

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

**September 18, 2023
6:00 P.M.**

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

ABSENT: Susan Tjarks

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 - 1. City Council September 5, 2023 and
 - 2. Work Session September 11, 2023.
- b. Committee Reports
 - 1. Planning Commission August 28, 2023 and
 - 2. Planning Commission September 11, 2023 (unsigned).
- c. Department Reports
 - 1. Sales Tax Collections (August),
 - 2. Finance (August),
 - 3. Building Permits (August),
 - 4. Police (August),
 - 5. Fire/EMS (August),
 - 6. Code Enforcement (July/August),
 - 7. Palace Transit (August),
 - 8. Water (August), and
 - 9. Airport (August).
- d. Raffle Permits
 - 1. Mitchell Marlins with the drawings to be held November 1, 2023-March 1, 2024,
 - 2. Dakota Riptide with the drawings to be held November 1, 2023-January 20, 2024 and
 - 3. Mitchell Area Networking Association with the drawing to be held January 9, 2024.
- e. Authorization to apply for the Walmart Community Grant.
- f. Special Event Permit for Palace City Kiwanis Half Marathon & Relay on Sunday, October 1, 2023.
- g. Pay Estimates September 18, 2023
 - Pay Estimate #3 in the amount of \$5,394.50 for Above Ground Storage Tank #2020-20

contracted to GeoTek Engineering,
Pay Estimate #4 in the amount of \$1,821,990.45 for Above Ground Storage Tank #2020-20
contracted to Rice Lake West,
Pay Estimate #17 in the amount of \$11,118.35 for Lake Mitchell-Phase II #2021-20 contracted
to Barr Engineering,
Pay Estimate #15 in the amount of \$1,404,697.00 for North Wastewater Improvements
#2021-31 contracted to PKG Contracting,
Pay Estimate #30 in the amount of \$34,275.50 for North Wastewater Improvements #2021-31
contracted to HDR Engineering,
Pay Estimate #8 in the amount of \$24,408.75 for Wastewater Treatment Plant-Phase II
#2022-01 contracted to HDR Engineering, and
Pay Estimate #8 in the amount of \$7,922.50 for Jetty & Marina Bike Trail #2023-03
contracted to Brosz Engineering.

- h. 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 20, 2023 – SEPTEMBER 2, 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 \$13,489.98, Human Resources \$3,975.09, Municipal Building \$3,622.32, Information Technology \$3,053.20, Police \$76,305.33, Traffic \$4,359.48, Fire \$39,235.75, Street \$32,483.70, Public Works \$23,928.51, Cemetery \$6,567.21, Library \$17,718.78, Recreation & Aquatics \$7,045.95, Recreation Center \$17,178.76, Sports Complexes \$10,556.24, Cadwell Concessions-\$247.75, Parks \$19,314.32, Supervision \$6,081.70, E911 \$22,462.82, MVP \$536.27, Palace Transit \$28,990.86, JVCC \$1,697.31, Nutrition \$4,330.06, Water Distribution \$14,631.37, Sewer \$12,060.35, Airport \$2,868.48, Recycling Program \$7,351.05, Waste Collection \$6,205.50, Landfill \$10,077.00, Corn Palace \$25,543.53, Golf Course \$6,211.24, Campground \$2,276.40, Emergency Medical Services \$35,911.15

NEW HIRES:

RECREATION & AQUATICS: Justin Ebert-\$25.00, Tory Holland-\$25.00, Timothy Moon-\$20.00, Caleb Sayler-\$15.00, Steven Schoenfelder-\$25.00, Hunter Shanks-\$15.00, Colton Smith-\$15.00

RECREATION CENTER: Ayda Gullede-\$11.30, Bailey Hansen-\$12.80, Allison Lauritzen-\$11.80, Lisa Schultz-\$20.00

SPORTS COMPLEXES: Lena McCoy-\$12.80, Jaden Warner-\$12.80

SALARY ADJUSTMENTS:

CORN PALACE: Morgan Buenzow-\$12.30, Breanne Reindl-\$12.30

FINANCE: Erika Miller-\$22.692

FIRE: Shannon Sandoval-\$35.402

LIBRARY: Rachel Soulek-\$25.048

POLICE: Justin Stoltenburg-\$28.698

STREET: Steven Anderson-\$35.856

WASTE COLLECTION: Walter Davis-\$22.142

TERMINATIONS:

CORN PALACE: Gavin Hinker, Gavin Soukup

EMS: Dakota Gamber

WARRANTS: A&B Business Solutions, Supplies-\$4,247.23; A-Ox Welding Supply, Supplies-\$447.06; AFSCME Council 65, Union Dues-\$604.80; Amazon Capital Services, Supplies-\$780.47; Aqua-Pure, Supplies-\$3,262.50; Aramark, Service-\$179.23; Arctic Refrigeration, Maintenance-\$79.50; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,809.22; Automatic Building Control, Monitoring-\$240.00; Avera Occupational Medicine, Physicals-\$1,561.00; B-Y Water District, Utilities-\$127,324.12; Baker & Taylor, Books-\$1,585.70; Barr Engineering, 2021-20 P.E. #PH2-17-\$11,118.35; Belson Outdoors, Supplies-\$2,444.69; Bender's Sewer Cleaning, Supplies-\$227.00; Big Daddy D's, Contract Services-\$3,848.80; Blackstone Publishing, Audiobooks-\$353.50; Boyer Ford Trucks, Supplies-\$2,358.35; Brett Lowrie, Contract Services-\$10,000.00; Brosz Engineering, 2023-3 P.E. #8-\$7,922.50; C&D Pedal Pulls, Entertainment-\$1,650.00; CDW Government, Supplies-\$151.27; Central Electric, Utilities-\$12,044.40; Century Link, Utilities-\$58.94; Chesterman, Supplies-\$1,232.85; CHS Farmers Alliance, Maintenance-\$5,462.06; City of Mitchell, Utilities-\$52,290.30; City of Mitchell, Utilities-\$300.00; City of Mitchell, Utilities-\$646.50; Ck Bicycles & Locks, Supplies-\$9.00; Claims Associates, Liability-\$1,577.43; CNA Surety Direct Bill, Notary Bond-\$50.00; Coborns, Contract Services-\$500.50; Comfort Inn & Suites, Room-\$382.20; Commercial Asphalt/Spencer Quarries, Supplies-\$2,619.24; Core & Main, Supplies-\$8,473.98; Core-Mark Midcontinent, Supplies-\$3,863.34; Corn Palace, Supplies-\$29.50; County Fair, Contract Services-\$1,544.94; Craig Youngstrom, Entertainment-\$175.00; Culligan Water Mitchell, Rental-\$52.00; D&J Fun Bus, Transportation-\$300.00; Dakota Pump, Supplies-\$19,438.33; Dakota Supply Group, Maintenance-\$3,100.00; Daktronics, Capital Improvements-\$4,465.00; Darrington Water Conditioning, Rental-\$87.60; Davison Rural Water System, State Garbage Fees-\$40.90; Department of Agriculture, Solid Waste-\$3,323.55; Department of Social Services, Child Support-\$864.46; Dick's Body Shop, Maintenance-\$95.00; Dimock Dairy, Supplies-\$333.00; Environmental Equipment & Services, Supplies-\$6,271.25; Envisionware, Renewal-\$1,593.10; Forum Communications, Advertising-\$1,505.34; Galls, Supplies-\$647.70; Gaylen's Gourmet Popcorn, Supplies-\$1,616.40; Geotek Engineering & Testing, 2020-20 P.E. #3-\$5,394.50; Gridline Field Tile Installation, Ditching-\$969.39; H&H Electric & Motor Repair, Maintenance-\$149.74; Hampton Inn, Lodging-\$3,087.50; HDR Engineering, 2021-31 P.E. #30-\$58,684.25;

