

**CITY COUNCIL MEETING
AGENDA
JULY 5, 2011**

**CITY COUNCIL MEETING
UNFINISHED BUSINESS**

**JULY 5, 2011
7:30 P.M.**

AGENDA

PLEDGE OF ALLEGIANCE

INVOCATION First Reformed Church

ROLL CALL

ENTERTAIN A MOTION TO APPROVE THE AGENDA

**ENTERTAIN A MOTION TO APPROVE COUNCIL MINUTES
FROM THE PRIOR MEETING**

**CITIZEN'S
INPUT:** If you need to address the Mayor and members of the City Council on an item that was not on the agenda, please come forward to the podium and state your name and your concern. Items will be considered but no action will be taken at this time.

**ENTERTAIN A MOTION FOR THE CITY COUNCIL TO
ADJOURN AND SIT AS THE BOARD OF ADJUSTMENT**

HEARING: On the application of Mark Bunker for a Variance to construct an addition to his garage, located at 516 South Kimball Street, Lots 117-118, Overlook Addition, City of Mitchell

**ENTERTAIN A MOTION FOR THE BOARD OF ADJUSTMENT
TO ADJOURN AND THE CITY COUNCIL TO RECONVENE IN
REGULAR SESSION**

AWARD BIDS: Hitchcock Park and Pioneer Park Irrigation Materials Installation – City Project #2011-32

P1

HEARING: On the application of the Exchange Club of Mitchell for a Special Event Malt Beverage License, located at Cadwell Park, on August 3-14, 2011 for the State Amateur Baseball Tournament

On the application of the Exchange Club of Mitchell for a Special Event Malt Beverage License, located at the Horseman's Sports Arena, on August 17, 2011 for the Miller Lite Bull Bash

On Assessment Roll for Sidewalk and Nuisance Abatements

Individuals with disabilities who require special assistance to take part in this meeting may contact one of the following through the switchboard at (605) 995-8420 at least 24 hours prior to the meeting with requests for assistance: Finance Officer, Human Resource Officer or Director of Public Works.

**CONSIDER
ADOPTION:**

Resolution #2917, Providing for Collection of Special Assessment Rolls
for 2010 Construction Projects

**2nd READING &
ADOPTION:**

Ordinance #2367, Corn Palace Department Head

P2

PAY ESTIMATES:

South Side Water Tower Project #2009-30 contracted to CB & I Inc.

P3

A. Pay Estimate #12 in the amount of \$156,990.00

Sidewalk – Hazardous Project #2011-4C contracted to Big “O” Concrete

A. Pay Estimate #4 in the amount of \$1,869.08

Sidewalk – Elm & South Dobson Project #2011-4F contracted to Big “O” Concrete

A. Pay Estimate #1 in the amount of \$2,341.75

Sidewalk – Pioneer & Jennewein Parks Project #2011-4G contracted to
Big “O” Concrete

A. Pay Estimate #3 in the amount of \$438.57

Hwy #37 By-Pass Sewer Rehabilitation Project #2011-6 contracted to Schrank
Construction Inc.

A. Pay Estimate #1 in the amount of \$11,432.00

Curb & Gutter Project #2011-14A & B contracted to Rexwinkle Concrete

A. Pay Estimate #2 in the amount of \$20,926.87

Paving & Overlay Project #2011-15 contracted to Commercial Asphalt

A. Pay Estimate #2 in the amount of \$17,271.63

Sanborn Street Panel Repair Project #2011-22 contracted to Rexwinkle Concrete

A. Pay Estimate #1 in the amount of \$3,915.60

Diesel Exhaust System – Fire Division Project #2011-24 contracted to Ward
Diesel Filter System

A. Pay Estimate #1 in the amount of \$34,956.24

Cadwell Mowers Project #2011-26 contracted to Ellefson Implement Inc.

A. Pay Estimate #1-Final in the amount of \$44,023.00

Old Landfill Leachate Monitoring Project #2011-28 contracted to Leggette,
Brashears & Graham

A. Pay Estimate #2 in the amount of \$1,899.02

New Landfill Monitoring Project #2011-29 contracted to Leggette, Brashears
& Graham

