

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

**February 21, 2023
6:00 P.M.**

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

ABSENT: Kevin McCardle

PRESIDING: Mayor Bob Everson

AGENDA:

Moved by Tjarks, seconded by Barington, to approve the following items on the consent agenda:

- a. City Council Minutes
 - 1. City Council February 6, 2023.
- b. Committee Reports
 - 1. Planning Commission January 23, 2023,
 - 2. Planning Commission February 13, 2023 (unsigned), and
 - 3. Community Services February 23, 2023.
- c. Department Reports
 - 1. Sales Tax Collections (January),
 - 2. Building Permits (January),
 - 3. Police (January),
 - 4. Fire/EMS (January),
 - 5. Code Enforcement (January),
 - 6. Palace Transit (November/December),
 - 7. Water (January), and
 - 8. Airport (January).
- d. Raffle Permits
 - 1. Mitchell Figure Skating Club with the drawing to be held on March 12, 2023,
 - 2. Mitchell Main Street & Beyond with the drawing to be held on March 25, 2023,
 - 3. Kiwanis Club with the drawing to be held on April 1, 2023,
 - 4. Serviceman's Memorial Cemetery with the drawing to be held when Spillway flows over 2 inches,
 - 5. Serviceman's Memorial Cemetery with the drawing to be held when snow piles on South Foster melt,
 - 6. Serviceman's Memorial Cemetery with the drawing to be held each day of July,
 - 7. Davison County Democrats with the drawing to be held May 22, 2023, and
 - 8. Big Friend/Little Friend with the drawing to be held August 3, 2023.

- e. Authorization to apply for the Good and Healthy Community Grant,
- f. Authorization to apply for the Midco Foundation Grant,
- g. Authorization to participate in new National Opioid Settlements.
- h. Approval of volunteer board appointments
 - 1. Kevin Genzlinger to the Historic Preservation Commission for a term of 2023-June 30, 2026,
 - 2. Jim Buechler to the Historic Preservation Commission for a term of 2023-June 30, 2026,
 - 3. Jen Bradley to the Historic Preservation Commission for a term of 2023-June 30, 2026,
 - 4. Melissa Schwalm to the Historic Preservation Commission for a term of 2023-June 30, 2026, and
 - 5. Jay Larson to the Community Services Board for a term of 2023-June 30, 2025.
- i. 2023 Volunteer List,
- j. Set date of March 1, 2023 at 1:30 p.m. for bid opening for Street Shop Fuel Tank Replacement Project #2021-51.
- k. Approval of Gas and Fuel Quotations

<u>Howe's Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel-#2	1,000	1,000	\$3.345	\$ 3,345.00
On Road Diesel-#1	1,000	1,000	\$3.905	\$ 3,905.00
Off Road Diesel-#2	2,750	2,750	\$3.07	\$ 8,442.50
Off Road Diesel-#1	2,750	2,750	\$3.63	\$9,982.50
Total Bid:				\$25,675.00

- l. Pay Estimates February 21, 2023
 - Pay Estimate #5 in the amount of \$8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,
 - Pay Estimate #23 in the amount of \$2,882.50 for Landfill Cell #4 #2021-08 contracted to Helms & Associates,
 - Pay Estimate #6 in the amount of \$5,836.56 for Firesteel Creek NAWCA Grant #2021-14 contracted to Steve Donovan,
 - Pay Estimate #5 in the amount of \$7,827.50 for Recycling Building #2021-30 contracted to Helms & Associates,
 - Pay Estimate #23 in the amount of \$21,267.50 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,
 - Pay Estimate #8 in the amount of \$255,821.40 for North Wastewater Improvements #2021-31 contracted to PKG Contracting,
 - Pay Estimate #17 in the amount of \$110.00 for Recreation Center Fitness Room #2021-50 contracted to Schemmer,
 - Pay Estimate #2 in the amount of \$1,561.25 for WWTP-Phase II #2022-01 contracted to HDR Engineering,
 - Pay Estimate #6 in the amount of \$10,387.02 for Water/Wastewater Fee Analysis #2022-22 contracted to HDR Engineering,

