

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

**August 2, 2021
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(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. Motion carried.

Mayor Everson declared the board out of executive session at 6:55 p.m. and the City Council to reconvene in regular session at 6:56 p.m.

AGENDA:

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

- a. City Council Minutes
 1. City Council July 19, 2021.
- b. Committee Meeting Minutes
 1. Planning Commission July 12, 2021.
- c. Raffle Permits
 1. Mitchell Women's Softball with the drawings to be held daily from September 1 through September 30, 2021.
- d. Automatic Supplement to Parks-Sports Complex in the amount of \$25,800.00 from a donation of funds.
- e. Automatic Supplement to General Fund-Public Works in the amount of \$70,000.00 from settlement proceeds.
- f. Set date of August 16, 2021 for hearing on the application to transfer RB-3124 Retail (On-off sale) Malt Beverage & SD Farm Wine License from XTREME Golf Inc. dba XTREME Golf Inc. to Jeremy Jensen dba Jensen Capital & Development, LLC, 968 North Ohlman. This license will be inactive.
- g. Special Event Permit for Kiwanis Half Marathon and Relay on October 3, 2021.
- h. Change Order #1 for East Central Drainage Phase II #2019-39 decreasing the contract amount

by \$10,217.49 to First Rate Excavating, Inc., adjust contract amount to \$3,064,255.51.

i. 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	2,300	2,300	\$2.4525	\$ 5,640.75*
Unleaded Gas -10% ethanol	5,200	5,200	\$2.3585	\$12,264.20*
		Total Bid:		\$17,904.95*

j. Pay Estimates August 2, 2021

Pay Estimate #1 in the amount of \$10,000.00 for East Central Drainage Phase II #2019-39 contracted to Planning & Development District III,

Pay Estimate #3 in the amount of \$159,419.12 for East Central Drainage Phase II #2019-39 contracted to First Rate Excavation, Inc.,

Pay Estimate #2 in the amount of \$100,975.50 for Dailey Drive Lift Station #2020-12 contracted to H&W Excavating, LLC,

Pay Estimate #41 in the amount of \$153.00 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,

Pay Estimate #42 in the amount of \$471.75 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,

Pay Estimate #4 in the amount of \$1,104.89 for Norway/South Rowley Bike Path/Sidewalk #2021-1 contracted to HDR Engineering, Inc.,

Pay Estimate #4 in the amount of \$2,282.50 for Foster Street Bridge #2021-2 contracted to Brosz Engineering Inc.,

Pay Estimate #4 in the amount of \$21,877.61 for North Wastewater Treatment Plant Improvements #2021-31 contracted to HDR Engineering Inc.,

Pay Estimate #2 in the amount of \$6,749.69 for Mitchell Risk & Resilience Assessment #2021-36 contracted to HDR Engineering Inc., and

Pay Estimate #1 in the amount of \$66,171.69 for Davison Street-600 Block Utility Upgrades #2021-38 contracted to Schoenfelder Construction.

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 JULY 11, 2021 – JULY 24, 2021: City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,446.46, Attorney \$4,401.38, Finance \$12,525.74, Human Resources \$3,542.93, Municipal Building \$3,003.28, Information Technology \$2,823.77, Police \$74,954.78, Traffic \$5,686.93, Fire \$32,246.79, Street \$28,987.41, Public Works \$19,660.56, Cemetery \$4,923.70, Animal Control \$1,559.28, Library \$15,623.58, Recreation & Aquatics \$29,180.94, Recreation Center \$15,171.74, Sports Complexes \$19,279.33, Ballpark Concessions \$1,594.70, Parks \$19,199.20, Supervision \$5,696.46, E911 \$21,584.01, MVP \$777.55, Palace Transit \$20,990.43, JVCC \$987.59, Nutrition \$2,989.27, Water Distribution \$13,922.53, Sewer \$13,162.77, Airport \$2,556.64, Recycling Program \$6,236.13, Waste Collection \$5,887.55, Landfill \$9,237.88, Corn Palace \$27,344.28, Golf Course \$7,422.88, Campground \$2,007.60, Emergency Medical Services \$29,754.83.

