

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

**October 21, 2024
6:00 P.M.**

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

ABSENT:

PRESIDING: Mayor Jordan Hanson

Council Member Goldammer is present by phone.

AGENDA:

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

- a. City Council Minutes
 - 1. City Council October 7, 2024
- b. Committee Reports
 - 1. Planning Commission September 23, 2024
 - 2. Planning Commission October 15, 2024 (unsigned)
- c. Department Reports
 - 1. Sales Tax Collections (September)
 - 2. Finance (September)
 - 3. Building Permits (September)
 - 4. Police (September)
 - 5. Fire (September)
 - 6. Code Enforcement (September)
 - 7. Palace Transit (August)
 - 8. Water (September)
- d. MADC Quarterly Report
- e. Automatic Supplement to Parks-Recreation Center in the amount of \$3,078.55 from a donation of funds
- f. Raffle Permits
 - 1. DWU Men's and Women's Basketball with the drawing to be held between November 1, 2024 and March 15, 2025 at every home game
 - 2. Mitchell/Alexandria Pink Ladies with the drawing to be held on January 11, 2025
 - 3. Dakota Riptide with the drawing to be held December 2024 and every month in 2025
- g. SD DOT Section 5339 Capital Assistance Grant
- h. Volunteer Board Appointments

1. Appoint Jerry Thomsen, Hampton Inn, to the Business Improvement District (BID) 4 Board to run from January 2025-December 31, 2027
2. Reappoint Tim Smith, Business Representative, to the Business Improvement District (BID) 4 Board for a term to run from January 2025-December 31, 2027
- i. Change Order #4 for Pump Station & Ground Storage Reservoir #2020-20 increasing the contract amount by \$9,624.00 to Rice Lake West adjust contract amount to \$11,688,819.02
- j. Change Order #1 for Mattie Street Extension Project #2024-24 decreasing the contract amount by \$8,441.68 to Siteworks Inc adjust contract amount to \$136,288.64
- k. Approval of Gas and Fuel Quotations

Howes Oil Company	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel #2	3,300	3,300	\$2.8335	\$9,350.55
Off Road Diesel #2	4,200	4,200	\$2.5585	\$10,745.70
Total Bid:				\$20,096.25

l. Pay Estimates October 21, 2024

Pay Estimate #17 in the amount of \$1,383,477.57 for Above Ground Storage Tank #2020-20 contracted to Rice Lake West

Pay Estimate #2 in the amount of \$108,503.59 for West Side Water Tower #2021-03 contracted to H&W Contracting

Pay Estimate #31 in the amount of \$10,646.90 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering

Pay Estimate #21 in the amount of \$44,458.22 for Waste Water Treatment Plant-Phase II #2022-01 contracted to HDR Engineering

Pay Estimate #11 in the amount of \$25,764.95 for 3rd & Main Streetscape #2022-26 contracted to McLaury Engineering

Pay Estimate #1 in the amount of \$670,300.00 for Lakeview Golf Course Improvements #2023-02 contracted to Duininck

Pay Estimate #16 in the amount of \$46,702.50 for Lake Mitchell Jetty & Marina #2023-03 contracted to Brosz Engineering

Pay Estimate #10 in the amount of \$2,733.75 for 2nd/4th & Main Street #2023-21 contracted to McLaury Engineering

Pay Estimate #2 in the amount of \$7,177.36 for Mattie Street Utility Improvements #2024-24 contracted to Siteworks

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 SEPTEMBER 29, 2024 – OCTOBER 12, 2024: City Council \$3,626.48, Mayor \$1,567.54, City Administrator \$6,519.23, Administrative Boards \$2,325.00, Attorney \$5,332.08, Finance \$14,592.96, Human Resources \$4,392.72, Municipal Building \$1,946.40, Information Technology \$3,286.77, Police \$78,950.18, Traffic \$5,163.98, Fire \$40,575.27, Street \$30,466.89, Public Works \$25,399.96, Cemetery \$6,187.30, Animal Control \$3,855.76, Library \$18,705.98,

Recreation & Aquatics \$7,336.40, Recreation Center \$16,460.00, Sports Complexes \$10,209.47, Parks \$17,620.31, Supervision \$6,441.16, Corn Palace \$26,125.70, E911 \$24,914.94, Palace Transit \$31,359.72, JVCC \$2,162.36, Nutrition \$4,610.91, Airport \$5,335.70, Water Distribution \$15,004.10, Sewer \$15,753.38, Recycling Program \$7,095.44, Waste Collection \$7,165.12, Landfill \$10,362.19, Golf Course \$5,843.96, Campground \$701.40, Emergency Medical Services \$36,162.81