A. Pay Estimate #3 in the amount of \$1,491.33

ENTERTAIN A MOTION TO APPROVE THE PAY ESTIMATES

ROLL CALL

COUNCIL TO ADJOURN SINE DIE

**REORGANIZATION OF THE NEW COUNCIL
MEETING CALLED TO ORDER
COUNCIL TO RECONVENE IN REGULAR SESSION**

- OATH OF OFFICE:** Honorable Judge Kiner to issue Oath of Office to Council Members Dan Allen, Philip Carlson, Greg McCurry and Ken Tracy
- APPOINT DEPARTMENT HEADS:** Mayor Sebert to recommend appointments of City Attorney and Department Heads
Honorable Judge Kiner to issue Oath of Office to City Attorney and Department Heads
- ELECTION OF OFFICERS:** President of City Council
Vice-President of City Council
- CONSIDER ADOPTION:** Resolution #2930, Plat of Lot B, Beverly's Addition **P4-5**
- SET DATE: 07-18-11** For hearing on the application of Mitchell Main Street & Beyond for a Special Event Malt Beverage license, located at the 5th & Main Parking Lot, 500 North Main, on August 5, 2011 for the Sturgis Promotion Event
- CONSIDER APPROVAL:** Work order for Engineering Services for Project P3699(01), PCN 01DA, City of Mitchell, LGA-33-11 – Spruce Street Improvements **P6-11**
- Authorize the Department of Public Safety to accept the Bureau of Justice grant for 12 ballistic vests in the event the grant is approved – the total amount of the grant is \$9,020.00 with the city's portion in the amount of \$4,510.00
- Authorize the Finance Officer to create the following debt service fund:
- 309 – TID #15 ProBuild
- Raffle requests:
- Prairie Stitchers with the drawing to be held on September 25, 2011 **P12**
 - Davison County Democrats with the drawing to be held on October 18, 2011 **P13-14**
- ENTERTAIN A MOTION TO APPROVE THE BILLS AND AUTHORIZE MONTHLY PAYMENT OF RECURRING AND OTHER EXPENSES IN ADVANCE AS APPROVED BY THE FINANCE OFFICER**
- ROLL CALL**
- ADJOURN**

NEXT COUNCIL MEETING DATE: JULY 18, 2011

COUNCIL AGENDA DEADLINE IS WEDNESDAY PRIOR TO CITY COUNCIL MEETING

FOR COUNCIL INFORMATION:

Regular Council Meeting Minutes (06-20-11)

P15-27

Planning Commission Minutes (06-27-11)

P28-29

Gas and Diesel Fuel Bids

P30

**BID TABULATION FOR IRRIGATION SUPPLY INSTALLATION CITY PROJECT #2011-32
 BID OPENING: 1:30 PM, JUNE 28, 2011 - CITY HALL, MITCHELL, S.D.**

		Mebius Nursery 1700 North Foster Mitchell, SD 57301	
1 Installation of already purchased irrigation supply for Hitchcock Park as per plans and specifications	Lump Sum \$ 63,000.00	\$ _____	\$ _____
2 Installation of already purchased irrigation supply for Pioneer Park as per plans and specifications	Lump Sum \$ 17,000.00	\$ _____	\$ _____

THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY AND/OR ALL BIDS AND RESERVES THE RIGHT TO ACCEPT THE BID IN THE CITY'S BEST INTERESTS THE CITY MAY OR MAY NOT AWARD ANY/OR ALL BIDS.

ORDINANCE #2367
CORN PALACE DEPARTMENT HEAD

PREAMBLE: The Corn Palace is an important asset to the community of Mitchell. The Corn Palace hosts many athletic events; is an entertainment venue; and is a tourist attraction. The utilization of the Corn Palace has many economic benefits for the City of Mitchell. The director should be a department head along with the other designated department heads; now therefore

Be it ordained that

The Department of Corn Palace is hereby established and the director of the Corn Palace shall be the department head of the Corn Palace Department; and

1-6-1 A of the municipal code is hereby amended as hereinafter set forth

1-6-1: APPOINTMENT PROVISIONS:

A. Appointive Officers And Positions: The following named offices and positions in the city shall be appointed positions, pursuant to South Dakota Codified Laws 9-14-1: city attorney, finance officer, director of public works, director of public safety, director of park and recreation, director of golf and cemetery, director of human resources, director of senior services and director of the Corn Palace.

Dated this 5th day of July, 2011.

Mayor

Attest:

Municipal Finance Officer

(seal)

First Reading: June 20, 2011

Second Reading: July 5, 2011

Published:

Effective:

PAY ESTIMATES FOR JULY 5, 2011

CONTRACTORS	PROJECT	P.E. #	AMOUNT	PAID TO DATE	CONTRACT AMOUNT
CB&I Inc.	#2009-30 South Side Water Tower	#12	\$ 156,990.00	\$ 1,508,453.80	\$ 1,761,900.00
Big O Concrete	#2011-4C Sidewalk - Hazardous	#4	\$ 1,869.08	\$ 21,715.63	\$ 33,036.25
Big O Concrete	#2011-4F Sidewalk - Elm & S. Dobson	#1	\$ 2,341.75	\$ 2,341.75	\$ 18,703.75
Big O Concrete	#2011-4G Sidewalk Pioneer & Jenneweine H	#3	\$ 438.57	\$ 17,905.38	\$ 35,987.50
Schrank Construction Inc.	#2011-6 Hwy #37 By-Pass Sewer Rehab.	#1	\$ 11,432.00	\$ 11,432.00	
Rexwinkel Concrete	#2011-14A&B Curb & Gutter	#2	\$ 20,926.87	\$ 77,845.61	\$ 76,905.70
Commercial Asphalt	#2011-15 Paving & Overlay	#2	\$ 17,271.63	\$ 55,911.93	\$ 638,953.00
Rexwinkel Concrete	#2011-22 Sanborn Street Panel Repair	#1	\$ 3,915.60	\$ 3,915.60	
Ward Diesel Filter Syste	#2011-24 Diesel Exhaust Sys.Fire Div	#1	\$ 34,956.24	\$ 34,956.24	\$ 43,695.30
Ellefson Implement Inc.	#2011-26 Cadwell Mowers	#1-Final	\$ 44,023.00	\$ 44,023.00	\$ 44,023.00
Leggette,Brashears & G	#2011-28 Old Landfill Leachate Monitoring	#2	\$ 1,899.02	\$ 7,866.34	
Leggette,Brashears & G	#2011-29 New Landfill Monitoring	#3	\$ 1,491.33	\$ 2,348.13	
			\$ 297,555.09	\$ 1,788,715.41	\$ 2,653,204.50

Prepared by Deb Hanson-Sudbeck

**RESOLUTION #2930
RESOLUTION OF CITY COUNCIL**

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 27th day of June, 2011; and

WHEREAS, it appears from an examination of the plat of LOT B OF BEVERLY'S ADDITION IN THE NE ¼ OF SECTION 2, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat 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 B OF BEVERLY'S ADDITION IN THE NE ¼ OF SECTION 2, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

I, Marilyn Wilson, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the 5th day of July, 2011.