Pay Estimate #2 in the amount of \$9,000.00 for Recreation Center Replastering Pools #2022-35 contracted to Schemmer,
Pay Estimate #1 in the amount of \$91,057.95 for Recreation Center Fitness Room #2022-50 contracted to Mueller Lumber, and
Pay Estimate #21 in the amount of \$6,323.37 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates.
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 JANUARY 22, 2023 – FEBRUARY 4, 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 \$13,542.76, Human Resources \$3,975.10, Municipal Building \$3,368.41, Information Technology \$3,015.52, Police \$71,644.56, Traffic \$5,453.79, Fire \$40,541.86, Street \$37,417.88, Public Works \$18,720.92, Cemetery \$5,057.05, Library \$17,853.05, Recreation & Aquatics \$6,170.07, Recreation Center \$16,910.77, Sports Complexes \$11,007.97, Parks \$13,399.52, Supervision \$6,081.70, E911 \$21,060.41, MVP \$532.13, Palace Transit \$29,341.38, JVCC \$1,405.59, Nutrition \$4,308.04 Water Distribution \$14,864.80, Sewer \$16,837.91, Airport \$3,824.47, Recycling Program \$6,859.80, Waste Collection \$7,688.99, Landfill \$11,592.65, Corn Palace \$20,058.45, Golf Course \$4,256.25, Emergency Medical Services \$35,234.96

NEW HIRES:

CORN PALACE: Parker Nath-\$10.80

FIRE: Kevin Glover-\$25.991

SALARY ADJUSTMENTS:

FIRE: Daniel Esh-\$20.873

E-911: Nicole Peterson-\$21.868

MUNICIPAL BUILDINGS: Kevin Dykes-\$23.263

TERMINATIONS:

FIRE/EMS: Matthew Geidel

WARRANTS: A-Ox Welding Supply, Supplies-\$623.84; AAA Collections, Refunds-\$8.64; Advance Auto Parts, Supplies-\$202.36; AFSCME Council 65, Union Dues-\$554.40; Airway Heights Police Department, Refund-\$250.00; Amazon Capital Services, Supplies-\$950.08; American Public Works, Membership Renewal-\$764.00; Aramark, Maintenance-\$280.44; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-\$2,749.56; Aurora County Auditor's Office, Reimbursement-\$161.92; Avera Occupational Medicine, Physicals-\$1,102.00; Avera Queen of Peace Hospital, Supplies-\$90.87; B-Y Water District, Utilities-\$52,078.20; Bailey Metal