NEW HIRES:

LIBRARY: Max Velasquez-\$27.387

POLICE: David Briesemeister-\$21.394, Tylor Cassingham-\$28.773

RECREATION CENTER: Jill Munger-\$15.00

SPORTS COMPLEXES: Noah Schnee-\$13.20

SALARY ADJUSTMENTS:

E-911: Heather Merry-\$23.853, Megan White-\$23.386

FINANCE: Marilyn Jansen-\$27.400

POLICE: Daniel Fechner-\$40.675

RECREATION CENTER: Todd Cavanaugh-\$32.729

WASTE WATER: Thomas Holleman-\$29.355

TERMINATIONS:

E911: Brittani Dyce

WARRANTS: A&B Business Solutions, Supplies-\$4,675.64; A-Ox Welding Supply, Supplies-\$245.94; AAA Collections, Refunds-\$455.19; Abigail Squier, Travel-\$143.68; AFLAC, Aflac Withholding-\$11,146.74; AFSCME Council 65, Union Dues-\$508.25; Amazon Capital Services, Supplies-\$1,561.53; ATR Lighting Enterprises, Supplies-\$746.10; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$263.01; Avera Occupational Medicine, Supplies-\$781.00; Avera Queen of Peace Nutrition, Supplies-\$312.00; B-Y Water District, Utilities-\$112,054.53; Baker & Taylor, Books-\$72.81; Barr Engineering, 2021-20 P.E. #PH2-31-\$10,646.90; Bender Sewer & Drain, Supplies-\$8,619.45; Best Western Plus Ramkota, Travel-\$624.95; Big Daddy D's, Contract Services-\$2,380.50; Bound Tree Medical, Training-\$74,699.90; Brosz Engineering, 2023-3 P.E. #16-\$46,702.50; Buhl's Drycleaners & Linen, Service-\$27.50; C&B Operations, Supplies-\$913.79; Carolina Software, Software-\$500.00; Carquest Auto Parts, Supplies-\$56.96; CBRE Inc-Valuation & Advisory, Improvements-\$3,500.00; CDW Government, Supplies-

