

WORK SESSION OF THE CITY COUNCIL  
MITCHELL, SOUTH DAKOTA

October 3, 2022  
5:00 P.M.

**PRESENT:** Mayor Bob Everson, Dan Allen, Marty Barington, John Doescher,  
Steve Rice, Dan Sabers, Jeffrey Smith, Susan Tjarks

**ABSENT:**

**PRESIDING:** Council President Kevin McCardle

**REVIEW:**

The City Council met October 3, 2022 for a work session in the Council Chambers of City Hall. City Administrator Ellwein reviewed changes since the previous budget meeting. Also reviewed were subsidy applications and capital improvement projects for 2023.

**ADJOURN:**

There being no further business to come before the meeting, Council President McCardle adjourned the work session at 6:00 p.m.

  
Michelle Bathke  
Finance Officer

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

**October 3, 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 Allen, seconded by McCardle, to approve the following items on the consent agenda:

- a. City Council Minutes
  1. City Council September 19, 2022 and
  2. Work Session September 26, 2022.
- b. Committee Reports
  1. Planning Commission September 12, 2022,
  2. Library Board July 26, 2022, and
  3. Corn Palace Board August 2, 2022.
- c. Purchase of Payloader off Sourcewell Contract Project #2022-30.
- d. Mitchell Police Department to apply for a Walmart Community Grant.
- e. Raffle Permits
  1. Mitchell Area Networking Association (MANA) with the drawing to be held on January 12, 2023,
  2. St. John Paul II School with the drawings to be held on January 20, 27 and February 3, 10, 16, 24, 2023,
  3. Mitchell Music Boosters-FDC with the drawings to be held on December 8, 9, 10, 2022, March 18 and April 13, 14, 15, 2023.
- f. Declare property surplus to be sold on Purple Wave Auction.
- g. Change Order #3-Final for East Central Drainage Utility & Street Improvements Phase II Project #2019-39 decreasing the contract amount by \$86,862.71 to First Rate Excavate, adjust contract amount to \$2,987,389.80.
- h. Change Order #2-Final for Foster Street Bridge Rehab Project #2021-02 decreasing the contract amount by \$23,629.75 to BX Civil & Construction, adjust contract amount to \$672,236.25.
- i. Change Order #1 for 9<sup>th</sup> & 5<sup>th</sup> Avenue Project #2021-07 increasing the contract amount by \$65,191.74 to Menning Excavating, adjust contract amount to \$2,709,611.22.