Mayor

Finance Officer

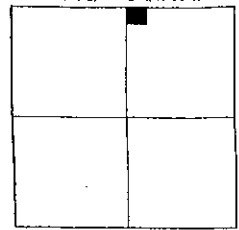


GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

SEC. 2, T 102 N, R 60 W



LOCATION MAP

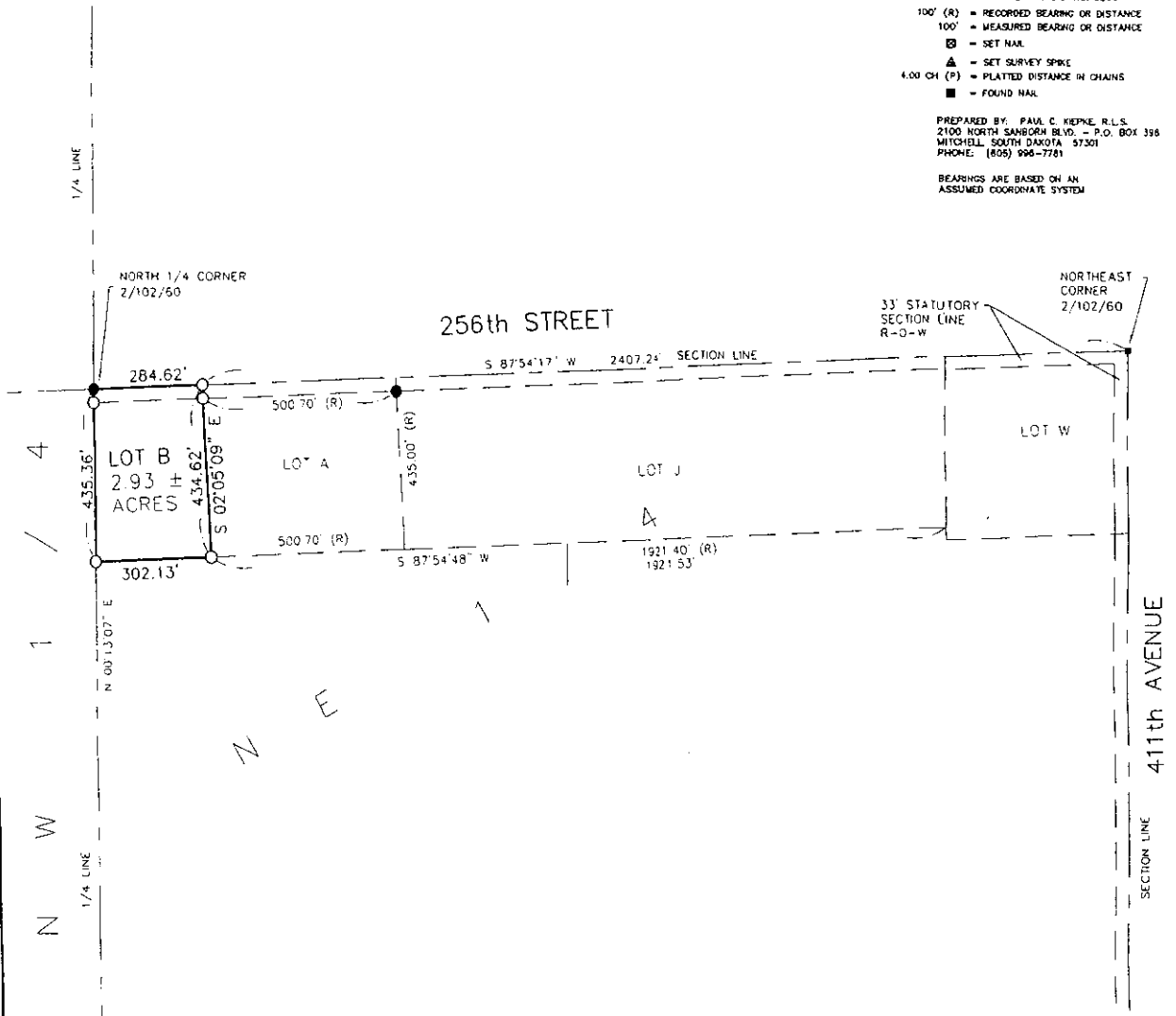
SCALE: 1" = 3600'

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 8296
- 100' (R) = RECORDED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊗ = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL

PREPARED BY: PAUL C. KIEPKE, R.L.S.
2100 NORTH SAABORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM



A PLAT OF LOT B OF BEVERLY'S ADDITION IN THE NE 1/4 OF SECTION 2, T 102 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul C. Kiepke, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Beverly K. Carlson and under her direction for purposes indicated therein, I did on or prior to May 26, 2011, survey those parcels of land described as follows: LOT B OF BEVERLY'S ADDITION IN THE NE 1/4 OF SECTION 2, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.
Dated this 25th day of May, 2011.