Heartland Ag Systems, Supplies-\$5.40; Heartland Association of Fairs, Membership-\$175.00; Honda of Mitchell, Supplies-\$18.75; Howes Oil, Supplies-\$26,600.33; ICAN, Advertising-\$750.00; Ingram Library Services, Books-\$1,053.61; International Code Council, Membership-\$145.00; Interstate Office Products, Supplies-\$358.74; James Valley Landscape, Parts-\$1,244.40; JD Concrete Products, Supplies-\$298.00; Jerry Carey Travel, Project Improvements-\$4,250.00; Jesse Schlingen, Reimbursement-\$33.99; Johnson Bros of South Dakota, Supplies-\$331.32; Johnson Controls, Contract Service-\$4,673.39; Jones Supplies, Supplies-\$2,004.54; Kimball-Midwest, Supplies-\$188.75; Krohmer Plumbing, Repair-\$1,086.17; Lakeview Veterinary Clinic, Management-\$900.00; Larry's I-90 Service, Maintenance-\$3,373.29; Loren Vanoverschelde, Riparian Payment #2-\$6,185.00; M&T Fire and Safety, Supplies-\$8,328.00; Make It Mine Designs, Supplies-\$525.75; Menard's, Supplies-\$799.42; Menning Excavating, Supplies-\$1,882.64; Midcontinent Communication, Utilities-\$127.86; Midcontinent Communication, Advertising-\$2,977.10; Midwest Fire & Safety, Maintenance-\$1,231.00; Midwest Laboratories, Testing-\$1,605.30; Midwest Oil, Supplies-\$627.19; Miscellaneous Vendor, Assmus, Timothy Refund-\$176.53; Mitchell Convention & Visitors Bureau, September 2023 Funding-\$20,800.00; Mitchell Iron & Supply, Supplies-\$28.05; Mitchell Music Boosters, Contract Services-\$3,036.60; Mitchell Technical College, Labor/Ushers-\$2,000.00; Mitchell United Way, United Way Deductions-\$224.50; Mr. Golf Car, Supplies-\$293.26; Mount Vernon School District, Contract Services-\$99.00; Muth Electric, Supplies-\$109.18; N-Able Technologies, Software-\$554.83; Napa Central, Supplies-\$659.17; Nedved Media, Advertising-\$3,730.66; North Central Seed, Supplies-\$495.00; Northwestern Energy, Utilities-\$38,597.37; One Source The Background, Background Checks-\$467.00; Overdrive, Audiobook-\$341.74; Overtime, Contract Services-\$2,607.75; Palace Transit, Contracted Rides-\$10,500.00; Parkeon, Professional Service-\$65.00; Paulson Sheet Metal, Repair-\$741.49; Pioneer Manufacturing, Supplies-\$3,074.40; PKG Contracting, 2021-31 P.E. #15-\$1,404,697.00; Platinum Entertainment, Entertainment-\$300.00; Porter Distributing, Supplies-\$734.65; Postal Solutions, Postage Service-\$2,609.41; Premier Equipment, Equipment-\$27,800.00; Premier Pest Control, Pest Control-\$200.00; Pro-Vision Solutions, Supplies-\$3,969.38; Public Health Laboratory, Testing-\$180.00; Qualified Presort, Postage-\$364.46; Raise Em Rank, Corn Palace Games-\$18,404.60; Rice Lake West, 2020-20 P.E. #4-\$1,821,990.45; Rinker Materials, Maintenance-\$9,530.65; Runnings Supply, Supplies-\$656.66; S&M Printing, Supplies-\$53.00; Saga Communications of South Dakota, Advertising-\$2,794.00; Sanford Health, Supplies-\$3,610.00; Schmucker, Paul, Nohr, Professional Service-\$4,318.07; Schoenfelder Portables, Rental-\$4,745.00; Scholastic Library Publish, Books-\$550.72; Scott Supply, Supplies-\$118.56; South Dakota Building Officials, Registration-\$85.00; South Dakota Retirement System, Retirement Contributions-\$57,802.30; South Dakota Solid Waste Management, Membership-\$550.00; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,874.50; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,271.00; Sherwin-Williams, Supplies-\$2,462.52; Sonnel Technologies, Supplies-\$6,147.00; Standard Insurance, Life Insurance-\$434.02; Staples, Supplies-\$228.69; Storm Farms, Supplies-\$150.00; Strider Education Foundation, Supplies-\$945.00; Sturdevants Auto Value, Supplies-\$1,363.55; Subway, Meals-\$39.95; Summit Safety, Supplies-\$51.18; Sun Gold Sports, Service-\$10.00; Teamsters Local No. 120, Union Dues-\$1,593.00; The Dugout, Contract Services-\$1,983.00; Thomas L Price, Screening-\$350.00; Thomson Reuters – West, Subscription-\$800.80; Thune True Value & Appliance, Supplies-\$349.92; TMA Stores, Repair-\$178.76; Traditions Prepared Meals, Contract

