

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

November 15, 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

AGENDA:

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

- a. City Council Minutes
 1. City Council November 1, 2021.
- b. Committee Meeting Minutes
 1. Planning Commission October 25, 2021.
- c. Department Reports
 1. Sales Tax Collections (October),
 2. Finance (October),
 3. Building Permits (October),
 4. Police (October)
 5. Fire/EMS (October)
 6. Code Enforcement (October),
 7. Palace Transit (September/October),
 8. Airport (October), and
 9. Water (October).
- d. Automatic Supplement to General Fund-Election in the amount of \$3,914.91 from a reimbursement of funds.
- e. Authorization to purchase a door at the James Valley Community Center in the amount of \$3,928.00.
- f. Authorization to apply for ARPA Grant for the Mitchell Airport.
- g. Change Order #2 for East Central Drainage Basin Utility & Street Improvements-Phase II #2019-39, EDA #05-79-05965 increasing the contract amount by \$9,997.00 to First Rate Excavating, adjust contract amount to \$3,074,252.51.
- h. Change Order #1 for Concrete Bid Schedules B & C #2021-4 increasing the contract amount by \$3,870.15 to Rexwinkel Concrete, adjust contract amount to \$58,880.75.
- i. Change Order #1 for Recycled Asphalt Crushing Project #2021 decreasing the contract amount by \$9,435.00 to Dakota Constructors, adjust contract amount to \$127,065.00.

- j. Pay Estimates November 15, 2021
 - Pay Estimate #2 in the amount of \$60.96 for Sanborn Bridge #2018-22B contracted to South Dakota Department of Transportation,
 - Pay Estimate #22 in the amount of \$440.00 for Sanborn Phases II & III #2019-22 contracted to Brosz Engineering,
 - Pay Estimate #10 in the amount of \$1,901.25 for Dry Run Creek Analysis #2019-33 contracted to Infrastructure Design Group, Inc.,
 - Pay Estimate #11 in the amount of \$6,331.25 for Dry Run Creek Analysis #2019-33 contracted to Infrastructure Design Group, Inc.,
 - Pay Estimate #6 in the amount of \$241,467.73 for East Central Drainage Phase II #2019-39 contracted to First Rate Excavation, Inc.,
 - Pay Estimate #52 in the amount of \$847.50 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
 - Pay Estimate #53 in the amount of \$914.55 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
 - Pay Estimate #4 in the amount of \$14,548.90 for East Central Drainage Phase II #2019-39 contracted to Infrastructure Design Group, Inc.,
 - Pay Estimate #5 in the amount of \$64,708.20 for East Central Drainage Phase II #2019-39 contracted to Infrastructure Design Group, Inc.,
 - Pay Estimate #3 in the amount of \$13,953.00 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group, Inc.,
 - Pay Estimate #55 in the amount of \$867.00 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
 - Pay Estimate #56 in the amount of \$1,029.19 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
 - Pay Estimate #57 in the amount of \$510.00 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
 - Pay Estimate #7 in the amount of \$3,200.50 for 9th-Sanborn to Lawler and 5th-Sanborn to Main #2021-7 contracted to McLaury Engineering,
 - Pay Estimate #2 in the amount of \$60,730.00 for Recycled Asphalt Crushing #2021-9 contracted to Dakota Constructors,
 - Pay Estimate #3 in the amount of \$3,005.00 for Livesay Lane Utility Improvements #2021-25 contracted to Infrastructure Design Group, Inc.,
 - Pay Estimate #8 in the amount of \$85,791.00 for North Wastewater Treatment Plant Improvements #2021-31 contracted to HDR Engineering Inc.,
 - Pay Estimate #1 in the amount of \$2,100.56 for Corn Palace Renovation Planning #2021-44 contracted to Schemmer,
 - Pay Estimate #2 in the amount of \$2,000.00 for Street Department Fuel Storage Tanks #2021-51 contracted to West Plains Engineering, Inc.,
 - Pay Estimate #16 in the amount of \$3,719.62 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates, and
 - Pay Estimate #1 in the amount of \$893.25 for 2021 Bridge Inspections contracted to South Dakota Department of Transportation.