Fabricators, Supplies-\$2,480.32; Baker Bros Electric, Repair-\$350.76; Becker Arena Products, Maintenance-\$2,625.00; Bender's Sewer Cleaning, Repairs-\$500.00; Big Daddy D's, Contract Services-\$3,955.60; Blue Valley Public Safety, Supplies-\$180.73; Buhl's Drycleaners & Linen, Professional Service-\$82.50; C&B Operations, Supplies-\$33,584.92; Cadwell Sanford Deibert & Garry LLP, Indoor Pool-\$768.00; Cengage Learning Inc/Gale, Books-\$33.60; Center Point Large Print, Books-\$94.08; Central Electric, Utilities-\$11,238.41; Century Link, Utilities-\$59.13; Chesterman, Supplies-\$1,249.54; CHS Farmers Alliance, Supplies-\$307.41; Cloudcover USA, Software Upgrades-\$6,100.00; CNH Industrial Retail, Supplies-\$173.51; Coborns, Contract Services-\$483.00; Continental Research, Supplies-\$574.70; Core & Main, Supplies-\$64,993.14; Core-Mark Midcontinent, Supplies-\$5,533.96; Corporate Translation Service, Translations-\$27.99; County Fair, Contract Services-\$852.08; Culligan Water Mitchell, Supplies-\$50.00; Custom Outfitters Plus, Supplies-\$81.00; Dakota Pump, 2023 Contract-\$10,947.00; Dakota Supply Group, Supplies-\$43.39; Darrington Water Conditioning, Rental-\$37.40; Davison Rural Water Systems, Utilities-\$66.90; Department of Agriculture, State Garbage Fees-\$2,186.04; Department of Motor Vehicle, Title & Registration-\$34.20; Department of Social Services, Child Support-\$921.22; Diesel Machinery, Repair-\$1,179.83; Doug's Custom Paint & Body, Repair-\$13.49; Dr. Matthew Schafer, License Fee-\$888.00; Dakota Wesleyan University Athletics, Sports Authority Promotion-\$2,000.00; Engineering Unlimited, Supplies-\$142.54; FBI-Leeda, Membership Dues-\$50.00; Forum Communications, Advertising-\$459.27; Gempler's, Supplies-\$2.99; Graham Tire, Maintenance-\$9.97; Grainger, Supplies-\$614.30; Great Plains Roofing, Repairs-\$112.25; Guardian Alliance Technolog, Professional Service-\$50.00; HDR Engineering, 2021-31 P.E. #23-\$33,215.77; Helms and Associates, 2021-30 P.E. #5-\$17,033.37; Henry Schein, Supplies-\$1,215.70; Honda of Mitchell, Supplies-\$52.02; Ican, Advertising-\$750.00; Ingram Library Services, Books-\$1,226.31; Innovative Office Solutions, Supplies-\$44.98; Intellipro Security, Maintenance-\$4,159.60; International Municipal Law, Membership Renewal-\$625.00; Interstate Glass & Door, Maintenance-\$129.54; Interstate Office Products, Supplies-\$47.98; Johnson Controls, Contract Services-\$4,537.22; Jones Supplies, Supplies-\$758.15; Krohmer Plumbing, Maintenance-\$130.10; Lakeview Veterinary Clinic, Management Fee-\$1,078.26; Larry's I-90 Service, Maintenance-\$3,170.04; Leighton Family Farms, Supplies-\$875.00; Lewis Family Drug, Supplies-\$25.96; Lori Schmidt, Corn Palace Games-\$75.00; M & T Fire and Safety, Supplies-\$1,616.28; MC&R Pools, Maintenance-\$6,222.97; McLeod's Printing, Supplies-\$639.94; Menard's, Supplies-\$366.32; Mettler Implement, Supplies-\$50.41; Michael E Unke Trust, Attorney Fees-\$3,000.00; Midcontinent Communication, Advertising-\$2,288.00; Midwest Alarm Fire & Security, Alarm Monitoring-\$93.20; Midwest Turf & Irrigation, Repair-\$2,772.48; Mike Carpentier dba Carpentier Snow Removal, Testing-\$230.00; Mitchell Convention & Visitors Bureau, February 2023 Funding-\$20,800.00; Mitchell Iron & Supply, Supplies-\$2.28; Mitchell Power Equipment, Supplies-\$3.95; Mitchell Republic, Renewal-\$250.80; Mitchell School District, Utilities-\$1,916.71; Mitchell United Way, United Way Deductions-\$249.50; Motorola Solutions, Supplies-\$1,570.68; Mount Vernon School District, Contract Services-\$128.25; Mueller Lumber, 2022-50 P.E. #1-\$91,274.06; Muth Electric, Maintenance-\$2,516.71; N-Able Solutions, Software-\$2,774.54; Napa Central, Supplies-\$420.86; Nepstads Flower Shop, Plant-\$108.00; Northwestern Energy, Utilities-\$47,710.06; O'Connor & Son Trucking, Maintenance-\$23,187.50; One Source the Background, Background Checks-\$145.00; Overtime, Contract Services-\$2,470.00; Papa Murphy's Pizza, Pizzas-\$1,427.13; Pat Dockendorf, Corn Palace