NEW HIRES:

CORN PALACE: Parker Bollinger-\$10.95, Kaden Soukup-\$11.45

E-911: Kalla Albertz-\$19.491

STREET: Zac Svedberg-\$18.552

WATER DISTRIBUTION: Lincoln Andersen-\$18.784

SALARY ADJUSTMENTS:

CORN PALACE: Dakota Becker-\$9.95, Heather Kayser-\$11.45, Maya Voelzke-\$9.95

POLICE: Bradley Buysse-\$33.995

STREET: Luke Nagel-\$21.255

WATER DISTRIBUTION: Thomas Schuman-\$26.237

TERMINATIONS:

CORN PALACE: Betty Anderson, Nicholas Bakhtiari

WARRANTS: A-Ox Welding Supply, Supplies-\$89.75; AAA Collections, Letters-\$295.00; Acapulco Pools Limited, Equipment-\$815.00; Advance Auto Parts, Supplies-\$9.78; Agronomy Plus, Supplies-\$247.68; Amazon Capital Services, Supplies-\$307.47; American Ramp, Supplies-\$10,723.39; Aramark Uniform Services, Supplies-\$428.73; Argus Leader Media, Subscription-\$321.48; AT&T Mobility, Utilities-\$1,663.86; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-\$139.18; Avera Occupational Medicine, Service-\$375.00; Avera Queen of Peace Hospital, Supplies-\$320.27; Bailey Metal Fabricators, Repairs-\$12,632.99; Baker & Taylor, Supplies-\$159.46; Bender's Sewer Cleaning, Repair-\$5,753.50; Big Daddy D's, Contract Services-\$5,120.50; Blackstone Publishing, Audio Books-\$163.96; Bohlmann, Supplies-\$675.50; Brett Lowrie, Supplies-\$20,000.00; Brosz Engineering, 2021-2 P.E. #4-\$2,282.50; Builders First Source, Supplies-\$1,173.33; Builders First Source, TID #15 – Probuild-\$74,252.35; Butler Machinery, Supplies-\$3,757.67; C&B Operations, Supplies-\$1,078.16; Carquest Auto Parts, Supplies-\$69.90; Cengage Learning Inc/Gale, Books-\$735.46; Center Point Large Print, Books-\$89.28; Central Electric, Utilities-\$692.96; Century Link, Utilities-\$13.62; CHR Solution, Postage-\$3,084.26; Chuck's Paint & Blinds, Supplies-\$31.99; City of Mitchell, Golf Course Deductions-\$787.28; City of Mitchell, Recreation Deductions-\$1,013.20; City of Sioux Falls, Supplies-\$72.50; Claims Associates, Liability-\$5,000.00; Coborns, Contract Service-\$519.75; Coca Cola Bottling, Supplies-\$230.90; Commercial Asphalt/Spencer Quarries, Supplies-\$6,611.42; Core & Main, Supplies-\$10,181.82; Core-Mark Midcontinent, Supplies-\$5,977.95; Corn Palace, Supplies-\$462.50; Custom Outfitters Plus, Supplies-\$1,964.40; Dakota Fluid Power, Repair-\$323.03; Dakota Pump, Supplies-\$8,038.52; Dakota Supply Group,

