

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

**August 15, 2022  
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

**AGENDA:**

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

- a. City Council Minutes
  1. City Council August 1, 2022.
- b. Committee Reports
  1. Planning Commission July 25, 2022.
- c. Department Reports
  1. Sales Tax Collections (July),
  2. Finance (July),
  3. Building Permits (July),
  4. Police (July),
  5. Fire/EMS (July),
  6. Code Enforcement (July),
  7. Palace Transit (June),
  8. Water (July), and
  9. Airport (July).
- d. Raffle Permit
  1. Mitchell Public School/Mitchell Kernel Volleyball Booster with the drawing to be held on September 27, 2022.
- e. Kernel Bowl Fireworks Permit for September 3, 2022.
- f. Set date of September 6, 2022 for hearing
  1. On the application of Palace City Lions for a Special Event Liquor License located at the DWU Sherman Center for September 30, 2022 for the DWU Blue & White Unite.
- g. Set date 1:30 pm August 24, 2022 for bid opening for Above Ground Storage Reservoir Project #2020-20.
- h. Pay Estimates August 15, 2022
  1. Pay Estimate #1 in the amount of \$29,081.40 for South Rowley Bike Path #2021-01 contracted to Menning Excavating,

Pay Estimate #7 in the amount of \$5,501.60 for Concrete Bid-Schedule A #2021-04 contracted to Top Grade Concrete,  
Pay Estimate #14 in the amount of \$3,697.50 for 9<sup>th</sup> & 5<sup>th</sup> Reconstruction #2021-07 contracted to McLaury Engineering,  
Pay Estimate #17 in the amount of \$22,037.52 for Landfill Cell #4 #2021-08 contracted to Helms & Associates,  
Pay Estimate #5 in the amount of \$3,771.92 for Firesteel Creek NAWCA Grant Administration #2021-14 contracted to Steve Donovan,  
Pay Estimate #2 in the amount of \$97,162.40 for Ice Arena Refrigeration Replacement #2021-46 contracted to All American Arena Products,  
Pay Estimate #12 in the amount of \$2,340.00 for Recreation Center Fitness Room-Phase II #2021-50 contracted to Schemmer Associates,  
Pay Estimate #2 in the amount of \$1,861.90 for 1<sup>st</sup>/Main & 7<sup>th</sup>/Main Signals #2022-08 contracted to HR Green,  
Pay Estimate #1 in the amount of \$4,750.00 for 1<sup>st</sup>/Main & 7<sup>th</sup>/Main Signals #2022-08 contracted to GeoTek Engineering, and  
Pay Estimate #3 in the amount of \$6,375.00 for 223 North Main Window Repair #2022-24 contracted to Custom Carpentry.

- i. 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 24, 2022 – AUGUST 6, 2022:** City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,536.92, Attorney \$4,601.23, Finance \$11,731.81, Human Resources \$3,703.81, Municipal Building \$3,139.60, Information Technology \$2,844.80, Police \$69,994.29, Traffic \$5,514.63, Fire \$36,370.85, Street \$34,919.99, Public Works \$18,862.95, Cemetery \$6,198.37, Animal Control \$1,630.09, Library \$14,699.05, Recreation & Aquatics \$28,312.08, Recreation Center \$12,867.02, Sports Complexes \$18,111.43, Cadwell Concessions \$516.69, Parks \$18,932.19, Supervision \$5,666.66, E911 \$21,575.10, MVP \$499.65, Palace Transit \$24,214.78, JVCC \$946.29, Nutrition \$3,984.00, Water Distribution \$12,617.31, Sewer \$15,878.27, Airport \$2,672.72, Recycling Program \$6,414.02, Waste Collection \$6,654.32, Landfill \$9,275.59, Corn Palace \$30,048.02, Golf Course \$8,674.49, Campground \$2,217.60, Emergency Medical Services \$31,433.43.