- j. Set date of October 17, 2022 for hearing on proposed Resolution of Necessity for Quince Street.
- k. Set date of November 2, 2022 for bid opening for 3-year Cash Rent for Hayland Leases at Park, Landfill, and Wastewater Lagoons for 2023, 2024, and 2025 Project #2023-05.
- l. Pay Estimates October 3, 2022
  - Pay Estimate #4-Final in the amount of \$190,948.57 for Foster Street Rehab #2021-02 contracted to BX Civil & Construction,
  - Pay Estimate #11 in the amount of \$425.00 for West Side Water Tower #2021-03 contracted to SPN & Associates,
  - Pay Estimate #3 in the amount of \$525,854.07 for 9<sup>th</sup> & 5<sup>th</sup> Reconstruction #2021-07 contracted to Menning Excavating,
  - Pay Estimate #2 in the amount of \$202,829.99 for Landfill Cell #4 Construction #2021-08 contracted to A-G-E Corporation,
  - Pay Estimate #5 in the amount of \$1,900.00 for Street Department Fuel Storage Tank #2021-51 contracted to West Plains Engineering,
  - Pay Estimate #1 in the amount of \$127,094.03 for 200-400 Blocks of East 10<sup>th</sup> Utility Upgrade #2022-02 contracted to Schoenfelder Construction,
  - Pay Estimate #5 in the amount of \$10,177.50 for Quince Street Design #2022-07 contracted to SPN & Associates,
  - Pay Estimate #4 in the amount of \$10,382.50 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 \$13,519.40 for South Lake Estates Development #2022-23 contracted to SPN & Associates,
  - Pay Estimate #7 in the amount of \$5,288.70 for 223 N Main Window Repair #2022-24 contracted to Custom Carpentry, and
  - Pay Estimate #1-Final in the amount of \$186,234.00 for Payloader #2022-30 contracted to TranSource.
- 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 SEPTEMBER 4, 2022 – SEPTEMBER 17, 2022:** City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,686.92, Administrative Boards \$2,060.88, Attorney \$4,601.23, Finance \$12,412.81, Human Resources \$3,703.82, Municipal Building \$3,226.30, Information Technology \$2,844.80, Police \$72,752.03, Traffic \$4,413.39, Fire \$39,374.52, Street \$30,215.73, Public Works \$17,975.10, Cemetery \$5,674.68, Animal Control \$1,630.09, Library \$16,537.08, Recreation & Aquatics \$7,018.72, Recreation Center \$14,966.14, Sports Complexes \$9,100.27, Cadwell Concessions \$119.45, Parks \$14,592.30, Supervision \$5,666.66, E911 \$21,523.44, MVP \$499.66, Palace Transit \$24,061.57, JVCC \$1,158.79, Nutrition \$3,913.08, Water Distribution \$12,901.43, Sewer \$15,583.74, Airport \$2,672.72, Recycling Program \$6,476.27, Waste Collection \$6,387.61, Landfill \$9,752.82, Corn Palace \$19,836.55, Golf Course \$5,254.78, Campground \$2,217.60, Emergency Medical Services \$32,615.37.