- 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 OCTOBER 17, 2021 – OCTOBER 30, 2021: City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,296.46, Attorney \$4,401.38, Finance \$12,518.36, Human Resources \$3,549.72, Municipal Building \$3,003.28, Information Technology \$2,721.28, Police \$70,534.87, Traffic \$3,735.92, Fire \$32,874.38, Street \$28,671.11, Public Works \$18,418.31, Cemetery \$4,499.79, Animal Control \$1,559.28, Library \$15,745.36, Recreation & Aquatics \$6,504.78, Recreation Center \$17,414.78, Sports Complexes \$8,697.82, Parks \$15,051.30, Supervision \$5,696.46, E911 \$18,427.34, MVP \$777.55, Palace Transit \$23,901.14, JVCC \$277.08, Nutrition \$3,542.20, Water Distribution \$14,019.35, Sewer \$13,469.43, Airport \$3,067.96, Recycling Program \$6,118.58, Waste Collection \$5,684.63, Landfill \$7,450.17, Corn Palace \$16,808.86, Golf Course \$4,347.68, Emergency Medical Services \$29,403.28.

NEW HIRES:

CORN PALACE: Sage Bohn-\$10.95

PALACE TRANSIT: Geoffrey Byrd-\$18.55, Earl Lehrman-\$18.55

SPORTS COMPLEXES: Kelsey Amick-\$10.95, Coy Olson-\$9.45, Jocelyn Prewett-\$10.95, Tanner Puetz-\$10.95, Kyana Thomas-\$9.45

WATER DISTRIBUTION: Ryland DeVries-\$18.784.

SALARY ADJUSTMENTS:

POLICE: William Lutjen-\$26.221, David Sarne-\$30.779

STREET: Dale Star-\$22.893

TERMINATIONS:

GOLF COURSE: Nate Hohn

STREET: Zac Svedberg

WARRANTS: A&B Business Solutions, Print Service-\$3,646.73; A-Ox Welding Supply, Supplies-\$39.05; Accounts Management, Garnishment-\$256.77; Advance Auto Parts, Supplies-\$17.40; Aetna, Refund-\$622.62; AFSCME Council 65, Union Dues-\$476.97; Amazon Capital Services, Supplies-\$1,021.63; American Garage Door, Repair-\$236.74; Andrew Shank, Training-\$501.32; Aqua-Pure, Supplies-\$1,562.50; Aramark Uniform Services, Supplies-\$262.77; ATV Holdings, LLC DbA Mitchell Telecom, Utilities-\$2,399.17; Automatic Building Control, Contract Services-\$967.00; Avera Medical Group, Contract Services-\$281.00; Avera Occupational Medicine, Contract Services-\$5,221.00; B-Y Water District, Utilities-\$60,961.26; Bailey Metal Fabricators, Supplies-\$946.19; Baker & Taylor, Books-\$163.41; Beacon Athletics,