SPN

& Associates
Engineers, Planners and Surveyors

2100 North Saaborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



Schmucker, Paul, Nohr and Associates
 2100 North Sanborn Blvd — PO Box 398
 Mitchell SD 57301-0398
 Phone (605) 996-7761
 Wats (800) 952-3598
 FAX (605) 996-0015
 www.spn-assoc.com

June 17, 2011

Tim McGannon, Public Works Director
 City of Mitchell
 612 North Main Street
 Mitchell SD 57301

RE: Work Order for Engineering Services
 Project P 3699 (01), PCN 01 DA, City of Mitchell – LGA-33-11
 Spruce Street Improvements
 Mitchell, South Dakota

Dear Mr. McGannon:

Enclosed for your concurrence and signature are three (3) copies of the above referenced work order. Please sign all three copies and return them to:

Jennifer Neely, Program Assistant
 Department of Transportation
 Division of Finance and Management
 Office of Local Transportation Programs
 700 E. Broadway Avenue
 Pierre, SD 57501-2586

It is my understanding that a copy with original signatures will be returned to each of us for our files.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Harlan J. Quenzer, P.E.
 Project Manager

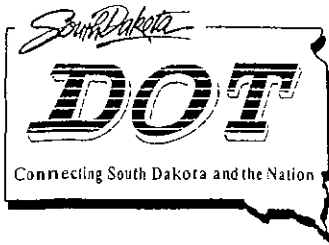
HJQ:

Enclosures (3)



PLACE
 - Letter from Wade
 - work order
 on next council
 agenda - for
 approval.

TJ



Department of Transportation

Division of Finance & Management

Office of Local Transportation Programs

700 East Broadway Avenue

Pierre, South Dakota 57501-2586

OFFICE: 605/773-3574

FAX: 605/773-4870

M E M O R A N D U M

DATE: June 14, 2011

TO: SPN & Associates of Mitchell

FROM: Wade Dahl, Urban Systems Engineer
Local Transportation Programs, Urban Systems

SUBJECT: Survey and Plans Preparation for P 3699(01), PCN 01DA – Spruce Street from Rowley to Ohlman in Mitchell, SD.

The City of Mitchell has requested that your firm be employed to complete the work as defined in the following scope of services. Please prepare a breakdown of the estimated costs required to accomplish this work and submit it to Local Transportation Programs/Urban Systems in care of Jennifer Neely, Program Assistant, for preparation of the work order under the State's retainer contract.

Costs associated with the general grading and surfacing project will be funded with the City's Urban STP Funds; however, any design costs and electronic documents associated with a City Water and Sanitary Sewer project (if applicable) will be contracted and funded directly by the City. In this situation, your firm must provide a separate cost estimate for the survey and design of the City Utility Project even though it will not become part of this work order. A separate set of plans will also be necessary upon completion of the design.

SCOPE OF SERVICES

1. Survey and Subsurface Investigation:

- Identify project limits and scoping details as established through consultation with the City Engineer or Public Works Director.
- Perform field survey as necessary to establish beginning and ending stations, horizontal and vertical control points, and horizontal alignment data.
- Perform legal survey as required to establish easements and generate right-of-way plats (if necessary), for use by the city.
- Provide staking for right-of-way acquisition as required.

- Survey notes are to be retained on file with the Consultant for subsequent use in the preparation of construction plans and are to be available to the City and DOT upon request.

2. Prepare Preliminary Plans:

- Prepare preliminary plans which include begin and end of project limits, stationing, horizontal and vertical alignments, work limits, and existing and proposed ROW drawn and dimensioned. The preliminary plans should also include cross sections, location of intersecting streets and access points, utilities, size and location of any pipes or structures, typical sections, and any items that could affect the environmental process (such as wetlands, park properties, etc...).
- Preliminary plans are to be submitted in PDF format with one hard copy to this office no later than **November 1, 2011**.
- Once the preliminary plans are submitted, your firm will schedule an on-site inspection with this office, the City Engineer or Public Works Director, the DOT Area Office, and your firm. Within two weeks of the inspection, your firm will send a summary of the on-site inspection to those who attended.
- Organize, attend, and provide services for public meetings as required by the City Engineer.

3. Prepare and Submit Encroachment Survey:

- Prepare and submit an encroachment survey to this office once all permanent ROW boundaries have been determined. The encroachment survey will be submitted to this office no later than **April 1, 2012**.

4. Prepare and Submit Review Plans:

- Prepare and submit review plans as a PDF file (along with two hard copies) to the Office of Local Transportation Programs (LTP) for review and comments. Plans should be prepared according to the DOT Road Design Manual with DOT bid item numbers & descriptions, and DOT standard plates and notes. Review plans are to be submitted no later than **April 1, 2012**. The review plans should be as close to 100% as possible and should include all details and information necessary to let the project. Project design must be in accordance with the South Dakota Department of Transportation (SDDOT) Local Roads Plan, SDDOT specifications, and must be compliant with AASHTO, MUTCD, and ADA standards (**please be advised the SDDOT utilizes PROWAG as the appropriate ADA guidelines**). Plans must include standard beginning and end stations, horizontal and vertical control points, and horizontal alignment data.
- Prepare and provide an electronic estimate for the project when requested by the City or SDDOT.
- Provide support and information, and answer questions as requested by City during landowner meetings.

