

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

September 5, 2023

6:00 P.M.

PRESENT: Marty Barington, Mike Bathke, John Doescher, Tim Goldammer,
Kevin McCardle, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT:

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 - 1. City Council August 21, 2023 and
 - 2. Work Session August 28, 2023.
- b. Committee Reports
 - 1. Planning Commission August 14, 2023 and
 - 2. Planning Commission August 28, 2023 (unsigned).
- c. Automatic Supplements
 - 1. Park-Parks in the amount of \$2,694.69 from a donation of funds.
- d. Raffle Permits
 - 1. American Legion Post 18 with the drawing to be held on December 4, 2023,
 - 2. LB Williams PTO with the drawing to be held on November 4, 2023, and
 - 3. Trinity Lutheran Church with the drawing to be held during November 2023.
- e. Acceptance of \$25,000.00 grant from SD Department of Health.
- f. Authorization to apply for the Edward Byrne Memorial Justice Assistance Grant.
- g. Special Event Permit for Raise Em Rank Bull Riding Series Finals on September 8-9, 2023.
- h. Change Order #3 for 5th & 9th Street Construction Project #2021-07 decreasing the contract amount by \$8,035.00 to Menning Excavating, adjust contract amount to \$2,669,638.94.
- i. Change Order #3 for Recreation Center Fitness Room Project #2022-50 decreasing the contract amount by \$718.08 to Mueller Lumber, adjust contract amount to \$708,420.90.
- j. Set date for hearing on special assessment roll for September 18, 2023.
- k. Set date for hearing on September 18, 2023 for tax levies to be certified to county auditor.
- l. Pay Estimates September 5, 2023
 - Pay Estimate #22 in the amount of \$87,797.56 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
 - Pay Estimate #3 in the amount of \$657,980.42 for Above Ground Storage Tank #2020-20

contracted to Rice Lake West,
 Pay Estimate #7 in the amount of \$89,169.18 for Dailey Drive Lift Station #2020-12
 contracted to H&W Contracting,
 Pay Estimate #7-Final in the amount of \$86,658.34 for 5th & 9th Reconstruction #2021-07
 contracted to Menning Excavating,
 Pay Estimate #16 in the amount of \$15,803.50 for Lake Mitchell-Phase II #2021-20 contracted
 to Barr Engineering,
 Pay Estimate #8 in the amount of \$4,303.00 for Livesay Lane Utility Improvements #2021-25
 contracted to Infrastructure Design Group,
 Pay Estimate #22 in the amount of \$943.75 for Highway #37 Utilities #2021-45 contracted to
 SPN & Associates,
 Pay Estimate #23 in the amount of \$7,582.50 for Highway #37 Utilities #2021-45 contracted to
 SPN & Associates,
 Pay Estimate #11 in the amount of \$2,110.00 for South Lake Estates Development #2022-23
 contracted to SPN & Associates,
 Pay Estimate #7 in the amount of \$361.67 for Canal Bridge #2022-36 contracted to SD
 Department of Transportation,
 Pay Estimate #2 in the amount of \$42,463.00 for Concrete Bid contracted to Top Grade
 Concrete,
 Pay Estimate #2 in the amount of \$2,260.86 for Rock Chips #2023-10 contracted to Spencer
 Quarries,
 Pay Estimate #6 in the amount of \$1,416.25 for Ohlman/South Harmon Lift Station #2023-16
 contracted to SPN & Associates,
 Pay Estimate #4 in the amount of \$2,140.00 for Cadwell Booster Station #2023-19 contracted
 to SPN & Associates,
 Pay Estimate #2 in the amount of \$40,440.15 for 2nd/4th & Main Street #2023-21 contracted to
 McLaury Engineering,
 Pay Estimate #4 in the amount of \$1,275.00 for Old Landfill Leachate Monitoring #2023-28
 contracted to GeoTek Engineering,
 Pay Estimate #4 in the amount of \$1,727.00 for New Landfill Monitoring #2023-39 contracted
 to GeoTek Engineering, and
 Pay Estimate #2 in the amount of \$23.27 for 2023 Bridge Inspections contracted to SD
 Department of Transportation.