Games-\$75.00; Paulson Sheet Metal, Repair-\$637.10; Pepsi Cola, Supplies-\$479.91; Pkg Contracting, 2021-31 P.E. #8-\$255,821.40; Public Health Laboratory, Labs-\$240.00; Qualified Presort, Postage-\$299.39; Quality Cut Lawn & Tree Service, 2019-53R2 P.E. #5-2022-\$8,666.66; Quick Med Claims, Contract-\$4,145.44; Ramkota Hotel-Pierre, Travel-\$509.00; Rink-Tec International, Maintenance-\$375.00; Rosenbauer Motors, Maintenance-\$301.06; Rosenbauer South Dakota, Supplies-\$588.22; Runnings Supply, Supplies-\$1,306.73; S&M Printing, Supplies-\$158.50; Saga Communications of South Dakota, Advertising-\$514.00; Sanford Health, Reimburse-\$750.00; Sanford USD Medical Center, Training-\$750.00; Santel Communications, Utilities-\$106.16; Schemmer, 2021-50 P.E. #17-\$9,110.00; Schoenfelder Portables, Rental-\$400.00; South Dakota Redbook Fund, Online Videos-\$30.00; South Dakota Retirement System, Retirement Contributions-\$58,507.30; South Dakota State Treasurer, Dec 2022 Return Tax Interest-\$159.52; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,494.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,158.50; Secretary of State, Notary-\$30.00; Sherwin-Williams, Supplies-\$90.72; South Dakota 811, 2023 Message Fees-\$33.60; Stan Houston Equipment, Supplies-\$195.80; Standard Insurance, Life Insurance-\$428.09; Staples, Supplies-\$98.92; Stephanie Ellwein, Travel-\$217.08; Steve Donovan, 2021-14 P.E. #6-\$5,836.56; Stryker Sales, Supplies-\$312.66; Sturdevants Auto Value, Supplies-\$1,175.05; Subway, Meals-\$47.94; Sun Gold Sports, Supplies-\$664.72; Teamsters Local No. 120, Union Dues-\$1,671.00; Tessier's, Supplies-\$112.77; The Dugout, Contract Services-\$552.00; Thomas L Price, Screening-\$350.00; Thomas Schuman, Reimbursement-\$89.98; Thomson Reuters West, Subscription-\$777.48; Thune True Value & Appliances, Supplies-\$142.91; Top Grade Concrete, Snow Removal-\$575.00; Tractor Supply Credit Plan, Duplicate Payment-\$61.99; Trizetto Provider Solution, Professional Service-\$81.80; Upper Midwest Garage Door, Supplies-\$673.47; Verizon Wireless, Utilities-\$755.43; Vern Eide Chevrolet Buick, Repair-\$195.71; Vern Eide Ford Lincoln, Maintenance-\$400.91; Walmart/Capital One, Supplies-\$172.76; Wholesale Electronics, Supplies-\$29.92; Ellwein Brothers, Supplies-\$792.00; Wellmark, Administration, Prescription, Medical-\$129,018.84; Wageworks, Benefits-\$13,481.05.

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

CITIZENS INPUT:

Council Member Tjarks read a letter from Pam Hanna of Lifequest expressing gratitude to the snow removal employees during the January snow event.

HEARINGS:

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 the following dates:

1. April 22, 2023 for a wedding,
2. June 3, 2023 for a wedding,

3. June 9, 2023 for a wedding,
4. June 17, 2023 for a wedding,
5. August 4, 2023 for a Lakeview Golf event,
6. September 23, 2023 for a wedding,
7. October 7, 2023 for a wedding,
8. October 27, 2023 for the Sportsman Classic, and
9. December 31, 2023 for a New Year's Eve bash.

Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Rice, to approve said applications. Motion carried.

AWARD BIDS:

Bids were opened and read on 3rd & Main Streetscape, Project #2022-26 on the 8th day of February, 2023. Moved by Tjarks, seconded by Barington, to award Schedule A in the amount of \$783,111.15 to Schoenfelder Construction. Roll call vote-Members present voting aye: Tjarks. Members present voting nay: Allen, Barington, Doescher, Rice, Sabers, Smith, Motion failed.

Moved by Tjarks, seconded by Barington, to award as follows:

3rd & MAIN STREETSCAPE PROJECT #2022-26

Schoenfelder Construction, 3131 W Havens, Mitchell, SD 57301

Bid Schedule B	\$663,573.90
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Roll call vote-Members present voting aye: Allen, Barington, Doescher, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried.

Bids were opened and read on Cadwell Park Crow's Nest & Shade Structure, Project #2022-34 on the 1st day of February, 2023. Moved by Rice, seconded by Smith, to award, contingent upon funding, as follows:

CADWELL CROW'S NEST & SHADE STRUCTURE PROJECT #2022-34

Rexwinkel Concrete, PO Box 43, Corsica, SD 57328

Total Bid	\$560,000.00
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Project will begin after August 2023 with a completion date by July 2024. Motion carried.