**NEW HIRES:**

FIRE: Samantha Pulse-\$21.467

RECREATION CENTER: Macey Bohl-\$10.45, Savannah Schmidt-\$10.45

SPORTS COMPLEXES: Nolan Tegels-\$21.143

**SALARY ADJUSTMENTS:**

CEMETERY: Aaron Willis-\$28.808

CORN PALACE: Kathy Hanks-\$20.395

LANDFILL: Clayton Moore-\$27.780

LIBRARY- Jean Patrick-\$27.754

PALACE TRANSIT: Jonathan Gamber-\$19.882, Wanda Graves-\$25.792

STREET: Travis Giedd-\$22.220, Randall Hanten-\$28.127, Pamela Punt-\$23.954

**TERMINATIONS:**

RECREATION & AQUATICS: Lincoln Bates, Lukas Bennett, Trayven Boellstorff, Elizabeth Clement, Mason Geraets, Hudson Haley, Olivia Huber, Joan Lubben, Julia Platt, Connor Singrey, Gavin Soukup, Claire Stoller, Lisa Vermeulen

**WARRANTS:** A&B Business Solutions, Contract Service-\$3,895.71; A-Ox Welding Supply, Supplies-\$165.27; AAA Collections, Letters-\$15.00; Adam Pope, Corn Palace Festival-\$1,250.00; AFSCME Council 65, Union Dues-\$584.80; All American Arena Product, #2021-46 P.E.#2-\$97,162.40; Amazon Capital Services, Supplies-\$1,765.00; Aqua-Pure, Supplies-\$3,225.00; Aramark Uniform Services, Supplies-\$281.98; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-\$2,486.21; Aurora County Auditor Office, Reimbursement-\$319.50; Avera Occupational Medicine, Physical-\$852.00; B-Y Water District, Utilities-\$151,507.72; Bailey Metal Fabricators, Repair-\$906.29; Baker & Taylor, Book-\$5.74; Bechen Electric, Supplies-\$191.07; Becker Arena Products, Supplies-\$3,397.56; Big Daddy D's, Contract Service-\$2,186.60; Billie Lurken, Corn Palace Festival-\$250.00; Blackstrap, Supplies-\$5,471.71; Boo-Ray, Corn Palace Festival-\$40,000.00; Brett Lowrie, Supplies-\$20,000.00; Brock White, Supplies-\$3,883.26; Buhl's Drycleaning, Service-\$32.50; Builders First Source, Supplies-\$536.00; Butler Machinery, Supplies-\$317.57; C&B Operations, Supplies-\$900.00; Carquest Auto Parts, Supplies-\$54.87; CDW Government, Supplies-\$128.01; Cengage Learning, Books-\$1,159.62; Central Electric, Utilities-\$10,625.00; Century Link, Utilities-\$58.34; Certified Laboratories, Supplies-\$221.19; City of Mitchell, Bid Tax-\$978.00; City of Sioux Falls, Lab fees-\$29.00; Ck Bicycles & Locks, Supplies-\$68.00; Coborns, Contract Services-\$619.50; Coca Cola Bottling, Supplies-\$1,181.28; Commercial Asphalt, Supplies-\$9,833.93; Conway Entertainment Group, Corn Palace Festival-\$6,500.00; Conway Entertainment Group, Corn Palace Festival-\$40,000.00; Core & Main, Supplies-\$2,348.65; Core-Mark Midcontinent, Supplies-\$8,606.98; Corn Palace, Supplies-\$14.58; Corn Palace Rodeo Stampede, Advertising-\$400.00; County Fair, Contract Service-\$693.00; Creative Force, Corn Palace Festival-\$500.00; Culligan Water, Rental-\$50.00; Dakota Data Shred, Shredding-\$62.96; Dakota Pump, Supplies-\$31.84; Daktronics, Supplies-\$12,053.75; Danica Michaels, Corn Palace Festival-\$1,500.00; Darrington Water Conditioning, Rent-\$49.40; Davison County Register of Deeds, Plat-\$60.00; Davison Rural Water Systems, August Fees-\$1,267.20; Demco, Supplies-\$358.82; Department of Motor Vehicle, 2019 Ram 6911-\$24.20; Department of Social Services, Child Support-\$1,008.46; Dick's Towing, Supplies-\$200.00; Diesel Machinery, Supplies-\$590.72; Dillon Coughlin, Reimbursement-\$6.22; Doug Driggs, #2022-24 P.E.#3-\$6,375.00; Dug Out, Contract