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 AUGUST 6, 2023 – AUGUST 19, 2023: City Council \$3,615.68, Mayor
 \$1,562.81, City Administrator \$6,092.50, Administrative Boards \$2,211.81, Attorney \$4,938.27,
 Finance \$13,513.23, Human Resources \$3,975.11, Municipal Building \$3,369.60, Information
 Technology \$3,053.20, Police \$74,720.58, Traffic \$4,150.98, Fire \$36,912.84, Street \$31,377.62,
 Public Works \$24,228.86, Cemetery \$7,381.09, Library \$17,661.10, Recreation & Aquatics
 \$16,322.77, Recreation Center \$16,463.15, Sports Complexes \$17,916.74, Cadwell Concessions-
 \$402.11, Parks \$21,685.33, Supervision \$6,081.69, E911 \$23,565.69, MVP \$536.27, Palace
 Transit \$27,108.09, JVCC \$2,072.06, Nutrition \$4,437.51, Water Distribution \$16,202.93, Sewer

\$12,386.21, Airport \$2,868.48, Recycling Program \$7,296.54, Waste Collection \$6,758.83, Landfill \$9,928.66, Corn Palace \$23,048.49, Golf Course \$6,213.53, Campground \$2,276.40, Emergency Medical Services \$34,121.77

NEW HIRES:

CORN PALACE: Ambrus Brakke-\$11.30

POLICE: Wyatt Hunt-\$27.306

RECREATION CENTER: Carlie Bell-\$11.30, Isabella Eldeen-\$11.30, Katie Hohn-\$11.30, Lydia Schaefer-\$11.30

SALARY ADJUSTMENTS:

FIRE: Tristian Johnson-\$22.197

PARKS: Brady Andera-\$22.975

POLICE: Andrew Becker-\$31.295

WASTE WATER: Jonathan Rehfeldt-\$26.653

TERMINATIONS:

E911: Grace Waters

PARKS: Erin Dewald, Tyra Hill, Emalea Nelson, Michael Wantoch, Jeren Zens

RECREATION & AQUATICS: Macy Allhiser, Ciara Blake, Estella Bullis, Hope Flippin, Hannah Hetland, Nancy Leach, Avery Moschell, Lori Schmidt, Addisen Vander Wilt

SPORTS COMPLEXES: Brady Hawkins, Timothy McCain, Coy Olson, Landon Sudbeck

WARRANTS: A-Ox Welding Supply, Supplies-\$105.90; AAA Collections, Collections Fee-\$102.41; Accounts Management, Garnishment-\$373.60; Advance Auto Parts, Supplies-\$3.43; AFLAC, Aflac Withholding-\$10,164.12; AFLAC Group, Critical Care-\$460.78; AFSCME Council 65, Union Dues-\$604.80; Amazon Capital Services, Supplies-\$1,456.16; Aramark, Service-\$217.85; AT&T Mobility, Utilities-\$487.26; AT&T Mobility, Utilities-\$1,207.43; Automatic Building Control, Maintenance-\$240.00; Avera Occupational Medicine, Contract Services-\$1,247.00; Barr Engineering, 2021-20 P.E. #PH2-16-\$15,803.50; Becker Arena Products, Supplies-\$1,687.24; Big Daddy D's, Contract Services-\$6,813.60; Bittner Funeral Chapel, Refund Fee-\$2,343.00; Boyer Ford Trucks, Supplies-\$677.48; BSN Sports, Supplies-\$315.00; Butler Machinery, Supplies-\$348.76; CDW Government, Supplies-\$1,104.75; Celeste Beck, Reimbursement-\$168.23; Central Electric, Utilities-\$87.90; Century Link, Utilities-