5. Prepare and Submit Final Plans:

- Revise plans in accordance with review letters and comments provided by the SDDOT and other appropriate entities.
- Provide a written response addressing each individual comment as to whether or not the comment was addressed (including a justification for any changes that are not made).
- Provide final plans (PDF file and two signed hard copies – One original and one copy) to LTP within three (3) weeks of the date of the last review letter.
- Attend final project meeting and plans inspection prior to construction.

The overall completion date for this work order will be April 1, 2013.

All information and data shall be submitted, and all questions and requests shall be directed to the Office of Local Transportation Programs.

cc: Jennifer Neely
File

Mitchell, South Dakota
 Spruce Street from Rowley to Ohlman
 Estimated Design Phase Services

Prepared 03/19/11

1.0 miles

Employee Classification	Employee Number	Estimated Hours	Hourly Rate	Estimated Cost	
Principal	4	62	\$70.00	\$4,340.00	
PE I	46	254	\$31.50	\$8,001.00	
LS I	12	264	\$33.40	\$8,817.60	
LS IV	19	0	\$25.30	\$0.00	
Tech I	48	480	\$20.80	\$9,984.00	
Tech II	8	78	\$18.90	\$1,474.20	
Tech VI	83	78	\$14.30	\$1,115.40	
CI II	10	<u>22.5</u>	\$17.00	<u>\$382.50</u>	
		<i>Total = 1238.5</i>			
Total Estimated labor				\$34,114.70	
Direct Labor Overhead				\$22,462.82	For year ending 2009 as submitted for review @ 65.845%
General Overhead				<u>\$40,986.08</u>	For year ending 2009 as submitted for review @ 120.142%
Total Labor Cost				\$97,563.61	
Fixed Fee @ 12.00%				<u>\$11,707.63</u>	12.00%
Subtotal				\$109,271.24	
Cost of Money				\$2,444.32	For year ending 2009 as submitted for review @ 7.165%
Expenses					
Estimated Mileage Expenses				\$56.60	256 miles @ \$0.2211
Estimated Plat Filing Fees				<u>\$480.00</u>	
Total Estimated Engineering Fees				\$112,252.16	JN

The total hours shown, and their distribution among the staff categories have been reviewed by me and are reasonable based on past projects of this type.

Wade A. Dell 6-14-11
 Approved Date

WORK ORDER FOR CONSULTANT SERVICES

GENERAL

Work Order No.: LGA-33-11 Agreement No.: 410466 Date: June 15, 2011
Consultant: Schmucker, Paul, Nohr & Associates, Inc.

PROJECT INFORMATION

Project No.: P 3699 (01) PCN: 01DA County/City: City of Mitchell
Project Type/Description: Design
Project Location: Spruce St. from Rowley to Ohlman in Mitchell
Scope of Work: - See Attachment I

SERVICES REQUIRED

Estimated Hours Total Hourly Rate Estimated Cost
See Attachment II

REIMBURSEMENT FOR TRAVEL

Same as above

MAXIMUM LIMITING AMOUNT

\$ 112,252.16 (Fixed Fees - \$11,707.63)

COMPLETION DATE

See Attachment I (Scope of Services) for interim dates and deliverables. The overall completion date of this work order shall be April 1, 2013.

CONTACT PERSONS

SDDOT: Bruce Lindholm, Program Manager
CONSULTANT: Terry Aaker
CITY: City of Mitchell Official

INSURANCE REQUIREMENTS

Table with 3 columns: Types of Insurance, Expiration Date, On File. Rows include General Liability, Automobile Liability, Worker's Compensation, and Errors and Omissions.

APPROVAL BY:

DOT: _____

CONSULTANT: [Signature] DATE 06/15/11

CITY: _____ CONCURRENCE _____ DATE _____

Distribution:

- (2) Originals - 1 Consultant, 1 Initiating Agency
(1) City of Mitchell
(1) Division of Finance
(1) Internal Audits

**CITY OF MITCHELL
RAFFLE PERMIT**

Date of Application: 6-27-11

Organization: Prairie Stitchers

SDCL #22-25-25 authorizes the following organizations or committees to conduct lotteries / raffles. Please indicate your category:

- | | |
|--|--|
| <input type="checkbox"/> Chartered veterans' organization | <input type="checkbox"/> Religious organization |
| <input type="checkbox"/> Charitable organization | <input checked="" type="checkbox"/> Educational organization |
| <input type="checkbox"/> Fraternal organization | <input type="checkbox"/> Local civic or service club |
| <input type="checkbox"/> Political party | <input type="checkbox"/> Volunteer fire department |
| <input type="checkbox"/> Political action committee or political committee on behalf of any candidate for a political office | |

Contact Information:

Name: Marilyn Wilson

Address: 1401 N. Ridge Rd.