Capital Improvements-\$1,745.00; Big Daddy D's, Contract Services-\$4,532.36; Blackstone Publishing, Audiobook-\$91.96; Boyer Trucks, Supplies-\$127.03; Brandon Manchester, Training-\$305.00; Bronco Blades, Supplies-\$2,359.20; Brosz Engineering, 2019-22 P.E. #22-\$440.00; Builders First Source, Supplies-\$859.29; C&B Operations, Repair-\$79.66; Carquest Auto Parts, Supplies-\$132.37; Cengage Learning Inc/Gale, Books-\$235.40; Center Point Large Print, Books-\$55.42; Central Electric, Utilities-\$12,100.60; Century Link, Utilities-\$58.16; City of Mitchell, Utilities-\$229.69; Climate Systems, Repair-\$4,404.04; Coborns, Contract Services-\$509.25; Coca Cola Bottling, Supplies-\$382.70; Commercial Asphalt/Spencer Quarries, Supplies-\$14,442.83; Conrad Repair, Repair-\$82.55; Core & Main, Supplies-\$42,106.80; Core-Mark Midcontinent, Supplies-\$2,405.89; Corn Palace, Supplies-\$12.00; County Fair, Contract Services-\$962.13; Creative Product Source, Supplies-\$196.90; Creekside Veterinary Clinic, Service Dog Tommy-\$183.76; Community Transportation Associates of America, Membership Dues-\$575.00; Dakota Constructors, 2021-9 P.E. #2-\$60,730.00; Dakota Fluid Power, Supplies-\$101.04; Dakota Supply Group, Repair-\$53.83; Dale Steffen, CDL Testing-\$180.00; Daniel Esh, Reimbursement-\$200.00; Darrington Water Conditioning, Rental-\$55.75; Davison County Treasurer, Rental-\$300.00; Davison Rural Water Systems, Utilities-\$72.70; Dearreader, Subscription-\$350.00; Deb Watley Books, Book-\$10.64; Department of Social Services, Child Support-\$600.87; Dice Benefits Consulting, October Fees-\$501.00; Dimock Dairy, Supplies-\$124.20; Doug L Driggs, 2020-24 P.E. #55-\$2,406.19; Dug Out, Contract Services-\$687.75; Earl Lehrmann, CDL License-\$35.00; Ebsco, Subscriptions-\$4,838.20; Envisionware, Subscription-\$2,240.00; Etix, Ticket Sales-\$2,107.10; Farmers Alliance, Supplies-\$1,252.40; First Rate Excavate, 2019-39 P.E. #6-\$241,467.73; Forum Communications, Advertising-\$611.25; Frontier Precision, Repairs-\$216.34; Gaylen's Homegrown Popcorn, Supplies-\$1,344.00; Graham Tire, Supplies-\$325.00; Guardian Alliance Technology, Professional Services-\$50.00; H&H Electric & Motor Repair, Repair-\$25.00; HDR Engineering, 2021-31 P.E. #8-\$85,791.00; Heartland Ag Systems, Supplies-\$96.00; Helms and Associates, AIP '28 P.E. #16-\$3,719.62; Henry Schein, Supplies-\$162.18; Holiday Inn Hotel & Convention Center, Lodging-\$1,747.81; ICAN, Advertising-\$1,460.00; Infrastructure Design Group, 2019-33 P.E. #10-\$104,447.60; Ingram Library Services, Books-\$303.04; Innovative Office Solution, Supplies-\$224.03; JCL Solutions, Supplies-\$280.14; JD Concrete Products, Supplies-\$122.00; Joe Dolezal, Reimbursement-\$60.50; Jones Supplies, Supplies-\$869.05; Kimball-Midwest, Supplies-\$450.00; Kyleena Dumas, Supplies-\$159.00; Lakeview Veterinary Clinic, Supplies-\$1,129.48; Larry's I-90 Service, Supplies and Service-\$1,018.09; Lawson Products, Supplies-\$465.78; M&T Fire and Safety, Repair and Supplies-\$965.80; Make It Mine Designs, Supplies-\$59.52; Mark Jenniges, South Dakota Planners Conference-\$173.50; McLaury Engineering, 2021-7 P.E. #7-\$3,200.50; McLeod's Printing, Supplies-\$2,663.36; Medical Waste Transport, Supplies-\$139.70; Menard's, Supplies-\$392.09; Meyers Oil, Equipment-\$452.20; Midway Service/Vollan Oil, Supplies-\$21,297.89; Midwest Alarm Company, Maintenance-\$208.80; Mitchell Animal Rescue, November Payment-\$350.00; Mitchell Area Chamber of Commerce, Travel-\$240.00; Mitchell Concrete Product, Supplies-\$20.00; Mitchell Convention & Visitors Bureau, 2021 Funding November-\$20,800.00; Mitchell Iron & Supply, Supplies-\$114.33; Mitchell Plumbing & Heating, Repairs-\$1,838.27; Mitchell School District, Utilities-\$1,982.19; Mitchell United Way, United Way-\$195.00; Mount Vernon School District, Contract Services-\$104.25; Mueller Lumber, Supplies-\$86.68; Muth Electric, Repair-\$92.43; N-Able Solutions, Backup & Recovery-\$464.31; Napa Auto Parts, Maintenance-\$776.11; Nordstrom's Automotive,