\$13.54; CHR Solutions, Billing Services-\$3,662.78; CHS Farmers Alliance, Supplies-\$9,475.36; Cindy's K9 Treats, Supplies-\$288.00; City of Mitchell, Cash Change-\$5,000.00; City of Mitchell, Golf Course Deductions-\$1,289.86; City of Mitchell, Recreation Deductions-\$1,874.92; City of Sioux Falls, Water Tests-\$116.00; CK Bicycles & Locks, Supplies-\$112.00; Commercial Asphalt/Spencer Quarries, Hot Mix-\$1,459.27; Community Services, Reimbursement-\$88,200.00; Continental Research, Reimbursement-\$574.70; Core & Main, Supplies-\$15,483.43; Core-Mark Midcontinent, Supplies-\$9,653.14; Corn Palace, Supplies-\$14.75; Creekside Veterinary Clinic, Professional Service-\$935.40; Custom Outfitters Plus, Supplies-\$1,043.70; Dakota Supply Group, Supplies-\$1,271.44; Dakota Wesleyan University, Street expense-\$1,500.00; Davison County Treasurer, Conditional Use Permit-\$222.00; Dawn Niehoff, Reimbursement-\$14.99; Dean Knippling, Reimbursement-\$29.98; Delta Dental Plan of South Dakota, Dental Insurance-\$15,307.18; Department of Social Services, Child Support-\$921.22; Dice Benefits Consulting, Consulting Fees-\$510.00; Dimock Dairy, Supplies-\$369.00; Eric Hieb, Contract Services-\$7,926.16; Etix, Ticketing Fee-\$205.30; Fastenal, Supplies-\$301.62; First National Bank Omaha, Cash Back Redemption-\$16,595.02; Floor Tec, Testing-\$461.25; Forum Communications, Advertising-\$25.54; Geotek Engineering & Testing, 2023-28 P.E. #4-\$3,002.00; Graham Tire, Supplies-\$31.97; Guardian Alliance Technology, Software License-\$150.00; H&W Contracting, 2020-12 P.E. #7-\$89,169.18; Hawkins, Supplies-\$2,504.00; Henry Schein, Supplies-\$1,009.21; Howes Oil, Supplies-\$8,261.75; Infrastructure Design Group, 2020-20 P.E. #22-\$92,100.56; Ingram Library Services, Book-\$242.90; Innovative Office Solution, Supplies-\$233.09; Interstate Glass & Door, Repair-\$674.95; Interstate Office Products, Supplies-\$544.45; Jabr Trucking, Police Tow-\$145.00; JCL Solutions, Supplies-\$50.42; Johnson Controls, Supplies-\$6,314.82; Jones Supplies, Supplies-\$1,187.95; Lakeview Golf Course, Supplies-\$5,712.00; Larry's I-90 Service, Maintenance-\$296.27; Leighton Family Farms, Supplies-\$397.00; Library Furniture International, Supplies-\$380.00; M&T Fire and Safety, Supplies-\$441.76; Make It Mine Designs, Supplies-\$77.00; McLaury Engineering, 2023-21 P.E. #2-\$40,440.15; McLeod's Printing, Supplies-\$2,502.50; Mebius Nursery & Landscaping, Sidewalk-\$780.00; Menard's, Supplies-\$779.65; Menning Excavating, 2021-7 P.E. #7-Final-\$86,658.34; Microsoft Corporation, Supplies-\$910.00; Midwest Fire & Safety, Repairs-\$530.50; Midwest Oil, Supplies-\$2,041.72; Midwest Turf & Irrigation, Supplies-\$71.82; Mitchell Animal Rescue, Management Fee-\$350.00; Mitchell United Way, United Way Deductions-\$224.50; Mueller Lumber, Supplies-\$19.12; Muth Electric, Supplies-\$12,445.02; National Pen, Supplies-\$234.40; Northwestern Energy, Utilities-\$38,177.60; O'Connor, Maintenance-\$841.33; Outsound Productions, Entertainment-\$2,364.09; Overdrive, Supplies-\$1,155.30; Paulson Sheet Metal, Repair-\$295.92; Pepsi Cola, Supplies-\$266.77; Premier Pest Control, Maintenance-\$400.00; Public Health Laboratory, Testing-\$315.00; Qualified Presort, Postage-\$487.94; Quick Med Claims, Contract-\$3,363.22; Raise Em Rank, Sports Authority Promotion-\$5,000.00; Rice Lake West, 2020-20 P.E. #3-\$657,980.42; Robert B Everson Jr, Reimbursement-\$78.03; Roger Bartscher, Re-Tree-\$100.00; Roy King, Entertainment-\$300.00; Runnings Supply, Supplies-\$1,005.57; S&M Printing, Supplies-\$110.00; Schmucker, Paul, Nohr, 2021-45 P.E. #22-\$14,192.50; Scott Supply, Supplies-\$136.06; South Dakota Department of Transportation, 2008 Chevrolet-\$1,424.94; South Dakota Municipal League, Conference-\$1,100.00; South Dakota Public Assurance Alliance, 2023 Freightliner-\$1,769.81; South Dakota Retirement System, South Dakota Retirement Contributions-\$57,185.56; South Dakota Supplemental Retirement, Supplemental Retirement-