**NEW HIRES:**

CORN PALACE: Amy Gebhard-\$12.45, Addison Sprinkel-\$9.95

LIBRARY: Angela Putnam-\$10.45

RECREATION & AQUATICS: Justin Ebert-\$25.00

WATER DISTRIBUTION: Robert McCardle-\$19.394

**SALARY ADJUSTMENTS:**

EMS: McKenzy Young-\$21.467

FIRE: Matthew Geidel-\$19.448

PALACE TRANSIT: Patti Goudy-\$21.959, Tracy Sprinkel-\$19.394

POLICE: Ryan Erickson-\$38.289, Kyle McLaughlin-\$28.808

SPORTS COMPLEXES: Jesse Schlimgen-\$21.407

WATER DISTRIBUTION: Tylor Peterson-\$33.429

WASTE WATER: Brian Daughters-\$27.428

**WARRANTS:** A-G-E Corporation, 2021-8 P.E.#2-\$202,829.99; AFLAC, Aflac Withholding-\$10,329.34; AFLAC Group, Critical Care-\$551.70; AFSCME Council 65, Union Dues-\$560.37; Amazon Capital Services, Supplies-\$518.59; Aramark Uniform Services, Rental-\$247.46; Armstrong Journal, Advertising-\$65.00; AT&T Mobility Palace Transit, Utilities-\$657.26; AT&T Mobility Police, Utilities-\$1,377.62; Avera Occupational Medicine, Screening/Testing-\$394.00; Avera Queen of Peace Hospital, Supplies-\$402.39; Bailey Metal Fabricators, Repair-\$250.26; Baker & Taylor, Books-\$44.86; Bechen Electric, Labor-\$165.12; Bender's Sewer Cleaning, Repair-\$3,420.00; Best Western Plus Ramkota, Travel-\$299.97; Big Daddy D's, Contract Services-\$2,279.40; Blackstone Publishing, Audiobooks-\$96.00; Boyer Ford Trucks, Supplies-\$156.33; Brad Buysse, Training-\$104.00; Builders First Source, Supplies-\$75.78; BX Civil Engineering, 2021-2 P.E.#4-Final-\$190,948.57; C&B Operations, Supplies-\$39.69; Casey Tegethoff, Training-\$34.00; Cengage Learning Inc/Gale, Books-\$603.79; Central Electric, Utilities-\$798.01; Century Link, Utilities-\$13.63; CHR Solutions, Billing-\$3,395.55; CBS Farmers Alliance, Supplies-\$3,920.14; Chuck's Paint & Blinds, Supplies-\$65.69; City of Mitchell, Utilities-\$1,013.24; City of Mitchell, Active Shooter Incident-\$840.00; City of Mitchell, Golf Course Deductions-\$1,625.72; City of Mitchell, Recreation Deductions-\$2,074.64; Coca Cola Bottling, Supplies-\$693.60; Commercial Asphalt, Supplies-\$8,176.82; Core & Main, Supplies-\$14,263.83; Core-Mark Midcontinent, Concessions-\$4,121.99; Corn Palace, Supplies-\$29.16; County Fair, Concessions-\$2,966.76; Dakota Pump, Supplies-\$761.04; Dakota Supply Group, Supplies-\$82.12; Darrell Hanson, Supplies-\$1,000.00; Dave Traupel, Trees-\$90.00; Davison County Extension, Rental-\$325.00; Degen Stump Removal, Maintenance-\$5,400.00; Delta Dental Plan of South Dakota, Dental Insurance-\$14,118.32; Department of Motor Vehicle, Title and Registration-\$48.40; Department of Social Services,