Services-\$792.00; Elizabeth Morrison, Corn Palace Festival-\$250.00; Environmental Equipment & Services, Supplies-\$716.48; Farmers Alliance, Mount Tires-\$611.50; Fastenal, Supplies-\$26.23; Galls, Supplies-\$34.57; Geotek Engineering, #2022-8 P.E.#1-\$4,750.00; Grainger, Supplies-\$11.46; Great Western Tire, Repair-\$3,245.25; Hach, Supplies-\$3,265.48; Hawkins, Supplies-\$8,080.88; Heartland Ag Systems, Supplies-\$465.00; Helms and Associates, #2021-8 P.E.#17-\$22,037.52; Henry Schein, Supplies-\$1,179.74; Honda of Mitchell, Supplies-\$72.12; HR Green, #2022-8 P.E.#2-\$1,861.90; Hutchinson County Sheriff, Service-\$76.00; Ican, Advertising-\$750.00; Identisys, Supplies-\$362.15; Independent Viking Glass, Repair-\$213.17; Ingram Library Services, Books-\$1,618.18; Innovative Office Solution, Supplies-\$63.50; Interstate Glass & Door, Repair-\$66.33; JCL Solutions, Supplies-\$105.00; Jimmy River Band, Corn Palace Festival-\$1,250.00; Joe Dolezal, Reimbursement-\$179.50; Jones Supplies, Supplies-\$669.36; Karl's, Repair-\$124.95; Klock Werks, Palace City Pre-Sturgis-\$15,000.00; Kone, Maintenance-\$862.80; Lakeview Veterinary Clinic, Supplies-\$1,031.95; Larissa Runyon, Refund-\$50.00; Larry's I-90 Service, Supplies-\$2,296.73; Lawson Products, Supplies-\$373.06; Lewis Family Drug, Supplies-\$36.95; M&T Fire and Safety, Supplies-\$310.83; Make It Mine Designs, Supplies-\$132.00; McLaury Engineering, #2021-7 P.E.#14-\$3,697.50; McLeod's Printing, Supplies-\$809.70; Mebius Nursery & Landscaping, Maintenance-\$905.00; Menard's, Supplies-\$701.76; Menning Excavating, #2021-1 P.E.#1-\$29,081.40; Meyers Oil, Equipment-\$10,216.24; Michael J Koster, Reimbursement-\$146.56; Michael Todd & Co, Supplies-\$4,028.50; Midcontinent Communication, Publishing-\$225.00; Midwest Alarm Company, Monitoring-\$93.20; Midwest Fire & Safety, Inspection-\$287.50; Midwest Turf & Irrigation, Supplies-\$563.48; Mira Safety, Supplies-\$843.75; Mitchell Area Housing, Donation-\$30,000.00; Mitchell Concrete Product, Supplies-\$120.75; Mitchell Convention & Visitors Bureau, 2022-Funding-\$41,600.00; Mitchell Iron & Supply, Supplies-\$1,510.37; Mitchell School District, Utilities-\$1,789.17; Mitchell United Way, Deductions-\$197.66; Mobotrex, Supplies-\$448.00; Motorola Solutions, Upgrade-\$211,958.88; Muth Electric, Repair-\$2,165.00; N-Able Solutions, Backup & Recovery-\$242.07; Nalco, Supplies-\$564.57; Napa Central, Supplies-\$136.19; Night Ranger, Corn Palace Festival-\$43,500.00; Northwest Pipe Fittings, Supplies-\$73.84; Northwestern Energy & Communication, Utilities-\$50,463.34; OCLC, Cataloging-\$378.90; One Source The Background, Background Checks-\$117.00; Overdrive, E Books-\$545.61; Overtime Steak House and Sports Bar, Contract Services-\$2,606.00; Pepsi Cola, Supplies-\$220.71; Phil Baker, Corn Palace Festival-\$650.00; Premier Pest Control, Contract Services-\$600.00; Public Health Laboratory, Chemical-\$30.00; Qualified Presort, Mailing Service-\$428.07; Reeves, Supplies-\$29.09; Regents of the University of Minnesota, Bar Codes-\$258.00; Republic National Distribution, Supplies-\$847.05; Romeo Entertainment, 2022 Festival Services-\$20,000.00; Root Rockers, Corn Palace Festival-\$500.00; Runnings Supply, Supplies-\$723.50; S&M Printing, Supplies-\$209.00; Saga Communications of South Dakota, Advertising-\$2,031.00; Salem Press, Books-\$196.56; Schemmer Associates, #2021-50 P.E.#12-\$2,340.00; Schmucker Paul & Nohr, Professional Service-\$2,268.05; Scott Supply, Supplies-\$154.56; South Dakota Department of Environment & Natural Resources, Solid Waste-\$3123.38; South Dakota Public Assurance Alliance, Insurance Coverage-\$159.92; South Dakota Retirement System, Retirement Contributions-\$53,212.00; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,439.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,253.50; South Dakota Association of Rural Water Systems, Annual Dues-\$1,240.00; Shah Software, Software-\$22,424.00; Sherwin-Williams, Supplies-\$85.18; Southern Symphony, Corn Palace Festival-