Supplies-\$134.57; Daniel Fechner, Meal-\$3.85; Davison County, TID #17-Woods Return of Funds-\$21,699.15; Davison County Register of Deeds, M Jennings Lot 1 NW ¼-\$3.00; Department of Social Services, Child Support-\$669.64; Diesel Machinery, Supplies-\$626.98; DJ Sieffstyle Entertainment, 2021 Pre Sturgis Party-\$2,700.00; Doug L Driggs, 2020-24 P.E. #41-\$624.75; Elliott Equipment, Supplies-\$1,253.02; Eric Hieb, Contract Services-\$7,075.49; Evident, Supplies-\$27.00; Farmers Alliance, Supplies-\$780.22; Fastenal, Repair-\$20.30; Fedex, Express Services-\$30.10; First National Bank Omaha, Supplies-\$10,810.97; First Rate Excavate, 2019-39 P.E. #3-\$159,419.12; Fisher Scientific, Supplies-\$111.62; Floor to Ceiling Store, Supplies-\$483.52; Forum Communications, Publication-\$1,521.08; Fuller Williamson Nelsen & Preheim, Professional Fees-\$848.01; Gaylen's Homegrown Popcorn, Supplies-\$3,855.80; Grainger, Supplies-\$28.72; H & W Contracting, 2020-12 P.E. #2-\$100,975.50; Hawkins, Supplies-\$7,857.58; HDR Engineering, 2021-1 P.E. #4-\$29,732.19; Henry Schein, Supplies-\$656.74; Herc-U-Lift, Repair-\$668.16; Hillyard/Sioux Falls, Supplies-\$195.36; Hydro Tech Service, Service Call-\$765.00; ICAN, Contract-\$750.00; Ingram Library Services, Books-\$1,251.24; Innovative Office Solution, Supplies-\$63.35; Interstate Glass & Door, Supplies-\$86.73; Interstate Office Products, Supplies-\$19.40; James Valley Nursery, Supplies-\$4,968.77; JD Concrete Products, Supplies-\$511.50; Jeff Hanson, Reimbursement-\$56.90; Jones Supplies, Supplies-\$1,876.06; Judy Davids, Johnny Rivers 2021-\$150.00; Kiwanis Club of Mitchell, Sports Authority Promotion-\$3,000.00; Krohmer Plumbing, Maintenance-\$512.43; Kromer, Maintenance-\$89.67; Lakeview Golf Course, Supplies-\$14.50; Lawson Products, Supplies-\$1,048.64; Lewis Family Drug, Supplies-\$10.47; M&T Fire and Safety, Supplies-\$245.00; Matt Geidel, Training-\$180.52; McLeod's Printing, Supplies-\$959.70; Medical Waste Transport, Disposal-\$106.70; Menard's, Supplies-\$1,584.70; Meyers Oil, Supplies-\$6,614.79; Michaels Fence & Supply, Supplies-\$118.00; Microsoft, Online Service-\$910.00; Midwest Laboratories, Testing-\$154.00; Midwest Mini Melts, Supplies-\$1,148.00; Midwest Turf & Irrigation, Supplies-\$294.25; Millennium Recycling, Stream Fee-\$3,579.45; Mitchell Baseball, Sports Authority Promotion-\$5,000.00; Mitchell Concrete Product, Supplies-\$1,592.74; Mitchell Convention & Visitors Bureau, Sports Authority Promotion-\$12,500.00; Mitchell Iron & Supply, Supplies-\$29.54; Mitchell School District, Utilities-\$1,636.68; Mitchell United Way, United Way Deductions-\$195.00; Mueller Lumber, Supplies-\$1,201.44; Muth Electric, Repair-\$516.16; New Tec, Maintenance-\$350.00; National Independent Health Club, Annual Membership-\$99.00; Northwestern Energy & Communications, Utilities-\$38,524.25; Overdrive, Audio Books-\$1,471.55; Parkeon, Supplies-\$1,460.00; Pepsi Cola, Supplies-\$4,757.33; Petty Cash, Reimbursement-\$102.21; Pfeifer Implement, Supplies-\$398.99; Planning & Development District, 2019-39 P.E. #1-\$10,000.00; Porter Distributing, Supplies-\$96.00; Public Health Laboratory, Lab-\$1,465.00; Qualified Presort, Mailing Service-\$479.63; Quick Med Claims, Service-\$4,759.69; Robert B Everson Jr, Travel-\$151.67; Ron's Bicycle & Locksmith, Service Call-\$43.75; Runnings Supply, Supplies-\$924.25; S&M Printing, Supplies-\$28.00; Saga Communications of South Dakota, Advertising-\$630.00; Schemmer Associates, Capital Improvements-\$350.00; Schoenfelder Construction, 2021-38 P.E. #1-\$66,171.69; Schoenfelder Portables, Rental-\$200.00; Schumacher Elevator, Maintenance-\$212.16; Scott Supply, Supplies-\$525.00; South Dakota Department of Labor and Regulations, Unemployment-\$79.14; South Dakota Department of Transportation, Supplies-\$1,698.80; South Dakota Newspaper Services, Advertising-\$3,159.59; South Dakota Retirement System, Retirement Contributions-\$51,761.69; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,558.50; South Dakota

Supplemental Retirement, Supplemental Retirement-\$2,954.80; Sherwin-Williams, Supplies-\$151.90; Sign Pro, Supplies-\$141.50; Siteone Landscape Supply, Supplies-\$2,345.71; South Dakota 811, Supplies-\$301.35; Staples, Supplies-\$471.35; Streicher's – Minneapolis, Supplies-\$97.97; Sturdevants, Supplies-\$2,290.34; Subway, Meals-\$55.92; Sun Gold Sports, Supplies-\$116.00; Surface Preparation Technology, Refund-\$1,500.00; Tessier's, Repair-\$609.97; Thune True Value Hardware, Supplies-\$176.05; TK Electric, Supplies-\$1,693.25; TMA Stores, Supplies-\$210.31; Tractor Supply Credit Plan, Supplies-\$175.94; Traditions Prepared Meals, Supplies-\$2,751.40; Transource, Supplies-\$241.00; Travis Hohrman, Tool Allowance-\$350.00; Trizetto Provider Solution, Electronic Claims-\$71.70; Tyler Technologies, Maintenance-\$4,825.62; U.S. Geological Survey, Firesteel Flow Analysis-\$24,100.00; United Parcel Service Store #4227, Shipping-\$24.80; US Department of Treasury, Pcori Fees-\$1,040.06; USA Softball Men's Slow-pitch, Sports Authority Promotion-\$1,000.00; Van Diest Supply, Supplies-\$1,764.10; Verizon Wireless, Utilities-\$416.19; Vern Eide Ford Lincoln, Supplies-\$681.80; Walmart, Supplies-\$29.88; Wheelco Brake & Supply, Supplies-\$125.96; Wholesale Electronics, Supplies-\$71.45; Zimco Supply, Supplies-\$570.00; South Dakota State Treasurer, Sales Tax-\$28,882.28.

