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

January 17, 2023
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:

Council Member Tjarks arrived at 6:10 p.m.

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

a. City Council Minutes
   1. City Council January 5, 2023.
b. Committee Reports
   1. Planning Commission December 12, 2022 and
   2. Planning Commission January 9, 2023 (unsigned).
c. Department Reports
   1. Sales Tax Collections (December),
   2. Finance (December),
   3. Building Permits (December),
   4. Public Works Projects,
   5. Police (December),
   6. Fire/EMS (December),
   7. Code Enforcement (December),
   8. Water (December), and
   9. Airport (December).
d. MADC Quarterly Report.
e. Acknowledge Acceptance of Audit Report for 2021.
f. Request to apply for Homeland Security Grant to host NTOA Basic Negotiations Class.
g. Raffle Permits
   1. Pheasants Forever with the drawing to be held on October 22, 2023.
h. Change Order #1 for Rec Center Fitness Room Project #2022-50 increasing the contract amount by $74,725.20 to Mueller Lumber, adjust contract amount to $701,765.20.
i. Set date of February 1, 2023 at 1:30 p.m. for bid opening for Cadwell Park Crow's Nest and Shade Structure Project #2022-34.

j. Set Date of February 6, 2023 for hearing

1. On the application to transfer RL-5768 Retail (On Sale) Liquor License from X-treme Golf Inc. dba Lake House, 2700 North Main St to Puddle Jumper LLC, 309 West 13th Avenue (The license will be inactive.)

2. On the application to transfer RB-26966 Retail (On-Off Sale) Malt Beverage & SD Farm Wine License from Lucky Clovers LLC, 1100 E Havens Ave to Lucky Clovers LLC, 1416 North Main (The license will be inactive.)

3. On the application to transfer RB-26967 Retail (On-Off Sale) Malt Beverage & SD Farm Wine License from Lucky Clovers LLC, 1100 E Havens Ave to Lucky Clovers LLC, 1416 North Main, Mitchell (The license will be inactive).

k. Pay Estimates January 17, 2023

Pay Estimate #4 in the amount of $8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,

Pay Estimate #22 in the amount of $4,827.40 for Landfill Cell #4 #2021-08 contracted to Helms & Associates,

Pay Estimate #4 in the amount of $247,730.74 for Landfill Cell #4 #2021-08 contracted to A-G-E Corporation,

Pay Estimate #4 in the amount of $3,187.50 for Recycling Building #2021-30 contracted to Helms & Associates,

Pay Estimate #7 in the amount of $2,095.00 for 1st & Main/7th & Main Signals #2022-08 contracted to HR Green,

Pay Estimate #7 in the amount of $5,377.00 for New Landfill Monitoring #2022-29 contracted to GeoTek Engineering,

Pay Estimate #1 in the amount of $21,255.00 for Cadwell Park Crow's Nest and Shade Structure #2022-34 contracted to Ciavarella Design, and

Pay Estimate #2 in the amount of $2,695.00 for Jetty and Marina Bike Trail #2023-02 contracted to Brosz Engineering.

l. 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 DECEMBER 25, 2022 – JANUARY 7, 2023: City Council $3,615.68, Mayor $1,562.81, City Administrator $5,942.50, Administrative Boards $2,211.81, Attorney $4,938.27, Finance $13,319.43, Human Resources $3,975.10, Municipal Building $3,327.92, Information Technology $3,015.51, Police $89,230.11, Traffic $4,593.71, Fire $39,348.51, Street $39,192.14, Public Works $18,762.24, Cemetery $5,219.86, Library $17,273.75, Recreation & Aquatics $6,036.08, Recreation Center $13,437.73, Sports Complexes $11,759.57, Parks $12,895.94, Supervision $6,056.00, E911 $23,616.02, MVP $532.12, Palace Transit $27,015.92, JVCC $1,183.17, Nutrition $3,857.42 Water Distribution $15,368.12, Sewer $17,348.81, Airport $4,861.79, Recycling Program $7,381.86, Waste Collection $8,346.00, Landfill $12,124.75, Corn Palace $20,483.98, Golf Course $3,679.05, Emergency Medical Services $34,795.44

NEW HIRES:

RECREATION & AQUATICS: Gayle Klein-$14.80

RECREATION CENTER: Brian Daughters-$14.80, Patrick McGeough-$15.00

SALARY ADJUSTMENTS:

