage building on a non-contiguous lot located on Lot 12I within Lot 12 of Fiala's Addition, in the East 1/2 of the NW 1/4, Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota (Barington Court). The property is zoned RL Residential Lake District. This hearing was tabled from the May 18, 2020 Board of Adjustment meeting. No action was taken.

Henry & Patricia Flack withdrew their application for 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 to construct a storage building, located on Lot 12I within Lot 12 of Fiala's Addition, in the East 1/2 of the NW 1/4, Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota (Barington Court). The property is zoned RL Residential Lake District. This hearing was tabled from the May 18, 2020 Board of Adjustment meeting. No action was taken.

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

RESOLUTION:

Moved by Rice, seconded by Sabers, to approve Resolution #R2020-39, A Plat of Lots 12G-1 and 12J-1, Within Lot 12 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 #R2020-39

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 8th day of June, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 12G-1, AND 12J-1, WITHIN LOT 12 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 C. Kiepke, a duly licensed Land Surveyor, in and for the State of 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 12G-1, AND 12J-1, WITHIN LOT 12 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, prepared by Paul C. Kiepke, 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.

Council Member Barington returned to the meeting.

SALES TAX UPDATE:

Stephanie Ellwein City Administrator, reviewed the sales tax report for May. Actual collections show 1st & 2nd penny up .19% and 3rd penny down 6.29% year-to-date through May. However, Ellwein explained the state is reporting a 9.59% decrease for municipal taxes filed in May. This is probably sales tax revenue for items sold in the month of March. The City's collections are always a couple of months behind the actual sales due to timing of reports filed and tax received.

CONSIDER APPROVAL:


Moved by Allen, seconded by McCardle, to approve the Mitchell United Way Parade permit on July 18, 2020 for a Tribute to Essential Workers. Motion carried.

DISCUSSION:

Discussion took place regarding the City of Mitchell Building Code Requirements and Regulations of a shouse. City Planner Neil Putnam explained that the City of Mitchell's current zoning code does not have a definition of a shouse. Building Official John Hegg listed the requirements that must be met to qualify construction as a residential dwelling (shouse) as defined in the International Residential Code 2012 version which the City of Mitchell follows. Neighbors from the North Harmon and the Fiala Addition spoke opposing the Flack permit and building plans in regards to building a shouse in the (RL) Residential Lake District and to also oppose building shouses throughout the City of Mitchell and are asking City Council to deny the Flack permits for building a dwelling considered a shouse.

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 _____.