\$1,923.45; Cengage Learning Inc/Gale, Books-\$240.73; Center Point Large Print, Books-\$97.08; Central Electric, Utilities-\$12,184.16; Century Link, Utilities-\$117.52; Chesterman, Supplies-\$2,549.15; CHS Farmers Alliance, Supplies-\$4,406.14; City of Mitchell, Golf Course Deductions-\$1,291.28; City of Mitchell, Recreation Deductions-\$2,524.47; City of Mitchell, Petty Cash-\$1,000.00; Coborns, Contract Services-\$991.20; Column Software, Advertising-\$586.96; Commercial Asphalt, Supplies-\$1,841.70; Connections, 2024 4th Quarter Payment-\$2,259.90; Core & Main, Supplies-\$1,876.75; Core-Mark Midcontinent, Supplies-\$8,587.17; Corn Palace, Supplies-\$29.50; Corporate Translation Services, Translation Services-\$67.25; Creekside Veterinary Clinic, Supplies-\$47.40; Dakota Data Shred, Document Shredding-\$357.74; Dakota Heartland Development, 2024 4th Quarter Allocation-\$6,250.00; Dakota Supply Group, Supplies-\$380.99; Daktech, Supplies-\$2,307.00; Daniel Woodraska, Sports Authority Promo-\$500.00; Darrington Water, Supplies-\$62.00; Davison Rural Water, Utilities-\$115.85; Dell Marketing, Equipment-\$1,813.24; Delta Dental Plan of South Dakota, Dental Insurance-\$16,550.02; Department of Agriculture, Solid Waste Surcharge-\$2,764.98; Department of Social Services, Child Support-\$633.69; Detco, Supplies-\$4,222.30; Dimock Dairy, Supplies-\$391.50; Duininck, 2023-2 P.E. #1-\$670,300.00; Ebsco, Subscription-\$96.30; Elfstrand's Ace Hardware, Supplies-\$48.34; Elliott Equipment, Supplies-\$685.15; Etix, Ticketing Service-\$187.00; Fleetpride, Supplies-\$921.10; Galls, Supplies-\$105.90; Gaylen's Gourmet Popcorn, Supplies-\$2,106.00; Grainger, Supplies-\$39.26; Guardian Alliance Technology, Background Screening-\$200.00; H&W Contracting, 2021-3 P.E. #2-\$108,503.59; Harve's Sport Shop, Supplies-\$5,095.89; HDR Engineering, 2022-1 P.E. #21-\$44,458.22; Henry Schein, Supplies-\$625.59; ICan, Advertising-\$750.00; Ingram Library Services, Books-\$1,111.06; Innovative Office Solution, Supplies-\$195.60; Interstate Office Products, Supplies-\$154.50; Iverson, Rental-\$69.95; Jean Patrick, Travel-\$520.06; Johnson Bros of South Dakota, Supplies-\$612.16; Jones, Supplies-\$1,415.68; Josh Harvey, Reimbursement-\$25.00; Justin Johnson, Reimbursed-\$72.00; Kevin Devries, Reimbursed-\$20.39; Kim Burg, Travel-\$8.58; Larry's I-90 Service, Repair-\$62.10; Leighton Family Farms, Supplies-\$1,075.20; Luke Ruml, Reimbursed-\$95.00; M&T Fire and Safety, Testing-\$3,586.87; Mackin Educational Resources, Supplies-\$87.15 ; MC&R Pools, Supplies-\$315.61; McKenzie Young, Remaining-\$50.47; McLaury Engineering, 2022-26 P.E. #11-\$28,498.70; McLeod's Printing, Supplies-\$814.85; Mega Wash, Supplies-\$36.00; Menard's, Supplies-\$544.41; Microsoft, Subscription-\$910.00; Mid States Audio, Repair-\$414.06; Midcontinent Communication, Utilities-\$229.04; Midcontinent Communication, Advertising-\$2,505.00; Midwest Laboratories, Testing-\$1,080.04; Midwest Pipe Lining, Supplies-\$51,285.81; Midwest Turf & Irrigation, Equipment-\$86,191.00; Rachel Wrought, Refund-\$106.15; Mitchell Animal Rescue, Management Fee-\$350.00; Mitchell Area Development, 2024 4th Quarter Allocation-\$41,750.00; Mitchell Concrete Product, Supplies-\$319.00; Mitchell Convention & Visitors Bureau, Oct 2024 Funding-\$20,800.00; Mitchell Iron & Supply, Supplies-\$8.00; Mitchell Main Street and Beyond, 2024 4th Quarter Allocation-\$10,000.00; Mitchell School District, Utilities-\$2,219.60; Mitchell United Way, United Way Deductions-\$173.00; Mobotrex, Supplies-\$472.00; Mueller Lumber, Supplies-\$256.55; Muth Electric, Supplies-\$12,905.04; N-Able Technologies, Supplies-\$171.90; Napa Central, Supplies-\$189.80; North Central Seed, Supplies-\$375.00; Northwest Pipe Fittings, Supplies-\$2,821.10; Northwestern Energy, Utilities-\$46,935.36; One Source The Background, Background Check-\$159.00; Overdrive, Ebook-\$22.44; Overtime, Contract Services-\$1,774.25; PDG Creative, Supplies-\$421.01; Pepsi Cola, Supplies-\$1,654.23; Pheasants Forever Chapter,

Sports Authority Promo-\$2,000.00; Pioneer Designs, Professional Service-\$445.00; Planetair Turf Products, Supplies-\$237.20; Public Health Laboratory, Testings-\$962.00; Qualified Presort, Postage-\$365.38; Quick Med Claims, Contract-\$12,417.30; Raise Em Rank, Corn Palace Games-\$25,135.49; Republic National Distributing, Supplies-\$338.70; Rice Lake West, 2020-20 P.E. #17-\$1,383,477.57; Runnings, Supplies-\$1,092.13; S&M Printing, Supplies-\$55.10; Saga Communications of South Dakota, Advertising-\$559.00; Schoenfelder Construction, Supplies-\$650.00; Schoenfelder Portables, Rentals-\$360.00; Schumacher Elevator, Maintenance-\$234.63; South Dakota Municipal League, Travel-\$100.00; South Dakota Public Assurance Alliance, Insurance-\$189.67; South Dakota Retirement System, Retirement Contributions-\$121,226.14; South Dakota-Supplemental Retirement, Supplemental Retirement-\$3,217.50; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$2,042.50; Sherwin-Williams, Supplies-\$470.03; Sign Pro, Supplies-\$897.00; Siteworks, 2024-24 P.E. #2-\$7,177.36; South Dakota 811, Message Fees-\$346.50; Standard Insurance, Life Insurance-\$2,808.16; Staples, Supplies-\$41.18; Streicher's - Minneapolis, Supplies-\$1,750.43; Sturdevants Auto Value, Supplies-\$210.56; Subway, Planning Meals-\$44.95; Sun Gold Sports, Supplies-\$35.00; T.H. Custom, Supplies-\$8,840.00; The Dugout, Contract Services-\$2,424.00; The Safe Place of Eastern South Dakota, Cdbg Grant-\$276,246.40; Thomas L Price, Screening-\$350.00; Thomson Reuters - West, Subscription-\$824.82; Thune True Value & Appliance, Supplies-\$108.61; Titan Machinery-Applications, Supplies-\$157.77; TMA Stores, Supplies-\$902.71; Travis Hohrman, Reimbursed-\$33.00; UL, Professional Service-\$5,757.50; US Bank, Revenue Refunding Bonds-\$550.00; USA Bluebook, Supplies-\$341.34; Van Diest Supply, Supplies-\$776.75; Verizon Wireless, Utilities-\$762.80; Vern Eide Chevrolet GMC, Towing-\$250.00; Vern Eide Ford, Supplies-\$31.00; Vestis, Mat Cleaning-\$327.27; Wisconsin Child Support, Garnishment-\$395.58; Ellwein Brothers, Supplies-\$1494.00