\$2,874.50; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,246.00; South Dakota Library, Conference-\$390.00; Secretary of State, Notary Fee-\$30.00; Sherwin-Williams, Supplies-\$81.85; Sign Pro, Supplies-\$1,141.53; Spencer Quarries, 2023-10 P.E. #2-\$2,260.86; Standard Insurance, Life Insurance-\$2,461.56; Staples, Supplies-\$318.84; Sturdevants Auto Value, Supplies-\$2,041.37; Subway, Meals-\$39.95; Summit Safety, Supplies-\$179.67; Sun Gold Sports, Supplies-\$1,070.72; Tessier's, Maintenance-\$14,302.85; Thune True Value & Appliance, Supplies-\$286.11; TMA Stores, Repair-\$424.46; Top Grade Concrete, 2023-4 P.E. #2-\$42,463.00; Traffic Control, Supplies-\$2,084.00; Transource, Supplies-\$927.92; True North Steel, Supplies-\$1,878.40; Two Way Solutions, Repair-\$453.00; Tyler Technologies, Training-\$390.00; Upper Midwest Garage Door, Repair-\$954.08; Verizon Wireless, Utilities-\$360.09; Walmart/Capital One, Supplies-\$73.86; Wheelco Brake & Supply, Supplies-\$290.65; Wholesale Electronics, Supplies-\$15.96; Zimco Supply, Supplies-\$190.00; Wageworks-\$7846.51; Wellmark, Administration, Prescriptions, Medical-\$109,873.92; US Bank, Bond Payments-\$128,351.49.

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

CITIZENS INPUT:

Mayor Everson read a proclamation recognizing the week of September 5th as Welcoming Week in Mitchell.

Corn Palace Director Doug Greenway updated the City Council and public on events happening at the Corn Palace.

Geri Beck of MADC stated they recently hired for the position of Housing and Workforce Development.

Mitchell resident Aaron Cooper played an automated recording to City Council regarding medical cannabis.

BOARD OF ADJUSTMENT:

Moved by Goldammer, seconded by Sabers, 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 Alysha Gray for a conditional use permit to operate a family residential daycare located at 212 West 14th Avenue, legally described as Lots 9 and 10, Block 14, Capital Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential. The Planning Commission recommended approval of said application. Moved by McCardle, seconded by Goldammer, to approve said application. Motion carried.

Moved by Smith, seconded by Tjarks. to set date for September 18, 2023 on the application of Jason Greenway for a front yard variance of 25' vs 35' for the northwest corner of the garage due to radius corner intersection and to line up with neighbors' houses located at 5740 Island Court , legally described as Lot 47, Island First Addition, a subdivision of the SE ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. Motion carried.

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

RESOLUTIONS:

Moved by Tjarks, seconded by Sabers, to approve Resolution #R2023-64, Plat of Lots 2A and 2B, Block 6 of Woodland Heights First Addition, as follows:

RESOLUTION #R2023-64

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 28th day of August, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS 2A AND 2B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3 AND TRACT 1, BLOCK 1, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, 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 LOTS 2A AND 2B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3 AND TRACT 1, BLOCK 1, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W THE 5TH 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.

Bathke abstained. Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Sabers, to approve Resolution #R2023-65, Plat of Lot 1, Block 2, Lakeridge Addition, as follows:

RESOLUTION #R2023-65

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 28th day of August, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 1, BLOCK 2 OF LAKERIDGE ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 1 IN THE NW ¼ OF SECTION 10, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, 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, BLOCK 2 OF LAKERIDGE ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 1 IN THE NW ¼ OF SECTION 10, 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.

