

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

**July 6, 2021
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

OATHS OF OFFICE:

Magistrate Judge Donna Bucher issued the Oath of Office to Mayor Bob Everson and City Council members as follows: Ward 1-Dan Sabers, Ward 2-Kevin McCardle, Ward 3-Marty Barington, Ward 4-Jeff Smith.

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF COUNCIL:

Mayor Everson called for nominations for President and Vice-President of the Mitchell City Council. Moved by Smith, seconded by Sabers, to nominate Kevin McCardle for President of the City Council. Motion carried. Moved by Barington, seconded by Rice, to nominate Dan Allen for Vice-President of the City Council. Motion carried.

EXECUTIVE SESSION:

Moved by Rice, 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.

AGENDA:

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

- a. City Council Minutes
 1. City Council June 21, 2021.
- b. Committee Meeting Minutes
 1. Planning Commission June 14, 2021.
- c. Council Committee & Liaison Assignments
 1. Chamber of Commerce-Steve Rice
 2. Community Services Board-John Doescher

3. Corn Palace Board-Jeff Smith
 4. Golf Advisory Board-Dan Sabers
 5. Housing & Redevelopment Commission-John Doescher
 6. Library Board-Steve Rice
 7. Mitchell Area Development Corporation-Jeff Smith
 8. Mitchell Main Street & Beyond-Susan Tjarks
 9. Park & Recreation Board-Marty Barington
 10. Planning & Zoning Board-John Doescher
 11. Sports & Events Authority-Kevin McCardle
- d. Automatic Supplement to the Parks Fund from a donation of funds in the amount of \$25,618.00.
 - e. Automatic Supplement to Parks-Recreation Center from grant funds in the amount of \$1,789.81.
 - f. Authorization to apply for Section 5311 & Title IIIB grant funds.
 - g. Special Event Application for Pre-Sturgis Party on August 5, 2021.
 - h. Special Event Application for VFW Post 2750 Chili Cook-off on October 2, 2021.
 - i. Set date of July 19, 2021 for hearing
 1. On the application of VFW Post 2750 Chili Cook-off for a Special Event Malt Beverage & SD Farm Wine License on October 2, 2021.
 - j. Change Order #1 for Concrete Bid Project #2021-4 increasing the contract amount by \$19,644.40 to Top Grade Concrete, LLC, adjust contract amount to \$41,299.40.
 - k. Approval of Gas and 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	1,300	1,300	\$2.5075	\$ 3,259.75*
Unleaded Gas -10% ethanol	6,200	6,200	\$2.3935	\$14,839.70*
		Total Bid:		\$18,099.45*

- l. Pay Estimates July 6, 2021
 - Pay Estimate #1 in the amount of \$8,629.12 for Spruce Street Railroad Crossing #2018-3 contracted to SD Department of Transportation,
 - Pay Estimate #2 in the amount of \$369,255.18 for East Central Drainage Phase II #2019-39 contracted to First Rate Excavation, Inc.,
 - Pay Estimate #1 in the amount of \$170,598.28 for Dailey Drive Lift Station #2020-12 contracted to H&W Excavating, LLC,
 - Pay Estimate #39 in the amount of \$510.00 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
 - Pay Estimate #40 in the amount of \$382.50 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
 - Pay Estimate #1 in the amount of \$18,250.00 for South Water Tower Mixer #2020-46 contracted to McGuire Iron,
 - Pay Estimate #2 in the amount of \$18,245.80 for Concrete Bid-Schedule A #2021-4 contracted to Top Grade Concrete,
 - Pay Estimate #3 in the amount of \$6,271.40 for 9th-Sanborn to Lawler & 5th-Sanborn to Main

#2021-7 contracted to McLaury Engineering, Inc.,

Pay Estimate #3 in the amount of \$1,036.00 for Old Landfill Monitoring #2021-28 contracted to Geotek Engineering, and

Pay Estimate #1 in the amount of \$60,000.00 for Skate Park Expansion #2021-35 contracted to Progressive Bike Ramps.

m. 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 JUNE 13, 2021 – JUNE 26, 2021: City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,296.46, Attorney \$4,401.38, Finance \$12,474.68, Human Resources \$3,542.93, Municipal Building \$3,204.97, Information Technology \$2,687.68, Police \$68,842.56, Traffic \$5,844.84, Fire \$31,580.37, Street \$27,117.59, Public Works \$16,607.87, Cemetery \$5,757.88, Animal Control \$1,559.28, Library \$15,556.91, Recreation & Aquatics \$33,379.08, Recreation Center \$16,706.09, Sports Complexes \$34,724.09, Ballpark Concessions \$1,774.04, Parks \$4,104.35, Supervision \$5,696.46, E911 \$21,303.87, MVP \$868.38, Palace Transit \$24,202.06, JVCC \$1,089.18, Nutrition \$3,617.86, Water Distribution \$11,892.17, Sewer \$14,477.24, Airport \$2,556.63, Recycling Program \$6,830.32, Waste Collection \$5,903.52, Landfill \$10,057.09, Corn Palace \$25,831.17, Golf Course \$7,668.87, Campground \$2,007.60, Emergency Medical Services \$28,940.79.