\$75,000.00; Standard Insurance, Life Insurance-\$419.57; Staples, Supplies-\$619.71; Steve Donovan, #2021-14 P.E.#5-\$3,771.92; Stitchtogether, Supplies-\$32.00; Sturdevants Mitchell, Repair-\$1,837.26; Subway, Meals-\$29.96; Sun Gold Sports, Supplies-\$873.00; Teamsters Local No. 120, Union Dues-\$1,402.00; Tessier's. Supplies-\$287.00; Tessman, Supplies-\$73.09; The 1270's, Corn Palace Festival-\$1,250.00; Thomson Reuters West, Software Subscription-\$777.48; Thune True Value Hardware, Supplies-\$876.98; Top Grade Concrete, #2021-4 P.E.#7-\$5,501.60; Traditions Prepared Meals, Contract Services-\$3,240.40; Trinity Hill, Corn Palace Festival-\$1,250.00; Two Way Solutions, Programming-\$210.00; UPS Store #4227, Shipping-\$58.85; Verizon Wireless, Utilities-\$759.66; Vern Eide Chevrolet Buick, Police Tow-\$340.00; Walmart, Supplies-\$19.24; West Plains Engineering, Maintenance-\$9,100.00; Wheelco Brake & Supply, Supplies-\$391.95; William Lutjen, Reimbursement-\$79.99; Zimco Supply, Supplies-\$320.00.

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

Moved by Barington, seconded by Tjarks, to set date for September 6, 2022 on the application of Troyer Homeworks on behalf of James and Margo Taylor for a minimum side-yard corner variance of 0 feet vs 20 feet to construct a 3 season room on an existing deck located at 723 West 4<sup>th</sup> Avenue, legally described as Lots 6 and West ½ of Lot 5, Block 100, Lawler's 2<sup>nd</sup> Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Allen, seconded by Barington, 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 to transfer RB-26966 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Bathke Properties LLC, 1101 East Havens Avenue to Lucky Clovers LLC, 1101 East Havens Avenue. (License includes video lottery.) 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.

It was advised that this is the date and time set for hearing on the application to transfer RB-26967 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Bathke Properties LLC, 1101 East Havens Avenue to Lucky Clovers LLC, 1101 East Havens Avenue. (License includes video lottery.) Notice of hearing has been given and affidavit of publication is on file. Moved by Smith, seconded by Tjarks, to approve said application. Motion carried.

**AWARD BID:**

Bids were opened and read on Recreation Center Fitness Room Project #2022-50 on the 20<sup>th</sup> day of July, 2022. Moved by Tjarks, seconded by Barington, to award, as follows:

**RECREATION CENTER FITNESS ROOM  
PROJECT #2022-50**

Mueller Lumber Company, 400 North Ohlman Street, Mitchell, SD 57301

Base Bid	\$724,683.00
Negotiated Savings	(\$97,643.00)
Revised Bid	\$627,040.00

The budgeted amount for 2022 is \$410,589.00. The shortfall of \$216,451.00 will be budgeted in 2023 with an estimated completion date of November 1, 2023. Motion carried.