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

CITIZENS INPUT:

Cindy Gregg of the Prehistoric Indian Village stated the Paleo Games will be held on September 4th and 5th after being cancelled last year.

Sonja Vanerdewyk, Mitchell Township resident, spoke to City Council regarding the mandating of the COVID-19 vaccinations.

City of Mitchell resident, Beth Bauer, addressed the City Council regarding the negative impacts and health costs of transmission signals from 5G towers.

BOARD OF ADJUSTMENT:

Moved by Rice, seconded by Tjarks, 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 Boyd Reimnitz for a front yard variance of 7 feet vs 25 feet as required for construction of an attached garage located at 719 South Edmunds Street, legally described as Lots 5 & 6, Block 9, Van Eps 2nd Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2, Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. Planning Commission voted to table application. Moved by Allen, seconded by Barington, to table said application until September 7, 2021. Motion carried.

It was advised that this is the date and time set for hearing on the application of Emma Selland for a conditional use permit to operate a family residential childcare center located at 311 McCabe Street, legally described as W 72 feet of Lots 1 & 2, Block 17, University Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2, Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. Planning Commission recommended approval with two conditions, the permit is non-transferable and if the business ceases to operate for six months, a new application would be required. Moved by Barington, seconded by Rice, to approve said application with Planning Commission recommendations. Motion carried.

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

HEARINGS:

It was advised that this is the date and time set for hearing on the application of VFW Post #2750 for a Special Event Malt Beverage & SD Farm Wine License located in the parking lot at 2nd & Rowley and the alley between 2nd & 3rd on October 2, 2021 for the VFW Post #2750 Chili Cook-Off. 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 of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on August 5, 2021 for a Celebration of Life. Notice of hearing has been given and affidavit of publication is on file. Moved by Tjarks, 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 of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on August 6, 2021 for the Lakeview Golf banquet. 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.

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Allen, to approve a Special Event Permit Application for Downtown First United Methodist Church Sunday School Relaunch "Sunday Funday" on September 12, 2021. Motion carried.

Moved by Tjarks, seconded by Smith, to approve a Special Event Permit Application for Mitchell Main Street & Beyond Oktoberfest on October 9, 2021. Motion carried.

Moved by Tjarks, seconded by Rice, to approve selling salvage scrap iron to H & R Salvage at a rate of \$50.00 per ton for the period of July 19, 2021 through December 31, 2021. Motion carried.

Moved by Allen, seconded by McCardle, to approve Agreement #A2021-41, Lakeridge Phase I Developer's Agreement with Ethan Coop Lumber. Motion carried.

RESOLUTIONS:

Moved by Allen, seconded by Barington, to approve Resolution #R2021-54, Plat of Lots 16 and 17 of Airport Addition, a Subdivision of the 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 follows:

RESOLUTION NO. R2021-54

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 26th day of July, 2021; and

WHEREAS, it appears from an examination of the plat of LOTS 16 AND 17 OF AIRPORT ADDITION, A SUBDIVISION OF THE 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 Jeremy A. Wolbrink, 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 16 AND 17 OF AIRPORT ADDITION, A SUBDIVISION OF THE 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 prepared by Jeremy A. Wolbrink, 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 McCardle, to approve Resolution #R2021-55, Plat of Lot 5-D, Block 7 of Westwood First Addition, a Subdivision of the SW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-55

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 26th day of July, 2021; and

WHEREAS, it appears from an examination of the plat of LOT 5-D, BLOCK 7 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF SECTION 16, 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 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 5-D, BLOCK 7 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 Smith, seconded by Barington, to place Ordinance #O2021-11, Amending Department Head Titles and Departmental Organization, with revisions, 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 _____.