NEW HIRES:

CORN PALACE: Raquel Driedger-\$9.45, Cole Weier-\$9.45, Nicholas Huber-\$10.95, Gauge Smith-\$9.95, Cora Bryan-\$9.95, Reese Sievert-\$11.45

RECREATION & AQUATICS: Brennan Bence-\$10.45, Elizabeth Fossum-\$12.45

RECREATION CENTER: Treyson Schulz-\$9.95

SALARY ADJUSTMENTS:

EMS: Ashly Perez-Franco-\$20.281

POLICE: Daniel Kopfmann-\$30.436

RECYCLING: Troy Sipes-\$24.074, Travis Platt-\$22.345

SPORTS COMPLEXES: Roger Prewett II-\$24.353

WARRANTS: A&B Business Solutions, Contract-\$3,781.88; AAA Lawn Care and Maintenance, Tree Trimming-\$715.00; Abigail Squier, Travel-\$20.00; AFACME Council 65, Union Dues-\$476.97; Agronomy Plus, Supplies-\$420.24; Amanda Radke, Books-\$80.00; Amazon Capital Services, Supplies-Cares Act Money-\$668.62; American Garage Door, Supplies-\$132.65; Aramark Uniform Services, Supplies-\$191.02; Arctic Refrigeration, Contract Services-\$175.52; Associated Supply, Supplies-\$702.71; ATV Holdings, LLC DBA Mitchell

Telecom, Utilities-\$140.40; Avera Occupational Medicine, Contract Service-\$2,353.00; Bailey Metal Fabricators, Supplies-\$49.36; Bechen Electric, Repair-\$71.43; Bender's Sewer Cleaning, Maintenance-\$225.00; Bierschbach Equipment & Service, Supplies-\$1,670.56; Big Daddy D's, Contract Services-\$3,928.27; Brandon Manchester, Reimbursement-\$152.00; Builders Firstsource, Supplies-\$395.49; Butler Machinery, Supplies-\$214.73; C & B Operations, Maintenance-\$674.51; Carl Beckstrom, Re-Tree-\$119.98; Center Point Large Print, Books-\$89.28; Central Electric, Utilities-\$348.78; Charles Rogers, Book-\$18.00; CHR Solutions, May Billing-\$3,077.21; City of Mitchell, Utilities-\$333.09; Clean Sweep, Supplies-\$130.00; Clubhouse Hotel & Suites, Travel-\$166.16; Coca Cola Bottling, Supplies-\$1,219.15; Comfort Inn & Suites, Travel-\$782.50; Commercial Asphalt, Supplies-\$6,053.46; Core & Main, Supplies-\$8,908.64; Core-Mark Midcontinent, Supplies-\$10,152.51; Corn Palace, Supplies-\$370.00; Corn Palace Concessions, Supplies-\$12.00; County Fair, Supplies-\$35.94; Cummins Sales and Service, Contract Services-\$699.96; Dakota Counseling, 2021 Allocation-\$6,562.50; Dakota Fluid Power, Supplies-\$1,252.83; Dakota Supply Group, Supplies-\$101.01; Dakota Wesleyan Track, Dakota Wesleyan Track-\$1,983.00; Davison County Auditor, 2021 City/School Election-\$808.26; Department of Motor Vehicle, Plate, Registration, Title-\$21.20; Department of Social Services, Child Support-\$666.65; Diamond Vogel Paint Center, Supplies-\$307.80; Dillon Coughlin, Fire Fighter School-\$20.00; Doug L Driggs, 2020-24 P.E. #39-\$892.50; Doug's Custom Paint & Body, Supplies-\$388.99; Eddie Klose, Refund Membership-\$625.00; Emergency Education, Training-\$25.00; Eric Hieb, Contract Services-\$7,588.38; Eurofins Abraxis, Supplies-\$550.30; Evident, Supplies-\$49.00; Farmers Alliance, Repair-\$125.00; Fastenal, Supplies-\$364.62; First Dakota National Bank, TID Payments-\$320,928.33; First National Bank Omaha, Supplies-\$13,657.59; First Rate Excavate, 2019-39 P.E. #2-\$369,255.18; Floor Tec, Professional Service-\$79.95; Fuller Williamson Nelsen & Preheim, Professional Fees-\$4,592.50; Gaylen's Homegrown Popcorn, Supplies-\$4,191.60; Geotek Engineering, 2021-28 P.E. #3-\$1,036.00; Grainger, Supplies-\$653.01; H & W Contracting, 2020-12 P.E. #1-\$170,598.28; Harlow's Bus Sales, Supplies-\$164.21; Harve's Sport Shop, Supplies-\$159.99; Hawkins, Supplies-\$11,071.58; Henry Schein, Supplies-\$174.55; Honda of Mitchell, Supplies-\$100.03; Howes Oil, Supplies-\$35,769.00; Ingram Library Services, Books-\$768.36; Innovative Office Solution, Supplies-\$297.02; Interstate Glass & Door, Supplies-\$92.92; Interstate Office Products, Supplies-\$50.76; Iverson Chrysler Center, Rental-\$59.95; James Valley Nursery, Repair-\$4,097.22; JCL Solutions, Supplies-\$360.37; Jenny Gibson, Refund-\$31.95; Johnson Controls, Supplies-\$4,757.50; Jones Supplies, Supplies-\$2,478.59; Kimball-Midwest, Supplies-\$1,015.95; Ko Pest Control, Professional Service-\$315.00; Krohmer Plumbing, Maintenance-\$214.68; Larry's I-90 Service, Supplies-\$928.92; Leighton Family Farms, Supplies-\$1,736.00; LTS Distributing, Advertising-\$595.00; M & T Fire and Safety, Repair-\$8,120.85; Maguire Iron, 2020-46 P.E. #1-\$18,250.00; Make It Mine Designs, Supplies-\$76.50; McLaury Engineering, 2021-7 P.E. #3-\$6,271.40; McLeod's Printing, Supplies-\$829.68; Menard's, Supplies-\$1,506.48; Meyers Oil, Supplies-\$2,823.11; Mid States Audio, Community Projects-\$80,000.00; Midwest Mini Melts, Supplies-\$3,444.00; Mitchell Concrete Product, Supplies-\$865.70; Mitchell Iron & Supply, Supplies-\$9.81; Mitchell Park & Recreation. Camp Revenue-\$850.00; Mitchell Power Equipment, Supplies-\$105.00; Mitchell School District, Camp Revenue-\$1,335.00; Mitchell Technical College, Maintenance-\$240.00; Mitchell United Way, United Way Deductions-\$195.00; Mueller Lumber, Supplies-\$195.43; Muth Electric, Maintenance-\$3,027.20; Napa Auto Parts, Supplies-\$516.85; Northwestern Energy & Communications, Utilities-\$38,621.45;