Services-\$3,220.97; Transfor, Supplies-\$1,273.60; Transource, Supplies-\$113.71; Tri M Tunes, Supplies-\$3,234.20; Tyler Technologies, Supplies-\$130.00; UPS Store #4227, Postage-\$39.46; USA Bluebook, Supplies-\$299.01; Van Diest Supply, Roundup-\$4,125.00; Verizon Wireless, Utilities-\$755.09; Vern Eide Chevrolet GMC, Towing-\$125.00; Vern Eide Ford, Supplies-\$60.34; Walmart/Capital One, Supplies-\$37.94; Watertown Wholesale, Supplies-\$141.78; Wheelco Brake & Supply, Supplies-\$337.68; Wholesale Electronics, Supplies-\$123.97; Ellwein Brothers, Supplies-\$3698.90; US Bank, Expense Posting-\$253,393.06; Wellmark, Administration, Prescriptions, Medical-\$281,669.90; South Dakota Department of Revenue, Sales Tax Payment-\$24,172.78.

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

CITIZENS INPUT:

Mayor Everson recognized Thomas Gullede, a Recreation Coordinator with the City of Mitchell. Gullede is a 2005 graduate of DWU and was inducted into the DWU Hall of Fame this past weekend.

Mitchell resident Stewart Hanson addressed concerns with the intended Lake Mitchell improvements.

Davison County residents Jeff and Stacie Harris addressed concerns with the potential gun range location.

BOARD OF ADJUSTMENT:

Moved by Barington, 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 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. The property is zoned UD Urban Development. The Planning Commission recommended approval of said application. Moved by Smith, seconded by Goldammer, to postpone said application. Motion carried.

Moved by Smith, seconded by Goldammer, to set date for October 2, 2023 on the application of Dalton Warren and Mandy Stevens for a side yard variance of 0' vs 3' and a side corner yard setback of 9'4" vs 20' to construct a 38' x 30' garage located at 321 East 9th Avenue, legally described as Lot 1, Block 16, DA Scott's 1st Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by McCardle, seconded by Barington, to set date for October 2, 2023 on the application of Lincoln Neugebauer on behalf of Candice George for a rear yard variance of 19' vs 25' and a side corner yard variance of 8' vs 15' to build an attached garage located at 1203 North Sanborn Boulevard, legally described as Lot 12, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Sabers, seconded by Barington, to set date for October 2, 2023 on the application of Jeffery and Mary Lanning for a conditional use permit to operate a home occupation-yoga studio located at 76 South Harmon Drive, legally described as Lot 5, Block 4, Indianhead 2nd Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

CONSIDER APPROVAL:

Moved by McCardle, seconded by Sabers, to approve the application of Bates Enterprises dba Big Dummy's Bar for a Special Event Liquor License located at the HSI Rodeo Grounds for September 30, 2023 for the Jim Cross Ranch Rodeo. Motion carried,

Moved by Sabers, seconded by Smith, to approve Agreement #A2023-40, Utility Cost & Annexation Agreement with Nikolaus & Hilary Rockwell. Motion carried.