FIRE: Thomas Schaffner-$24.228

GOLF: Alex Dagen-$22.692

JVCC: Kimberly Burg-$16.30, Corinne Goldammer-$12.30

LIBRARY: Dennis Geidel-$24.239, Ada Morales-$23.925

NUTRITION: James Higgs-$12.80, Alfred Jacklin-$12.30, Darlys Kruse-$12.30, Marjorie Novak-$12.80, Elaine Schaefers-$12.80, Diane Schulz-$12.80

PALACE TRANSIT: Arthur DeGelder-$20.304, Paul Morris-$20.304

RECREATION CENTER: Adam Fosness-$20.310

TERMINATIONS:

FIRE: Miranda Wells

POLICE: Ryan Erickson

WARRANTS:

A-G-E Corporation, 2021-8 P.E. #4-$247,730.74; A-Ox Welding Supply, Supplies-$993.69; AFSCME Council 65, Union Dues-$529.20; AIA, Supplies-$364.10; Amazon Capital Services, Supplies-$1,778.22; Aqua-Pure, Supplies-$1,075.00; Aramark, Supplies-$138.73; AT&T Mobility, Utilities-$1,244.10; ATS Targets, Improvements-$4,955.29; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-$2,658.90; Avera Queen of Peace Hospital, Supplies-$567.30; B-Y Water District, December Usage-$50,848.20; Baker & Taylor, Books-$612.64; Becky Kleinsasser, Refund-$150.00; Big Daddy D's, Contract Services-$4,199.20; Blackstone Publishing, Audiobooks-$146.34; Brooks Oil, Supplies-$1,361.20; Brosz Engineering, 2023-3 P.E. #2-$2,695.00; Buhl's Drycleaners & Linen, Service-$140.00; Butler Machinery, Supplies-$6,768.54; C & B Operations, Supplies-$977.11; Carolina Software, Software Support-$500.00; Carquest Auto Parts, Supplies-$46.56; Century Link, Utilities-$57.36; Chad Cody, Reimbursement-$95.94; Chesterman, Supplies-$1,111.82; CHS Farmers Alliance, Supplies-$8,833.75; Ciavarella Design, 2022-34 P.E. #1-$21,255.00; City of Mitchell, Utilities-$111.86; City of Mitchell, Bid Tax-$6.00; Coborns, Contract Services-$420.00; Colliers Securities, Professional Services-$500.00; Connections, Quarterly Fee-$2,252.25; Core & Main, Supplies-$493.66; Core-Mark Midcontinent, Supplies-$2,182.96; Corn Palace, Supplies-$14.58; Corporate Translation Services, Translation Services-$88.00; County Fair, Contract Services-