Phone #: 996-4410

Email: _____

501(c) 3 - (Non-Profit): yes no eligible

Dates of Ticket Sales: July - sept

Date of Raffle Drawing: 9-25-2011

Value of Raffle Prize: 2 @ \$50.00

Proceeds Benefitting: • club programs
• community outreach

For Finance Office Use Only:

Council Approval Date: _____

Signature:

Finance Office

**CITY OF MITCHELL
RAFFLE PERMIT**

Date of Application: JUNE 23 2011

Organization: DANLSON COUNTY DEMOCRATS

SDCL #22-25-25 authorizes the following organizations or committees to conduct lotteries / raffles. Please indicate your category:

- | | |
|--|--|
| <input type="checkbox"/> Chartered veterans' organization | <input type="checkbox"/> Religious organization |
| <input type="checkbox"/> Charitable organization | <input type="checkbox"/> Educational organization |
| <input type="checkbox"/> Fraternal organization | <input type="checkbox"/> Local civic or service club |
| <input checked="" type="checkbox"/> Political party | <input type="checkbox"/> Volunteer fire department |
| <input type="checkbox"/> Political action committee or political committee on behalf of any candidate for a political office | |

Contact Information:

Name: DAVE MITCHELL

Address: 621 SOUTH DUFF

Phone #: 999-8435 (cell)

Email: DAMITCHEL@DWH.EDU

501(c)3 - (Non-Profit): yes no eligible

Dates of Ticket Sales: AUGUST TO OCT 18

Date of Raffle Drawing: OCT 18, 2011

Value of Raffle Prize: 3 PRIZES - \$100, \$50, \$50

Proceeds Benefitting: CANDIDATE FOR 2012

For Finance Office Use Only:

Council Approval Date: _____

Signature:

Finance Office

Davison County Democratic Central Committee

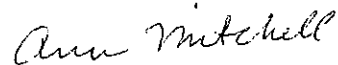
P. O. BOX 625
MITCHELL, SOUTH DAKOTA 57301

June 23, 2011

Dear Mayor Sebert and the City Council,

The Davison County Democrats would like to request permission of the City Council to hold a raffle this fall to be drawn on Oct 16, 2011. There will be 3 prizes - \$100, \$50, and \$50. Tickets will be \$5 each (donation) with a limit of 300 to be sold. The purpose of the raffle is to raise money for our candidates for the 2012 election.

Sincerely,



Ann Mitchell
Finance chairperson
Davison County Democratic Party

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

**JUNE 20, 2011
7:30 P.M.**

PRESENT: Dan Allen, Doug Backlund, Marty Barington, Geri Beck, Travis Carpenter, Scott Houwman, Mel Olson, Jeffrey Smith

ABSENT: none

PRESIDING: Mayor Lou Sebert

AGENDA:

Moved by Carpenter, seconded by Olson, to approve the agenda as prepared. Motion carried.

MINUTES:

Moved by Allen, seconded by Houwman, to approve the minutes of the regular City Council meeting held on June 6, 2011 and the recessed meeting held on June 13, 2011. Motion carried.

CITIZEN'S INPUT:

Council member Backlund asked Tim McGannon, Director of Public Works, about the status of repairs on the city's streets. McGannon noted that some areas in need of repair have been completed. City employees will be spending most of the summer working on the remainder of the areas in need of repair.

DISCUSSION:

Discussion was continued from the last meeting regarding the drainage issue on Mike Bathke's property located on East 8th Avenue. Tim McGannon, Director of Public Works, noted that the offer proposed to Bathke was to have the city pay for half of the estimate Bathke received from Mebius Nursery. The estimate was \$5,200.00 and the city's share would be \$2,600.00. Additional discussion was held regarding who would be responsible for maintaining the drainage area. McGannon noted that the city would work with Bathke on the maintenance of the area. Moved by Allen, seconded by Carpenter, to authorize the city to pay \$2,600.00 to Mike Bathke as settlement for the drainage issue on his property, which said amount was accepted by Mike Bathke. Motion carried.

BOARD OF ADJUSTMENT:

Moved by Olson, seconded by Backlund, for the City Council to adjourn 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 Angie Moon for a conditional use permit to operate a daycare center in her home, located at 1805 Quiett Lane, Lot 6, Block 3, Wood's Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application with the condition that the permit is non-transferrable, the permit will expire if the daycare is not operating within six months, and a fire inspection must be done upon completion of the house. Moved by Beck, seconded by Olson, to approve said application. Motion carried.

Moved by Backlund, seconded by Barington, that the 5th day of July, 2011 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Mark Bunker for a variance to construct an addition to his garage, located at 516 South Kimball Street, Lots 117-118, Overlook Addition, City of Mitchell and to direct the Finance Officer to give notice according to statute. Motion carried.

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

COMMITTEE MEETINGS:

Traffic:

The Traffic Commission met on June 20, 2011. A request from Dennis Martin was approved to close Elm Street from the alley east of 622 S. Sanborn to Sanborn Street from 8:00 a.m. to 1:00 p.m. for a household auction on July 30, 2011. A request from the DWU Student Activities Board for a Parade Permit for the DWU Homecoming Parade on October 1, 2011 was approved. Main Street would be closed from 4:30 a.m. until approximately 12:00 p.m. The parade will run on Main Street from 9th Avenue to Railroad Avenue. A request was approved from Mitchell Main Street & Beyond to close 8th Avenue from Main Street west to Rowley Street for a Community Consignment Auction in the Slumberland parking lot on October 8, 2011. Eighth Avenue would be closed from approximately 6:30 a.m. until 8:00 p.m. A request from Ashley Lounsbery to place yield signs at the corner of Elm Street and Davison Street due to restricted vision was approved. The yield signs will be placed on the north and south sides of the intersection. A request from Avera Brady Health & Rehab to close Cedar Street from Ohlman Street to the Assisted Living driveway on June 20, 2011 was approved. Cedar Street will be closed from approximately 6:00 p.m. to 9:00 p.m. for a city band concert to celebrate Brady's 50th Anniversary.