RESOLUTIONS:

Moved by Goldammer, seconded by McCardle, to approve Resolution #R2023-66, Tax Levies to be Certified to County Auditor, as follows:

Resolution #R2023-66

A Resolution Certifying the Tax Levy for the 2024 Annual Appropriation Budget

WHEREAS, SDCL 9-21-34 & 9-21-34.1 were enacted in 2021 for the purpose of providing municipalities with certain flexibilities within budget proceedings;

WHEREAS, the City of Mitchell adopted Ordinance #O2021-10 implementing changes to the City of Mitchell Annual Appropriation Proceedings;

WHEREAS, Ordinance #O2021-10 requires that the City hold a hearing regarding tax levies for the upcoming fiscal year, and direct the finance officer to certify the tax levies to the Davison County Auditor as required by law;

THEREFORE BE IT RESOLVED, that the Finance Officer is directed to certify the following dollar amount of tax levies for the year January 1, 2024 through December 31, 2024.

Amount to be certified to the County Auditor: \$6,447,880

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Barington, to approve Resolution #R2023-68, Plat of Lots B and C of Johnson's subdivision in the NE ¼ of Section 11, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2023-68

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 11th day of September, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE ¼ OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., 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 LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE ¼ OF SECTION 11, T 102 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.

HEARING:

It was advised that this is the date and time set for hearing on the proposed resolution for Collection of Special Assessments for 2022 Nuisance Abatements and Miscellaneous Concrete Projects. Engineering Project Supervisor Terry Johnson reviewed the assessment roll. No property owners were present for discussion.

RESOLUTION:

Moved by McCardle, seconded by Sabers, to approve Resolution #R2023-67, Collection of Special Assessment Roll for 2022 Miscellaneous Concrete Projects and Nuisance Abatements, as follows:

**RESOLUTION # R2023-67 PROVIDING FOR COLLECTION
OF SPECIAL ASSESSMENT ROLLS FOR
2022 MISC. CONCRETE PROJECTS AND 2022 NUISANCE ABATEMENTS**

2022 Misc. Concrete Projects and 2022 Nuisance Abatements

WHEREAS, Special Assessment Roll for the 2022 Misc. Concrete Projects and 2022 Nuisance Abatements have been submitted by the Engineer I of Public Works to the City Council of the City of Mitchell for their approval.

WHEREAS, SDCL-9-43-102; requires the governing body of a municipality provide by resolution or ordinance whether said aforementioned special assessments and installments thereof shall be payable under Plan One, collection by the County Treasurer, or Plan Two, collection by the Municipal Finance Officer, and the number of annual installments into which said assessments shall be divided; and

WHEREAS, SDCL-9-43-103; requires the rate of interest that deferred installments shall bear be specified on that assessment roll.

The Special Assessments to be levied for payment of costs of 2022 Misc. Concrete Projects, if the total assessment is over one hundred dollars (\$100.00) shall be divided into five (5) annual installments each equal to one-fifth of the total amount assessed to each lot of tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-102. The interest to be charged shall be 8%.

The Special Assessments to be levied for payment of costs of 2022 Nuisance Abatement Projects shall be one (1) installment, equal to the total amount assessed to each lot or tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-102. The interest to be charged shall be 8%.

The description of all lots and parcels of land to be assessed together along with the amount properly chargeable are shown on said Special Assessment Roll.

The Property Owner will have 30 days after the collection hearing, starting September 18th, 2023, until October 18th, 2023, to pay their assessment in full to avoid paying any interest. Payments can be made in the finance office in City Hall at 612 North Main Street.

The assessment roll shall be open for public inspection at the Finance Office in City Hall.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Goldammer, seconded by Smith, to place Ordinance #O2023-08, Rezoning Lot 23 of Starlite Estates from UD Urban Development District to HB Highway Business District 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 _____.