Overdrive, Books-\$67.55; Penworthy, Books-\$311.85; Pepsi Cola, Supplies-\$5,711.00; Peterbilt of Sioux Falls, Supplies-\$2,139.76; Premier Pest Control, Pest Control-\$325.00; Premier Specialty Vehicles, Supplies-\$206.79; Progressive Bike Ramps, 2021-35 P.E. #1-\$60,000.00; Public Health Laboratory, Lab-\$270.00; Qualified Presort, Mailing Service-\$479.95; Rent-All, Floor Sander-\$1,747.50; Roger Prewett II, Supplies-\$37.52; Ron's Saw Sales, Supplies-\$254.95; Runnings Supply, Supplies-\$3,722.86; S & M Printing, Supplies-\$65.00; Saga Communications of South Dakota, Advertising-\$210.00; Scott Supply, Supplies-\$30.09; South Dakota Department of Transportation, 2018-3 P.E. #1-\$8,629.12; South Dakota Retirement System, Retirement Contributions-\$50,890.01; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,358.50; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,954.80; Sherwin-Williams, Supplies-\$1,803.76; Sign Pro, Supplies-\$79.56; Siteone Landscape Supply, Supplies-\$5,468.70; Smart Apple Media, Books-\$202.62; Standard Insurance, Life Insurance-\$423.83; Staples, Supplies-\$401.98; Sturdevants Mitchell, Supplies-\$2,090.56; Sun Gold Sports, Uniforms-\$1,135.64; Teamsters Local No. 120, Union Dues-\$897.00; Thomas L Price, Professional Service-\$350.00; Thune True Value Hardware, Repair-\$393.70; Tim's Towing & Recovery, Police Tow-\$125.00; TK Electric, Supplies-\$531.42; TMA Stores, Supplies-\$234.30; Top Grade Concrete, 2021-4 P.E. #2-\$18,245.80; Tractor Supply Credit Plan, Supplies-\$98.97; Transource, Supplies-\$90.51; Tri M Tunes, Supplies-\$2,652.50; Trish Delaney, Re-Tree Mitchell-\$200.00; Upper Midwest Garage Door, Supplies-\$4,265.30; Van Diest Supply, Supplies-\$6,199.30; Verizon Wireless, Utilities-\$280.13; Vern Eide Chevrolet Buick, Police Tow-\$145.00; Walmart, Supplies-\$1,563.31; Wells Fargo Bank, TID #18 - Starlite Estates-\$156,025.79; Wheelco Brake & Supply, Supplies-\$326.07; Wholesale Electronics, Supplies-\$8.99; Wireless Links, Repair-\$333.60; Ellwein Brothers, Supplies-\$749.20.