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

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 Josh Frost for a conditional use permit for outside storage and to operate Mitchell Towing and Recovery business which falls under the category of automotive sales, repair, parts, detailing located at 24994 406th Avenue, legally described as Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. Motion carried. The property is zoned UD Urban Development District. The Planning Commission recommended approval of said application. Moved by Barington, seconded by McCardle, to postpone the application for automotive sales, repair, parts, detailing until November 4, 2024 with the condition Josh Frost is in attendance. Motion carried. Moved by Tjarks, seconded by Barington, to postpone the application for outside storage until November 4, 2024 with the condition Josh Frost is in attendance. Motion carried.

Moved by Tjarks, seconded by McCardle, 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 quote for shredding tires at the Landfill with Saber Shred Solution in the amount of \$235/ton. Motion carried.

Moved by McCardle, seconded by Tjarks, to deny the Vehicle for Hire Company Application for Speedy Taxi. Motion carried.

Council Member McCardle is now present.

Moved by McCardle, seconded by Goldammer, to approve Agreement #A2024-42, Updated Water Supply Contract with Randall Community Water District. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the proposed resolution for Necessity for the construction of curb & gutter, asphalt surfacing, concrete fillets, concrete valley gutter, concrete approaches, engineering fees, and miscellaneous expenses for West Plum Avenue and South Wisconsin Street. Public Works Director Joe Schroeder reviewed the proposed resolution. No property owners were present for discussion. The hearing was then closed.

RESOLUTIONS:

Moved by Sabers, seconded by Goldammer, to approve Resolution #R2024-64, Resolution of Necessity for Construction on Plum Avenue, as follows:

RESOLUTION NO. R2024-64

**PROPOSED RESOLUTION DECLARING THE NECESSITY
FOR THE CONSTRUCTION OF
CURB & GUTTER, ASPHALT SURFACING, CONCRETE FILLETS, CONCRETE
VALLEY GUTTER, AND CONCRETE APPROACH, ENGINEERING FEES &
MISCELLANEOUS EXPENSES ON
CERTAIN STREETS IN THE CITY OF MITCHELL, SOUTH DAKOTA**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH
DAKOTA**

SECTION 1. That it is deemed necessary to improve certain streets in the City of Mitchell, South Dakota as follows:

THE PROPERTY OWNER WILL HAVE 30 DAYS AFTER THE COLLECTION HEARING TO PAY FOR THEIR ASSESMENT WITHOUT INTEREST. AFTER 30 DAYS, INTEREST WILL BE ADDED AT A RATE OF 8% OR AS DETERMINED BY THE CITY COUNCIL. IN NOVEMBER FOLLOWING THE COLLECITON HEARING, THE BALANCE DUE ON THE ASSESMENT GETS SENT TO THE COUNTY AUDITOR AND SPLIT INTO 10 ANNUAL EQUAL PAYMENTS THAT WILL BE TAKEN OUT OF FIRST HALF OF THE TAX PAYMENT FOR THAT PROPERTY.

Segment 2024-01:

W Plum Avenue from S Miller St to S Wisconsin St and on S Wisconsin St from W Plum Avenue to W Norway Avenue

Construction of Curb & Gutter, 3" thick Asphalt Surfacing with 8" Base, Concrete Fillets, Concrete Valley Gutter, Concrete Approach, Engineering Fees and Miscellaneous Expenses and Accessories.