Public Health & Safety:

The Public Health & Safety Committee met on June 20, 2011. The fireworks permit for the 4th of July display at Lake Mitchell was approved. Council member Barington questioned if the fireworks display could be done at two separate locations on the lake at the same time. This would spread people out and alleviate some traffic issues. The committee recommended further discussion after this year's display.

Moved by Olson, seconded by Beck, to approve the committee reports. Motion carried.

DEPARTMENT REPORTS:

Moved by Carpenter, seconded by Barington, to approve the following department reports: April reports - Finance Department Cash Balances and Airport Board; May reports – Police Department, Fire Department, Building Permits, Mitchell Regional Ambulance, Library, Parks, Recreation and Forestry, Lake Mitchell Advisory Committee, Palace Transit, Water Department, Airport, and Airport Board. Motion carried.

RESOLUTION:

Moved by Houwman, seconded by Carpenter, to adopt Resolution #2919, Approving Loan Program to MADC for Building Façade Improvements on Main Street, contingent upon approval and passage of the funding ordinance, as follows and with the understanding as stated by Jeff Logan that Mitchell Main Street and Beyond will be responsible for any payments or reimbursements to the city of Mitchell not covered by the loan agreement with MADC:

**RESOLUTION #2919
APPROVING LOAN PROGRAM TO MADC FOR
BUILDING FAÇADE IMPROVEMENTS ON MAIN STREET**

PREAMBLE: SDCL 9-12-11 permits a municipality to appropriate money from its general fund to promote itself. That said funds may be paid to a Chamber of Commerce or an industrial development corporation. That payees of funds, under this code section, are required to provide a certified audit of their records or the council may accept a financial statement. That the council currently accepts a financial statement from the Chamber and MADC in lieu of a certified audit.

That the Mitchell Chamber of Commerce and MADC have begun a loan program for “Building Façade Improvement Loans.” The program will promote the City of Mitchell by offering an aesthetically pleasing environment for the visitors to our community and also promote the main street businesses.

NOW THEREFORE, BE IT RESOLVED:

That the Mayor of the City of Mitchell is empowered, authorized, and directed to enter into the Contract, to be substantially in the form of the Contract attached hereto, for the building façade improvements program on Main Street; and that the Mayor of the City of Mitchell is further empowered, authorized, and directed to do and perform all such acts as may be necessary and expedient in the premises to effect the execution of the Contract with the parties named in this instrument, in accordance with the authority granted in this instrument.

NON-RECOURSE LOAN AGREEMENT

Whereas the Mitchell Area Development Corporation has in place a loan program for building facade improvements, hereinafter referred to as “Program”; and

Whereas the promotion of the program is in the best interests of the City of Mitchell, South Dakota, a municipal corporation; now therefore

It is agreed by and between the City of Mitchell, hereinafter referred to as "City" and Mitchell Area Development Corporation, hereinafter referred to as "MADC" as follows:

1. That the City will loan, interest free, to MADC the sum of \$142,154.00 to be used to help either MADC or its designee fund the Program with such loan to be hereinafter referred to as the "Loan Funds".
2. That the Loan Funds will remain under the control of the Finance Office of the City, until such time as there is a request for the funds by MADC or their designee for use in the Program.
3. The finance officer, upon request of MADC or their designee, is authorized to pay out that portion of the Loan Funds, as requested by MADC or their designee, and may also pay out any Loan Funds received by the Finance Officer as repayments of any loans made by MADC or their designee as part of the Program, thereby creating a revolving Loan Fund
4. That the Program, to include, but not limited to, who qualifies, what improvements are covered and the terms of any loan, to include repayment, shall be promulgated and administered solely by MADC or their designee.
5. That any interest payments received by MADC or their designee, will inure to the benefit of the Program and may be used for such portions of the program as MADC or their designee deems appropriate.
6. MADC or their designee will remit, on a quarterly basis, the principal of any payments received under the Program to the Finance Officer of the City which funds shall remain eligible to be "reloaned" to MADC as part of the revolving Loan Fund.
7. MADC or their designee will give an annual accounting to the City for any interest received by them for the loans made and the balance on hand of any unspent interest.
8. That any payments received by City pursuant to paragraph (6) will be available for further investment in the program as part of the revolving Loan Fund as requested by MADC or their designee.
9. It is specifically a condition of this Agreement and a condition of MADC'S obligation to pay back the principal, that the repayment of all Loan Funds due by MADC to the City shall be limited solely to the proceeds received from Loan Funds repaid by the borrowers of the Program to MADC or its designee, exclusive of the interest. That any principal shortfalls from the loans made to Loan Fund recipients shall be deducted from the amount owed to City by MADC; however, if the loans are subsequently paid, said principal funds shall be delivered

to the City. That the principal, minus any shortfalls, will be due fifteen years from the date of the first disbursement by the City, unless further extended by action of the City upon request of MADC or their designee. However, notwithstanding anything to the contrary contained within this Agreement, it is the parties' specific intent that the Loan Funds be treated as non-recourse financing payable only from the proceeds of the Loan Funds paid back to MADC or its designee and shall not be treated as a general obligation of MADC.