Supplies-\$75.00; Northwestern Energy & Communication, Utilities-\$58,005.86; Online Computer Library Center, Cataloging Subscription-\$361.72; One Source the Background, Background Checks-\$67.00; Overdrive, Audiobook-\$95.00; Overtime Steak House and Sports Bar, Contract Services-\$1,928.50; Parkeon, Supplies-\$60.00; Pepsi Cola, Supplies-\$579.18; Peterbilt of Sioux Falls, Supplies-\$2,901.14; Pheasants Forever Chapter, Pheasants Forever Banquet 2021-\$304.03; Premier Pest Control, Contract Services-\$200.00; Public Health Laboratory, Lab-\$120.00; Qualified Presort, Mailing Service-\$314.05; Rent-All, Rental-\$180.00; Runnings, Supplies-\$377.66; S & M Printing, Supplies-\$126.00; Saga Communications of South Dakota, Publishing-\$1,391.00; Sanitation Products, Supplies-\$2,487.22; Schemmer Associates, 2021-44 P.E. #1-\$2,100.56; Schmucker Paul & Nohr, 2019-39 P.E. #52-\$1,762.05; Scoreboard Pub & Grille, Supplies-\$125.00; Scott Supply, Supplies-\$65.00; South Dakota Department of Environment & Natural Resources, October Solid Waste-\$2663.38; South Dakota Department of Health, License-\$140.00; South Dakota Department of Transportation, 2018-22B P.E. #2-\$954.21; South Dakota Federal Property Agency, Supplies-\$200.00; South Dakota Newspaper Services, Advertising-\$210.32; South Dakota Retirement System, Retirement Contributions-\$50,881.05; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,478.50; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,249.80; Sherwin-Williams, Supplies-\$72.82; Spencer Quarries, Supplies-\$719.36; Standard Insurance Company, Life Insurance-\$423.83; Staples, Supplies-\$405.08; State Bar of South Dakota, Bar Dues-\$540.00; Sterling Codifiers/America, Recodify City Ordinances-\$1,177.00; Sturdevants Mitchell, Supplies-\$4,022.60; Subway, Meals-\$37.57; Sun Gold Sports, Supplies-\$284.00; Teamsters Local No. 120, Union Dues-\$1,464.00; Tessier's, Supplies-\$426.24; Thomson Reuters West, Subscription-\$827.49; Thune True Value Hardware, Supplies-\$181.44; TMA Stores, Repair-\$90.68; Tractor Supply Credit Plan, Supplies-\$37.96; Transource, Supplies-\$98.13; Two Way Solutions, Supplies-\$6,509.98; Tyler Technologies, Training-\$455.00; Van Diest Supply, Supplies-\$1,265.00; Verizon Wireless, Utilities-\$829.22; Vern Eide Chevrolet Buick, Supplies-\$3,618.60; Walmart/Capital One, Supplies-\$397.00; West Plains Engineering, 2021-51 P.E. #2-\$2,000.00; Wheelco Brake & Supply, Supplies-\$473.54; Wholesale Electronics, Supplies-\$146.64; Zimco Supply, Supplies-\$2,395.00; Wellmark of South Dakota, Administration, Prescription, Medical-\$129,794.79; Wage Works, Flex Expense-\$2,123.93.

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

CITIZENS INPUT:

Mayor Everson stated this would be Park and Recreation Director Nathan Powell's last regular City Council meeting and thanked him for his time with the City.

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 Helmut LLC for a conditional use permit for light manufacturing for a custom cabinet and woodworking shop located at 120 South Lawler, legally described as Lots 10 and 11, Block 20, Original Addition, City of Mitchell, Davison County, South Dakota. The property is zoned CB, Central Business District. Notice of hearing has been given and affidavit of publication is on file. The Planning Commission recommended approval of said application. Moved by Allen, seconded by Barington, to approve said application. Motion carried.

Moved by Rice, seconded by Tjarks, 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 Retail (On-off sale) Malt Beverage & SD Farm Wine License RB-20236 from Jeanne Blaaid dba Leader Sporting Goods, 800 West Spruce Street to Jeanne Blaaid dba Leader Sporting Goods, 712 West Spruce Street. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Smith, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-off sale) Wine and Cider License RW-20237 from Jeanne Blaaid dba Leader Sporting Goods, 800 West Spruce Street to Jeanne Blaaid dba Leader Sporting Goods, 712 West Spruce Street. Notice of hearing has been given and affidavit of publication is on file. Moved by Barington, seconded by Rice, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Rice, to table RL-5768 Xtreme Golf Inc. dba Lake House and RW-7571 Xtreme Golf Inc. dba Lake House due to an incomplete application. Motion carried. Moved by McCardle, seconded by Rice, to approve the remaining applications for renewal of liquor and wine licenses for 2022. Motion carried.

EXECUTIVE SESSION:

Moved by Barington, seconded by Rice, 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.