	LOT	BLK.	ADDITION	ESTIMATED ASSESSMENT
1*#	1-A	3	MLC - SE	\$ 15,791.17
2*#	2-A	3	MLC - SE	\$ 10,629.26
3*#	3-A	3	MLC - SE	\$ 10,629.26
4*#	4-A	3	MLC - SE	\$ 10,629.26
5*#	5-A	3	MLC - SE	\$ 10,629.26
6*#	6-A	3	MLC - SE	\$ 13,180.26
7*#	14-A	2	MLC - SE	\$ 13,090.76
8*#	15-A	2	MLC - SE	\$ 10,651.63
9*#	16-A	2	MLC - SE	\$ 10,629.26
10*#	17-A	2	MLC - SE	\$ 10,629.26
11*#	18-A	2	MLC - SE	\$ 10,629.26
12*#	19-A	2	MLC - SE	\$ 10,595.68
13*#	20-A	2	MLC - SE	\$ 10,517.37
14*#	21-A	2	MLC - SE	\$ 10,517.37
15*#	22-A	2	MLC - SE	\$ 10,517.37
16*#	23-A	2	MLC - SE	\$ 10,517.37
17*#	24-A	2	MLC - SE	\$ 10,517.37
18*#	25-A	2	MLC - SE	\$ 10,517.37
19*#	26-A	2	MLC - SE	\$ 24,066.87
20*#		6 EX H-1	MORNINGVIEW-SE	\$ 70,320.83
21*#	Lots 8B & 8C of Blk 8 &	W1/2 Blk 1, E1/2 Blk 2, All Blk 2A & 2B including Vacated Pine St, & All Blk 7	MORNINGVIEW-SE	\$ 22,601.15

TOTAL ASSESSMENT AMOUNT	\$ 317,807.39
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* Lots assessed for FRONT YARD according to Section 2a and 2d.

Lots assessed for INTERSECTION according to Section 2b and 2c.

^ Lots assessed for BENEFIT according to Section 2e.

SECTION 2. That it is deemed necessary to levy a special assessment to defray the expense thereof, and that the cost thereof shall be proportioned as follows:

That the method of apportioning or assessing the cost of the said improvements or payment against all assessable lots, tracts and parcels of land shall be according to the following schedules:

- a. The total Cost of the street, alley, or utility improvements shall be assessed according to the front footage of the property fronting on the improvements.
- b. The Total Cost of the street or alley improvements shall be divided equally between all lots benefiting from the improvements.
- c. Shall be to all lots, tracts, or parcels of land according to the area of each to include 1/2 of the property between the street improvement and the next street, whether or not such property abuts such street or not, but in no case shall any property situated more than 300' from such intersection be assessed.
- d. Footage of the property fronting or abutting on the improvements. The estimated cost for the street portion is estimated at \$55.50 a lineal foot, this does not include intersection, benefit or corner lot costs. Per side.

BE IT FURTHER RESOLVED that the Engineering Department prepare and file in the office of the Finance Officer for the examination of all interested parties, plans, and specifications to be used in the construction thereof; and

BE IT FURTHER RESOLVED that a hearing will be held upon such construction of proposed street and alley improvements, as provided by statue and notice thereof be given as provided by law.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Tjarks, to approve Resolution #R2024-68, Transfer of Lot 58-A Indian Head Subdivision, as follows:

RESOLUTION #R2024-68

A RESOLUTION AUTHORIZING THE TRANSFER OF LOT 58-A INDIAN HEAD SUBDIVISION

WHEREAS the City of Mitchell is the owner of a lot located immediately south of 111 South Harmon, Mitchell, SD 57301 which is legally described as:

**Lot 58-A of Indian Head Subdivision, Lake Mitchell Development
Plan in the SW ¼ of Section 4, Township 103 North, Range 60 West of
the 5th P.M., City of Mitchell, Davison County, South Dakota;**

WHEREAS the City declared such property surplus pursuant to Resolution R2024-63 at the 9/16/2024 council meeting, published notice of the sale in the Mitchell Republic as required by law, and held an auction for the property on October 21, 2024; and

WHEREAS the highest bidder at auction for the property was Justin and Megan Luther for \$7,704.00; and

THEREFORE, BE IT RESOLVED BY THE MITCHELL CITY COUNCIL, that the City hereby accepts the offer made by Justin and Megan Luther for the above-described Lot 58-A for the sum of \$7,704.00, and that the Mayor is hereby authorized to take such actions as may be necessary to complete the transfer of such property.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Smith, seconded by McCardle, to place Ordinance #O2024-10, Rezoning of the S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota be changed from R3 Medium Density Residential District to HB Highway Oriented Business District on first reading. Motion carried.

EXECUTIVE SESSION:

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

Mayor Hanson declared the board out of executive session at 8:09 p.m. and the City Council to reconvene in regular session at 8:10 p.m.

ADJOURN:

There being no further business to come before the meeting, Mayor Hanson adjourned the meeting.



Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.