Child Support-\$1,008.46; Dimock Dairy, Supplies-\$612.00; Doug L Driggs, 2022-24 P.E.#7-\$5,288.70; Doug's Custom Paint & Body, Repair-\$420.37; Edge One, Supplies-\$33.74; Eric Hieb, Contract Services-\$7,415.21; Etix, Box Office Fee-\$924.90; Fastenal, Supplies-\$526.92; Fedex, Mailing-\$15.68; Ferguson Waterworks #2516, Supplies-\$452.10; First National Bank Omaha, Cash Back Redemption-\$8,249.78; Foreman Sales & Service, Bus Trip-\$1,100.00; Forum Communications, Advertising-\$1,800.00; Gaylen's Homegrown Popcorn, Supplies-\$297.60; Graham Advertising, Advertising-\$750.00; Graham Tire, Supplies-\$180.00; Grainger, Supplies-\$131.01; Harve's Pro Prints, Supplies-\$175.00; Hawkins, Supplies-\$50.00; Henry Schein, Supplies-\$204.92; Holly Fechner, Refund-\$40.00; Howes Oil, Supplies-\$24,639.85; HR Green, 2022-8 P.E.#4-\$10,382.50; Ingram Library Services, Books-\$811.29; Innovative Office Solution, Supplies-\$125.36; Interstate Office Products, Supplies-\$67.30; James Valley Nursery, Supplies-\$8,868.74; James Zard, Supplies-\$179.74; JCL Solutions, Supplies-\$967.81; John D Kirkpatrick Jr, Refund-\$1,236.00; Johnson Bros of South Dakota, Supplies-\$1,026.18; Johnson Controls, Service Agreement-\$4,537.22; Jones Supplies, Supplies-\$1,675.94; Kevin Roth, Conference-\$34.00; KIKN-FM, Advertising-\$200.00; Kimball-Midwest, Supplies-\$299.00; KMIT/KOOL 98, Advertising-\$250.00; Kromer Company, Supplies-\$181.42; KXRB-AM, Talent Fees-\$200.00; Larry's I-90 Service, Supplies and Service-\$670.00; Lawson Products, Supplies-\$248.22; Leighton Family Farms, Supplies-\$598.80; Lewis Family Drug, Supplies-\$98.89; Locators and Supplies, Supplies-\$775.81; Logan Luxury Theatres, Supplies-\$41.00; M&T Fire and Safety, Supplies-\$759.20; Make It Mine Designs, Supplies-\$654.11; Mark Jenniges, Reimbursement-\$122.00; Mason Bruns, Reimbursement-\$200.00; McLeod's Printing, Supplies-\$1,234.30; Menard's, Supplies-\$525.35; Menning Excavating, 2021-7 P.E.#3-\$525,854.07; Microsoft, Online Services-\$910.00; Midcontinent Communication, Utilities-\$3,435.29; Midwest Fire & Safety, Maintenance-\$224.00; Midwest Oil, Supplies-\$1,552.91; Millennium Recycling, Single Stream Fee-\$3,227.70; Mitchell Concrete Product, Supplies-\$28.00; Mitchell Convention & Visitors Bureau-\$20,800.00; Mitchell High School, State AA Boys Golf Meet-\$3,000.00; Mitchell Iron & Supply, Supplies-\$26.30; Mitchell United Way, United Way Deductions-\$197.66; Mueller Lumber, Supplies-\$37.38; Muth Electric, Supplies-\$3,820.04; Napa Central, Supplies-\$52.76; North Central Seed, Supplies-\$475.00; Northwest Pipe Fittings, Supplies-\$1,145.04; Northwestern Energy & Communications, Utilities-\$21,128.40; Overdrive, Ebook-\$65.00; Palace City Pedalers, Tour De Corn-\$3,000.00; Parkston Area Youth Football, Parkston Area Youth Football-\$100.00; Pepsi Cola, Supplies-\$342.88; Peterbilt of Sioux Falls, Supplies-\$174.60; Premier Pest Control, Contract Services-\$425.00; Public Health Laboratory, Lab-\$195.00; Qualified Presort, Postage-\$514.42; Quick Med Claims, Contract-\$3,451.99; Radisson Hotel Bismarck, Rooms-\$297.00; Raise Em Rank, Bull Riding-\$22,854.81; Republic National Distribution, Supplies-\$453.90; Retail Resource, Shipping-\$31.33; Rockmount Research & Alloy, Supplies-\$402.17; Romeo Entertainment, Services Contract-\$500.00; Ron's Saw Sales, Supplies-\$50.81; Rosenbauer South Dakota, Supplies-\$364.79; Ruby Pattison, Supplies-\$62.54; Runnings, Supplies-\$1,744.41; Saga Communications of South Dakota, Advertising-\$3,902.00; Sawyer Gibson, Reimbursement-\$14.36; Schmucker Paul & Nohr, 2021-3 P.E.#11-\$24,121.90; Schoenfelder Construction, 2022-2 P.E.#1-\$127,094.03; Scholastic Inc Education, Supplies-\$290.40; South Dakota Public Assurance Alliance, Liability-\$104.22; South Dakota Retirement System, Retirement Contributions-\$54,765.76; South Dakota-Supplemental Retirement, Supplemental Retirement-\$3,569.80; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$1,158.50; Sherwin-Williams,

Supplies-\$168.43; Sign Pro, Supplies-\$17.20; Standard Insurance, Life Insurance-\$2,462.92; Staples, Supplies-\$548.17; Sturdevants Mitchell, Supplies-\$3,252.46; Subway, Meals-\$37.45; Sun Gold Sports, Supplies-\$30.00; Tanner Hines, Refund-\$112.75; Tessier's, Maintenance-\$787.88; Thune True Value Hardware, Supplies-\$120.99; TMA Stores, Repair-\$25.75; Transource, 2022-30 P.E.#1-Final-\$186,234.00; Trizetto Provider Solution, Supplies-\$81.80; Two Way Solutions, Supplies-\$2,719.68; Tyler Technologies, Annual Fee-\$456.50; United Laboratories, Supplies-\$569.78; UPA Store #4227, Postage-\$115.90; US Postal Service, Postage-\$129.28; Verizon Wireless, Utilities-\$360.09; Vern Eide Chevrolet Buick, Tow-\$171.00; Walmart, Supplies-\$167.93; West Plains Engineering, 2021-51 P.E.#5-\$1,900.00; Wheelco Brake & Supply, Supplies-\$503.27; Wholesale Electronics, Supplies-\$37.53; Yellowstone Valley Parts & Equipment, Supplies-\$1,700.00.