**CONSIDER APPROVAL:**

Moved by Sabers, seconded by Rice, to authorize payment to Mitchell Area Housing, Inc. in the amount of \$30,000.00 from the proceeds received from the sale of the 15<sup>th</sup> & Minnesota lot. Motion carried.

Moved by Rice, seconded by Allen, to approve Agreement #A2022-31, Marina Project EDA Grant Acceptance from the US Department of Commerce Project #2022-30. Motion carried,

**RESOLUTIONS:**

Moved by Smith, seconded by McCardle, to approve Resolution #R2022-54, Transfer of Kelley Tracts 1A and 2, as follows:

**RESOLUTION #R2022-54**

**A RESOLUTION AUTHORIZING THE TRANSFER OF KELLEY TRACTS 1A AND 2**

WHEREAS the City of Mitchell is the owner of two tracts located adjacent to 40580 250<sup>th</sup> Street, which tracts are legally described as:

Kelley Tracts 1A and 2, a subdivision of the S 1/2 of the SE 1/4 of Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota; and

WHEREAS the City declared the property surplus at the 8/1/2022 council meeting, had the property appraised via board, published notice of sale, and listed the property with a broker; and

WHEREAS the City has received an offer from Don Peterson, as agent for an undisclosed party, to purchase the property for the amount of \$100,000 which the mayor believes should be acted on by Council; and

THEREFORE, BE IT RESOLVED BY THE MITCHELL CITY COUNCIL, that the City accept the offer for the above described property for the sum of \$100,000.00, upon the terms and conditions stated within the realtor documents, and that the Mayor is hereby authorized to take such actions as may be necessary to complete the transfer of such property.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Rice, to approve Resolution #R2022-55, a Resolution in Support of an Application for Financial Assistance to the South Dakota Housing & Development Authority by Jensen Design Build for the Benefit of Multi and Single Family Development, as follows:

#### **RESOLUTION #R2022-55**

#### **RESOLUTION IN SUPPORT OF AN APPLICATION FOR FINANCIAL ASSISTANCE TO THE SOUTH DAKOTA HOUSING AND DEVELOPMENT AUTHORITY BY JENSEN DESIGN BUILD, LLC AND/OR ITS AFFILIATES, AGENTS OR ASSIGNS, FOR THE BENEFIT OF MULTI AND SINGLE-FAMILY DEVELOPMENT**

WHEREAS, the City of Mitchell and Jensen Design Build, LLC have determined it necessary to proceed with improvements to the City's infrastructure, thus enabling additional single and multifamily units to be constructed in the city limits of Mitchell

WHEREAS, the City and Developer have determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Jensen Design Build, LLC (Developer); for the proposed development, and;

WHEREAS, the City will work with the Developer's engineer to ensure that the preliminary Project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer and all other necessary improvements as needed;

WHEREAS, the City has adequate treatment facilities and water supply to accommodate the proposed development

WHEREAS, the City acknowledges that there is a tremendous housing shortage in City of Mitchell and this proposed development will help, but not solve, the housing shortage.

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby supports the submission of an Application for financial assistance by Jensen Design Build, LLC, to the South Dakota Housing and Development Authority.

2. City officials are hereby authorized to deliver such other documents as necessary, to assist with the Application for financial assistance.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Rice, seconded by McCardle, to place Ordinance #O2022-12, Rezoning the NE ¼ except Lot A of C Andersons First Addition of Section 35, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota from UD Urban Development to I Industrial District on first reading. Motion carried.

Moved by Rice, seconded by Allen, to place Ordinance #O2022-13, Rezoning Lots 6, 7, and 8, Block 18, Weavers Square Addition, City of Mitchell, Davison County, South Dakota from R3 Medium Residential District to HB Highway Business District on first reading. Motion carried.

**EXECUTIVE SESSION:**

Moved by Tjarks, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(3) Legal, and SDCL 1-25-2(4) Employee Negotiations. Motion carried.

Mayor Everson declared the board out of executive session at 8:45 p.m. and the City Council to reconvene in regular session at 8:46 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 \_\_\_\_\_.