Mayor Everson declared the board out of executive session at 6:26 p.m. and the City Council to reconvene in regular session at 6:27 p.m.

HEARING:

It was advised that this is the date and time set for hearing on the application of Raftis Enterprises Mitchell LLC dba Superior Buds for a Medical Cannabis Dispensary License located

at 1005 East Spruce Street, Ste #105. Moved by Tjarks, seconded by Allen, to approve said application with the conditions the license is effective for calendar year 2022, the establishment goes through the building permit process, and passes a fire inspection. Motion carried.

Moved by Rice, seconded by Allen, to approve a request for street lights at Pine Avenue between Wisconsin Street and Miller Street and on Miller Street from Pine Avenue to the south. Motion carried.

Moved by Tjarks, seconded by Smith, to approve Amendment #1 to Agreement #A2020-48, Engineering for West Harmon Utility Improvements, Project #2021-16, with Brosz Engineering in an additional amount not to exceed \$28,285.00. Motion carried.

Moved by Tjarks, seconded by Rice, to approve Agreement #A2021-57, SD DOT Surface Transportation Grant Agreement. Motion carried.

RESOLUTIONS:

Moved by Rice, seconded by Sabers, to approve Resolution #R2021-77, a Resolution Setting City Fees and Charges, as follows:

**RESOLUTION #R2021-77
FEES AND CHARGES**

PREAMBLE: The City Council, having re-codified the Municipal Code, and having provided therein for the establishment of fees and costs charged by the City by resolution, now therefore be it

Resolved that the following fees and costs shall be adopted and that any fees and costs not changed by this resolution or any other fee resolutions passed since the date of re-codification and in effect as of November 15, 2021 shall remain in full force and effect.

General

Public Works

Water Service Tapping Permit Fees

1" Water Service Taps

4" X 1"	\$225.00
6" X 1"	\$240.00
8" X 1"	\$275.00
10" X 1"	\$305.00
12" X 1"	\$330.00
14" X 1"	\$570.00
16" X 1"	\$670.00

18" X 1"	\$770.00
20" X 1"	\$790.00

1.5" Water Service Taps

4" X 1.5"	\$330.00
6" X 1.5"	\$350.00
8" X 1.5"	\$370.00
10" X 1.5"	\$415.00
12" X 1.5"	\$450.00
14" X 1.5"	\$720.00
16" X 1.5"	\$750.00
18" X 1.5"	\$860.00
20" X 1.5"	\$880.00

2" Water Service Taps

4" X 2"	\$420.00
6" X 2"	\$450.00
8" X 2"	\$470.00
10" X 2"	\$510.00
12" X 2"	\$540.00
14" X 2"	\$810.00
16" X 2"	\$850.00
18" X 2"	\$950.00
20" X 2"	\$970.00

**Contractors Furnishes and Installs taps over 2" (No Charge)
Sewer Tap Permit is \$100.00**

Water Meter Fees

After hours shutoff fees \$100.00
Business hour shutoff fees \$50.00
Basic for existing water meters \$50.00

New connection fees:

3/4" iPerl \$350.00 (same price for 1")
3/4" Ally Smart Meter \$650.00 (same price for 1")
1 1/2" Omni \$760.00
2" Omni \$985.00
3" Omni \$1660.00
4" Omni \$3,340.00
6" Omni \$4,740.00
Hydrant Meter 2,000.00

All Fees will go into effect on January 1, 2022.

The complete list of fees is available in the City Finance Office NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MITCHELL:

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by McCardle, to approve Resolution #R2021-78, Plat of Lot 9, Block 1, Westwood First Addition, City of Mitchell, Davison County, South Dakota with the condition an elevation certificate is provided, as follows:

RESOLUTION NO. R2021-78

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 November, 2021; and

WHEREAS, it appears from an examination of the plat of LOT 9, BLOCK 1 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 9, BLOCK 1 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.

ORDINANCE:

Moved by Rice, seconded by Barington, to place Ordinance #O2021-15, 2022 Annual Appropriation Ordinance on second reading. Motion carried. Moved by Smith, seconded by McCardle, to adopt Ordinance #O2021-15, 2022 Annual Appropriation Ordinance.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

This ordinance will be published separately from these proceedings.

Moved by Rice, seconded by Allen, to place Ordinance #O2021-14, Amending Emergency Powers of the Mayor 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 _____.