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

### **CITIZENS INPUT:**

Council Member McCardle commented on the new lights at the basketball courts at Hitchcock Park and stated the lights are being used.

Jim Kinyon representing Protecting South Dakota Kids spoke regarding the upcoming vote on recreational marijuana in South Dakota.

Geri Beck of the Mitchell Chamber stated the Governmental Affairs Committee will be hosting a forum on October 20<sup>th</sup> at 6:00 p.m.

### **HEARING:**

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 for October 28, 2022 for the Shrine Club Sportsman Classic. Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by McCardle, to approve said application. Motion carried.

### **CONSIDER APPROVAL:**

Moved by McCardle, seconded by Sabers, to authorize the request from Mitchell Baseball for matching funds in the amount of \$200,000.00 to be used for a press box and shade structure AT Cadwell Park. Motion carried.

Moved by Allen, seconded by Rice, to approve Amendment #1 to Agreement #A2021-11 with HDR for North Treatment Plant Improvements Project #2021-30 for construction services in the amount of \$636,470.00. Motion carried.

Moved by Tjarks, seconded by Rice, to approve Agreement #A2022-36, Bridge Improvement Grant Agreement for Canal Bridge with SD DOT, PCN 099C DOT989A-T and authorize the Mayor as official signatory on documents. The total estimated cost of the design is \$85,800.00, the city's 20% share is \$17,160.00. Motion carried.

Moved by McCardle, seconded by Tjarks, to approve Agreement #A2022-37, National Opioid Settlement Memorandum of Agreement. Motion carried.

Moved by Tjarks, seconded by Rice, to approve Agreement #A2022-38, South Dakota Attorney General Drug Enforcement Joint Powers Agreement. Motion carried.

Moved by Rice, seconded by Barington, to approve Agreement #A2022-39, Palace Transit Contract for Service. Motion carried.

### **RESOLUTIONS:**

Moved by Allen, seconded by McCardle, to approve Resolution #R2022-60, Plat of Lot 1, Block 7 of Westwood First Addition, less the portion of West 15<sup>th</sup> Avenue lying within, a Subdivision of the West ½ of Section 16, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, as follows:

#### **RESOLUTION #R2022-60**

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 26<sup>th</sup> day of September, 2022; and

WHEREAS, it appears from an examination of the plat of LOT 1, BLOCK 7 OF WESTWOOD FIRST ADDITION, LESS THE PORTIN OF WEST 15<sup>TH</sup> AVENUE LYING WTHIN, A SUBDIVISION OF THE WEST ½ OF SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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 1, BLOCK 7 OF WESTWOOD FIRST ADDITION, LESS THE PORTIN OF WEST 15<sup>TH</sup> AVENUE LYING WTHIN, A SUBDIVISION OF THE WEST ½ OF SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as 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.

Moved by Smith, seconded by Barington, to approve Resolution #R2022-64, Plat of Tracts A through D in Lot B in the Northwest ¼ of Section 11, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, as follows:

**RESOLUTION #R2022-64**

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 26<sup>th</sup> day of September, 2022; and

WHEREAS, it appears from an examination of the plat of TRACTS A THROUGH D IN LOT B IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Robert D. Kummer, 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 TRACTS A THROUGH D IN LOT B IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Robert D. Kummer, 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 McCardle, to place Ordinance #O2022-15, Revising Section 6-1-4(I)(3) of the Mitchell City Code Regarding the Keeping of Hogs within the City on first reading. Motion carried.

**EXECUTIVE SESSION:**

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

Mayor Everson declared the board out of executive session at 7:05 p.m. and the City Council to reconvene in regular session at 7:06 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 \_\_\_\_\_.