Bathke abstained. Motion carried and resolution declared duly adopted.

HEARING:

It was advised that this is the date and time set for hearing on the application of El Rancherito Family Mexican Restaurant, 108 North Main Street for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License. Notice of hearing has been given and affidavit of publication is on file. This license does not include video lottery. Moved by Sabers, seconded by Goldammer, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of El Rancherito Family Mexican Restaurant, 108 North Main Street for a new Retail (on-off sale) Wine and Cider License. Notice of hearing has been given and affidavit of publication is on file. This license does not include video lottery. Moved by Goldammer, seconded by Sabers, to approve said application. Motion carried.

AWARD BID:

Bids were opened and read on Airport Farm Land Project #2024-05 on the 23rd day of August, 2023. Moved by McCardle, seconded by Bathke, to award, as follows:

AIRPORT FARM LAND PROJECT #2024-05

Chad Blindauer, 24699 407th Avenue, Mitchell, SD 57301

Annual Rent/Year	\$171,418.76
3 Year Total	\$514,256.28

Motion carried.

Bids were opened and read on Airport Pasture Land Project #2024-06 on the 23rd day of August, 2023. Moved by Sabers, seconded by Barington, to award, as follows:

**AIRPORT PASTURE LAND
PROJECT #2024-06**

Brad Bartscher, 300 South 2nd Street, Emery, SD 57332

Annual Rent/Year	\$1,700.00
3 Year Total	\$5,100.00

Motion carried.

CONSIDER APPROVAL:

Moved by Smith, seconded by Barington, to approve the quote from Sourcewell for the purchase of garbage and compost containers in the amount of \$39,262.00. Motion carried.

Moved by Tjarks, seconded by McCardle, to approve Agreement #A2023-37, State Financial Assistance Agreement -SDDOT Pavement Maintenance Financial Agreement for AIP Project #3-46-4600-29-2023. Motion carried.

Moved by Barington, seconded by Tjarks, to postpone Agreement #A2023-38, EVCS Host Agreement with Northwestern Energy until a new location is identified. Motion carried.

Moved by Tjarks, seconded by Barington, to postpone Agreement #A2023-39, EVCS Easement with Northwestern Energy until a new location is identified. Motion carried.

Moved by Barington, seconded by Sabers, to approve the purchase of an unmanned aerial vehicle (drone) through DJI in the amount of \$8,184.00. Motion carried.

RESOLUTIONS:

Moved by Tjarks, seconded by Goldammer, to approve Resolution #R2023-57, Levying Business Improvement District #3 Special Assessments, as follows:

RESOLUTION NO. R2023-57

A RESOLUTION IMPLEMENTING AN OCCUPATIONAL TAX FOR
BUSINESS IMPROVEMENT DISTRICT #3

WHEREAS a public hearing was held on September 5, 2023 by the City Council for the City of Mitchell, South Dakota regarding levying of special assessment for properties included in Business Improvement District #3 (BID #3); and

WHEREAS the City Council following said hearing has determined that the special assessments are proper and reflect the special benefit to each property proposed to be assessed; and

WHEREAS the assessment roll has been reviewed and found to be acceptable;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Mitchell, SD that:

1. That as required by Ordinance #O2018-05, a BID #3 assessment "year" is hereby established to begin on July 1st and continue until June 30th of the following year.
2. The special assessments for BID #3 as outlined in the attached assessment roll are hereby levied against the properties listed in the assessment roll.
3. These assessments shall be due and payable in two installments, the first half due on or before December 31, 2023 and the remainder due on or before June 30, 2024. The assessments shall be collected under Ordinance #O2018-05 and Plan Two as provided by SDCL 9-43-102.
4. Such assessments shall be subject to the provisions of Ordinance #O2018-05.

Motion carried and resolution declared duly adopted. The assessment roll shall be open for public inspection at the Finance Office in City Hall.

EXECUTIVE SESSION:

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

Mayor Everson declared the board out of executive session at 7:15 p.m. and the City Council to reconvene in regular session at 7:16 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 _____.