CONSIDER APPROVAL:

Moved by Allen, seconded by Rice, to approve Amendment #1 to Agreement #A2021-18, Ground Storage Tank Construction Services Project #2020-20 with Infrastructure Design Group in the amount of \$730,959.34. Motion carried.

Moved by Rice, seconded by Allen, to approve Agreement #A2023-05, Testing and Inspecting Services related to the Ground Storage Tank Project #2020-20 with GeoTek Engineering in an amount not to exceed \$42,950.00. Motion carried.

Moved by Barington, seconded by Tjarks, to approve Agreement #A2023-06, 3rd & Main Streetscape Construction Services Project #2022-26 with McLaury Engineering in an amount not to exceed \$79,000.00. Motion carried.

RESOLUTIONS:

Moved by Rice, seconded by Sabers, to approve Resolution #R2023-09, Historic Preservation Findings in Relation to the Property at 622 N Duff St, as follows:

RESOLUTION #R2023-09

A RESOLUTION REGARDING SDCL SECTION 1-19A-11.1 FINDINGS IN RELATION TO THE PROPERTY AT 622 N DUFF ST

WHEREAS, the Mitchell Area Housing Incorporated (MAHI) is the owner of certain real property at 622 N Duff St which is legally described as:

**Lot 12, Block 12, Rowleys 2nd Addition, City of Mitchell,
Davison County, South Dakota.**

WHEREAS the above described property is listed on the National Register of Historic Places.

WHEREAS MAHI sought a demolition and building permit for their property on October 31, 2022.

WHEREAS state law puts certain processes in place which must be followed prior to any governmental action that may damage, destroy, or encroach upon any historic property.

WHEREAS, in consideration of such laws, the City of Mitchell did provide notice of the status of the property, reports of its condition, and eventually the MAHI demolition and building plan to the State Historic Preservation Office (SHPO) received on February 6, 2023 at which point SHPO issued its determination that the proposed demolition plan would “encroach upon damage, or destroy a historic property which is included in the National and State Registers of Historic

Places. However, it appears that there are no feasible and prudent alternative to the proposal and that the proposal includes all possible planning to minimize harm to the historic resource.”

WHEREAS SDCL 11.1 requires in this case that the City make a written determination that “based upon the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property, resulting from such use.”

WHEREAS such a hearing by the City Council was scheduled, noticed, and held on February 21, 2023 during regular session and that at such hearing interested parties were afforded an opportunity to comment on the matter and the City Council did consider and discuss relevant facts relating to such demolition plan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City Council does hereby make the following findings of fact and conclusions:

1. The above described property is listed on the National Register of Historic Places.
2. The City of Mitchell, did submit a notice, abbreviated case report, and supplemental materials as required by state law and as requested by the State Historic Preservation Office.
3. The City Council, in its capacity as the governing body designated to make a final determination of project acceptability under SDCL 1-19A-11.1, must determine that, “based on the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property.”
4. The City Council has taken into consideration all relevant factors including all testimony provided at the above described hearing, all documentation provided at or for use in such hearing, and specifically, the following materials:

622 N Duff St-State Case Report-1-3-2023
City of Mitchell Historic Preservation Commission Unsigned Minutes 1-26-2023
11.1 Case_ReportForm-622 N Duff St-Signed
622 N Duff St-GIS
622 N Duff St-Photos
622 N Duff St-Neighbor Photos
622 N Duff St-Proposed View
622 N Duff St-Renovation Estimate
622 N Duff St-State Case Report-2-10-2023

5. That in recognition of these findings and conclusions, the State Office of History shall be provided with notice of this determination by certified mail, to include a complete record

6. That after ten days from sending such notice, compliance with SDCL 1-19A-11.1 shall no longer serve as an impediment to carrying out the proposed demolition plan.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Allen, seconded by Rice, to place Ordinance #O2023-01, Rezoning Lots 3 and 4, Square 8, Weavers Squares Addition from R3 Medium Density Residential District to HB Highway Business District. Motion carried.

CONSIDER APPROVAL:

Moved by Rice, seconded by Sabers, to approve proceeding with Randall Water System as a secondary source of water for the City of Mitchell. Motion carried.

DISCUSSION:

Discussion took place on the resolution to set utility rates for 2023-2024 and implementing a new utility rate structure as reviewed at the January 30, 2023 City Council Work Session.

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 _____.