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

RECOGNITION:

Hugh Holmes with the American Legion introduced Boy's State Governor Joseph Gebel.

CITIZENS INPUT:

Multiple Mitchell residents addressed the City Council regarding the negative impacts on our health from radio frequencies and EMF transmitted by 5G technology.

Jeff Harris, who lives near the Kelley property, stated the Kelley property was recently rented out for a wedding and believes this property should be sold and not used for a rental.

Mitchell business owner Christie Gunkel stated that she would like a street closure between Lawler and Kimball near her shop on July 24th for Crazy Days. The formal request for this item will be on the next City Council agenda.

Council Member Dan Sabers stated that the State Mason's Convention was recently held in Mitchell which brought many people from across the state to our community.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Ethan Coop Lumber on behalf of Lifequest for a side yard corner lot variance of 9 feet vs 20 feet as required to construct an addition located at 100 East Elm, legally described as Lots 7, 8, 9, and 10, Block 11, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R3 Medium Density Residential District. Notice of hearing has been given and affidavit of publication is on file. Planning Commission recommended approval. Moved by Tjarks, seconded by Rice, to approve said application. Smith abstained. Motion carried.

Moved by Rice, seconded by Barington, to set date for July 19, 2021 on the application of Marci Stults for a conditional use permit to operate a family residential childcare center located at 523 South Montana Street, legally described as Lot 6, Block 4, Van Eps 2nd Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Rice, seconded by Smith, 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 RB-26523 Retail (On-off sale) Malt Beverage & SD Farm Wine License from Jose L Haro Valencia dba La Catrina LLC, 108 North Main Street to Jose L Haro Valencia dba La Tequilera Mexican Food LLC, 108 North Main Street due to reconfiguration of business. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, 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 to transfer RW-27559 Retail (On-off sale) Wine and Cider License from Jose L Haro Valencia dba La Catrina LLC, 108 North Main Street to Jose L Haro Valencia dba La Tequilera Mexican Food LLC, 108 North Main Street due to reconfiguration of business. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, 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 to transfer RL-5771 Retail (On sale) Liquor License from the Chamber of Commerce, 601 North Main Street to Bradley Theme LLC dba Scoreboard, 522 N Main Street. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Sabers, to approve said application. Motion carried.

CONSIDER APPROVAL:

Motion by Sabers for the City to exercise its recurring right of first refusal by repurchasing the former Casey's property located at 701 North Main Street at the disclosed purchase price of \$20,000.00. Motion died for lack of a second. Moved by Rice, seconded by Barington, to decline the City's right to repurchase the former Casey's property located at 701 North Main Street and consents to the sale of the property to CJG Properties, LLC and reserves the recurring right of first refusal to all future transactions. Roll call vote-Members present voting aye: Barington, Doescher, McCardle, Rice, Smith, Tjarks. Members present voting nay: Sabers. Motion carried.

Moved by Rice, seconded by Tjarks, to approve the request for two 25mph speed limit signs to be placed near the dog park between 8th Avenue and the softball field parking lots. Motion carried.

Moved by McCardle, seconded by Rice, to approve Agreement #A2021-33, New Fuel Tanks at the Street Shop with West Plains Engineering in the amount of \$23,700.00 for design, building, and construction services. Motion carried.

Moved by Tjarks, seconded by Smith, to approve Agreement #A2021-34, Hazard Mitigation Grant Program Award for Dry Run Creek Preliminary Study with the State of South Dakota in the amount of \$174,080.00. Total estimated project cost is \$204,800.00 (75% Federal share-\$153,600.00, 10% State share-\$20,480.00, 15% Local share-\$30,720.00). Motion carried.

Moved by McCardle, seconded by Rice, to approve Agreement #A2021-35, Steve Donovan as the Grant Administrator for the City's North American Wetlands Conservation Fund Grant in the amount of \$50.00 per hour for actual hours worked. Motion carried.

RESOLUTIONS:

Moved by Barington, seconded by Tjarks, to approve Resolution #R2021-47, a Plat of Lots 3 and 4 of AJB Subdivision in the NE ¼ of Section 12, T 103 N. R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-47

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 28th day of June, 2021; and

WHEREAS, it appears from an examination of the plat of Lots 3 and 4 of AJB Subdivision in the NE ¼ of Section 12, T 103 N, R 60 W of the 5th P.M., 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 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 3 and 4 of AJB Subdivision in the NE ¼ of Section 12, 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 approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.


Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Tjarks, seconded by Rice, to place Ordinance #O2021-10, Establishing Time Periods for Annual Appropriation Proceedings 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 _____.