$583.73; Creekside Veterinary Clinic, Service and Supplies-$2,273.55; Culligan Water, Supplies-$50.00; Dakota Heartland Development, 2023 1st Quarter Contribution-$6,250.00; Dakota Supply Group, Supplies-$237.60; Davison Rural Water System, Utilities-$74.35; Department of Agriculture, Solid Waste Surcharge-$2,222.99; Department of Social Services, Child Support-$602.30; Dice Benefits Consulting, December Consulting-$501.00; Dick's Towing, Vehicle Towing-$945.00; ELO Prof, Annual Audit-$3,260.00; Emme Sand & Gravel, Supplies-$3,146.75; Farm & Home Publishers, Supplies-$390.00; Fastenal, Supplies-$75.22; Flexible Pipe Tool, Supplies-$1,597.75; Forum Communications, Legal Publications-$622.78; G & R Controls, Repairs-$1,967.95; Galls, Supplies-$527.57; Geotek Engineering, 2022-29 P.E. #7-$5,377.00; Golden West Technologies, Alarm Monitoring-$312.50; Grainger, Supplies-$76.49; Guardian Alliance Technology, Background Checks-$50.00; Harve's Sport Shop, Supplies-$13.98; Helms and Associates, 2021-30 P.E. #4-$8,014.90; Henry Schein, Supplies-$280.58; Howes Oil, Supplies-$26,279.38; HR Green, 2022-8 P.E. #7-$2,095.00; IACP Membership, 2023 Membership Dues-$190.00; Ican, Advertising-$750.00; Ingram Library Services, Books-$171.53; Innovative Office Solution, Supplies-$57.50; Interstate Power Systems, Supplies-$1,366.49; Jason Tuttle, Reimbursement-$84.95; JCL Solutions, Supplies-$46.62; Jesse Schlimgen, Reimbursement-$3.54; Jones Supplies, Supplies-$1,354.24; Kalla Albertz, Reimbursement-$54.99; Kogel Archaeological Consulting, Professional Service-$6,800.00; Krohmer Plumbing, Repair-$180.65; Kyle Mclaughlin, Reimbursement-$79.99; Lakeview Veterinary Clinic, Management Fee-$900.00; Lamb Motor, 2022 Ford F-150 Pickup-$36,505.00; Larry's I-90 Service, Supplies-$7,323.00; Lawson Products, Supplies-$630.53; Liberty Tire Services, Waste Tire Program-$4,222.12; Luke Nagel, Reimbursement-$47.96; M & T Fire and Safety, Supplies-$4,884.31; Make it Mine Designs, Uniform-$57.00; Mark Zwinger, 2001 Buick Park Avenue-$650.00; McLeod's Printing, Supplies-$262.26; Menard's, Supplies-$453.20; Menning Excavating, Repair-$4,065.00; Michael Dufek, Reimbursement-$121.03; Midcontinent Communication, Advertising-$1,462.00; Midwest Alarm Fire & Security, Repair-$197.50; Midwest Oil, Supplies-$3,102.16; Mitchell Area Chamber of Commerce, Recognition Banquet-$40.00; Mitchell Area Development, 2023 1st Quarter Allocation-$41,750.00; Mitchell Convention & Visitors Bureau, Jan 2023 Funding-$20,800.00; Mitchell Iron & Supply, Supplies-$11.22; Mitchell Main Street and Beyond, 2023 1st Quarter Allocation-$8,750.00; Mitchell Prehistoric Indian Village, 2023 1st Quarter Allocation-$3,250.00; Mitchell School District, Utilities-$1,644.98; Mitchell United Way, United Way Deductions-$259.50; Mount Vernon School District, Contract Services-$78.75; Mueller Lumber, Supplies-$179.93; Muth Electric, Repair-$13,871.53; Napa Central, Supplies-$175.60; Northwest Pipe Fittings, Supplies-$312.96; Northwestern Energy, Utilities-$46,501.23; O'Reilly Automotive, Supplies-$66.30; One Source The Background, Background Check-$39.00; Overdrive, Supplies-$3,168.10; Overtime, Contract Services-$2,000.00; Pepsi Cola, Supplies-$452.98; Peterbilt of Sioux Falls, Supplies-$2,490.77; Planning & Development District, 2023 Membership Dues-$13,596.00; Postal Solutions, Mailing Service-$302.26; Premier Equipment, Supplies-$321.76; Public Health Laboratory, Lab Fees-$707.00; Qualified Presort, Postage-$331.93; Quality Cut Lawn and Tree Service, Snow Removal Contract-$8,666.66; Quick Med Claims, Contract-$8,261.93; Rosenbauer South Dakota, Maintenance-$4,036.65; Runnings Supply, Supplies-$1,083.98; Saga Communications of South Dakota, Advertising-$589.00; Schoenfelder Portables, Rentals-$300.00; Scott Supply, Shipping-$18.00; South Dakota City Management, Dues-$150.00; South Dakota Firefighters, 2023 Membership Dues-$625.00; South Dakota

Governmental Finance office, 2023 Dues-$70.00; South Dakota Governmental Human Resources, 2023 Dues-$25.00; South Dakota Municipal League, 2023 Dues-$30.00; South Dakota Newspaper Services, Advertising-$172.08; South Dakota Retirement System, Retirement Contributions-$59,981.70; South Dakota Supplemental Retirement, Supplemental Retirement-$3,574.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-$1,158.50; Sign Pro, Uniforms-$52.84; Standard Insurance, Life Insurance-$430.68; Staples, Supplies-$134.12; Storey Kenworthy/Matt Parr, W2 Envelopes-$151.37; Sturdevants Auto, Supplies-$2,625.42; Subway, Planning Commission Meals-$47.94; Sun Gold Sports, Supplies-$234.09; Teamsters Local No. 120, Union Dues-$1,671.00; Teleflex Funding, Supplies-$662.50; Tessier's, Maintenance-$3,987.72; The Dugout, Contract Services-$674.00; Thomson Reuters–West, Software Subscription-$777.48; Thune True Value & Appliance, Supplies-$81.91; TMA Stores, Supplies-$25.75; Tri M Tunes, Labor-$2,185.00; Tristian Johnson, Reimbursement-$139.99; Tyler Urban, Reimbursement-$150.00; Verizon Wireless, Utilities-$756.97; Vern Eide Chevrolet Buick, Parts-$3,277.84; Walmart/Capital One, Supplies-$106.30; Wheelco Brake & Supply, Supplies-$1,391.22; Wholesale Electronics, Supplies-$16.23; Williams Musical and Office Equipment, Cleaning-$60.00; Youth Athletic Foundation, Corn Palace Games-$16,550.63; Ellwein Brothers, Supplies-$1,452.00; AFLAC, Aflac Withholding-$5,287.91; AFLAC Group, Aflac Critical Care-$275.85; City of Mitchell, Golf Course Deductions-761.93; City of Mitchell, Recreation Deductions-$914.64; Delta Dental Plan of South Dakota, Dental Insurance-$8,034.09; Standard Insurance, Life Insurance-$1,240.71.

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

CITIZENS INPUT:

Geri Beck and Dave Lambert representing MADC, CVB, and Regional Development presented the 4th Quarterly Report for 2022.

Geri Beck introduced to City Council Gigi Tavarez as their new Workforce and Inclusivity Coordinator.

Mitchell Township resident, Sonja Vanerdewyk, spoke regarding COVID vaccinations.

Council Member McCardle thanked the city employees on a great job of removing the 22" of snow that fell in the City of Mitchell. They put in long hours and it was appreciated.

Council Member McCardle asked to have a discussion on the February 6, 2023 City Council meeting on better methods to remove snow from city streets.

Street Superintendent Kevin Roth spoke on the impact the snowstorm had on the equipment and that they were working on getting parts and repairs.

BOARD OF ADJUSTMENT:

Moved by Allen, seconded by Rice, 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 Floor to Ceiling for a variance for a minimum setback for an off-site sign from a public park of 250' vs 300' and minimum setback from right-of-way of 0' vs 10' located at 1301 West 15th Avenue, legally described as Lot 1, Block 1 of Westwood First Addition, a subdivision of the W ½ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Business District. The Planning Commission recommended approval of said application. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

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

RESOLUTIONS:

Moved by Allen, seconded by Rice, to approve Resolution #R2023-01, Plat of Lots 1-AA and 1-AB, a subdivision of Lot 1-A of Prairieview Subdivision, as follows:

RESOLUTION #R2023-01

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 9th day of January, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS 1-AA AND 1-AB, A SUBDIVISION OF LOT 1-A OF PRAIRIEVIEW SUBDIVISION, IN THE NE 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 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 1-AA AND 1-AB, A SUBDIVISION OF LOT 1-A OF PRAIRIEVIEW SUBDIVISION, IN THE NE 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 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 McCardle, seconded by Smith, to approve Resolution #R2023-02, Plat of Lot 1 of Herrick's Addition in the SE ¼ of Section 2, T 103 N, R 60 W of the5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2023-02

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 9th day of January, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 1 OF HERRICK'S ADDITION IN THE SE ¼ OF SECTION 2, T 103 N, R 60 W OF THE 5TH P.M., 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 LOT 1 OF HERRICK'S ADDITION IN THE SE ¼ OF SECTION 2, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as 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 Sabers, to approve Resolution #R2023-03, Annexation of the South 450' of Lot 2, except the South 375' thereof in Section 17, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, less the South 13' thereof previously annexed into the City of Mitchell, as follows:

RESOLUTION #R2023-03

ANNEXATION OF THE SOUTH FOUR HUNDRED FIFTY FEET (S. 450') OF LOT TWO (2), EXCEPT THE SOUTH THREE HUNDRED SEVENTY-FIVE FEET (S. 375') THEREOF, IN SECTION SEVENTEEN (17), TOWNSHIP ONE HUNDRED THREE (103) NORTH, RANGE SIXTY (60) WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, LESS THE SOUTH THIRTEEN FEET (S. 13') THEREOF PREVIOUSLY ANNEXED INTO THE CITY OF MITCHELL.

WHEREAS, Doug Aslesen has petitioned to annex the real property legally described as the South Four Hundred Fifty Feet (S. 450') of Lot Two (2), except the South Three Hundred Seventy-five Feet (S. 375') thereof, in Section Seventeen (17), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota, less the South Thirteen Feet (S. 13') thereof previously annexed into the City of Mitchell

WHEREAS: Doug Aslesen is the sole owner and petitioners of the real property described in this resolution and

WHEREAS: There are no registered voters residing on the real property and there are no persons residing on the said real property to be annexed; and

WHEREAS: the real property is contiguous to the corporate limits of the City of Mitchell, Davison County, South Dakota; and

WHEREAS: a visual depiction is hereto attached as an exhibit (Exhibit A).

NOW THEREFORE, be it resolved that in accordance with SDCL Chapter 9-4, the City Council of the City of Mitchell, Davison County South Dakota hereby annexes the above real property.

Motion carried and resolution declared duly adopted.

EXECUTIVE SESSION:

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

Mayor Everson declared the board out of executive session at 7:08 p.m. and the City Council to reconvene in regular session at 7:09 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 _____.