10. That the reporting requirements of SDCL 9-12-11 will be met by the filing of a financial statement by MADC.

Some discussion was held regarding loans in default. Jeff Logan, President of Mitchell Main Street and Beyond, noted that the current program has been in place for approximately 20 years and there has never been a loan in default. Local banks will administer the loan program and determine the credit worthiness of the applicants. In the event that a loan would go into default, Mitchell Main Street and Beyond has agreed to reimburse the city for any defaulted amounts. Motion carried and resolution declared duly adopted.

Moved by Carpenter, seconded by Smith, to adopt Resolution #2924, Union Negotiating Committee, as follows:

**RESOLUTION #2924
UNION NEGOTIATING COMMITTEE**

Preamble: Whereas three unions are involved in representing employees of the City of Mitchell and said unions wish to begin negotiations with the City concerning their contracts, now therefore be it resolved

That Dennis Maloney, a labor attorney, is hereby retained as Special Labor and Employment Counsel and Union Negotiator for the City of Mitchell at an hourly rate of \$125.00 and is hereby appointed and designated along with Randolph F. Stiles, City Attorney and Teri Bertness, Human Resources Director as the City of Mitchell Negotiating Committee.

Some discussion was held regarding Maloney's hourly rate of \$125.00. Council members asked what the total amount of fees was that has been paid to Maloney over the past couple of years for union negotiations. Council member Olson stated that he would rather see a "flat-rate" amount for this year's negotiations rather than a per-hour rate. Olson feels that a flat-rate amount would hold Maloney more accountable to the city for the time spent on negotiations. City Attorney Randy Stiles noted that Maloney is the only attorney in the state of South Dakota that specializes in labor contracts and the hourly rate is not out of line. Council member Smith stated that the city needs to have someone specialized in the area of labor negotiations and it is a necessary expense needed to protect the city. Motion carried with Backlund, Houwman and Olson voting nay. Resolution declared duly adopted.

Moved by Carpenter, seconded by Allen, to adopt Resolution #2925, Filing of Grant Application with SDDOT, as follows:

RESOLUTION #2925
FILING OF GRANT APPLICATION WITH SDDOT

Resolution to authorize the filing of an application for a grant under Section 5311 of the Surface Transportation Assistance Act.

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support capital and operating assistance projects for nonurbanized public transportation systems Section 5311 of the Surface Transportation Assistance Act, and

WHEREAS, the South Dakota Department of Transportation, Division of Finance and Management, Office of Local Transportation Programs has been designated by the Governor to administer Section 5311; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including provision by it of the local share of project costs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MITCHELL:

1. That Lou Sebert, Mayor, City of Mitchell, is authorized to execute and file an application on behalf of the City of Mitchell with the South Dakota Department of Transportation to aid in the financing of capital and/or operating assistance projects pursuant to Section 5311 of the Surface Transportation Assistance Act.
2. That Brenda Paradis, is authorized to furnish such additional information as SDDOT may require in connection with the application or the project.

Motion carried and resolution declared duly adopted.

Moved by Backlund, seconded by Beck, to adopt Resolution #2926, Plat of Lot 1-A of Prairieview Subdivision and a portion of West 17th Avenue, 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 follows:

RESOLUTION #2926
RESOLUTION OF CITY COUNCIL

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 13th day of June, 2011; and

WHEREAS, it appears from an examination of the plat of LOT 1-A OF PRAIRIEVIEW SUBDIVISION AND A PORTION OF WEST 17TH AVENUE, 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 Paul C. Kiepke, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat 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-A OF PRAIRIEVIEW SUBDIVISION AND A PORTION OF WEST 17TH AVENUE, 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 Paul C. Kiepke, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Allen, to adopt Resolution #2927, Plat of Triple 'D' Tract 1 in the SW ¼ of the SE ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., including portions of previously platted and now abandoned Lot H-3, Davison County, South Dakota, as follows:

**RESOLUTION #2927
RESOLUTION OF CITY COUNCIL**

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 13th day of June, 2011; and

WHEREAS, it appears from an examination of the plat of TRIPLE 'D' TRACT 1 IN THE SW ¼ OF THE SE ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., INCLUDING PORTIONS OF PREVIOUSLY PLATTED NOW ABANDONED LOT H-3, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat 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 TRIPLE 'D' TRACT 1 IN THE SW ¼ OF THE SE ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., INCLUDING PORTIONS OF PREVIOUSLY PLATTED NOW ABANDONED LOT H-3, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried with Backlund and Carpenter abstaining. Resolution declared duly adopted.

Moved by Olson, seconded by Barington, to adopt Resolution #2928, Plat of Lot 1 and Lot 2 of J.A. Spaans Addition and a portion of South Mentzer Street in the West ½ of the NE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #2928
RESOLUTION OF CITY COUNCIL**

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 13th day of June, 2011; and

WHEREAS, it appears from an examination of the plat of LOT 1 AND LOT 2 OF J.A. SPAANS ADDITION AND A PORTION OF SOUTH MENTZER STREET IN THE WEST ½ OF THE NE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat 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 AND LOT 2 OF J.A. SPAANS ADDITION AND A PORTION OF SOUTH MENTZER STREET IN THE WEST ½ OF THE NE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Carpenter, seconded by Barington, to place Ordinance #2366, Supplemental Appropriations, on second reading. Motion carried. Moved by Allen, seconded by Olson, to adopt Ordinance #2366, Supplemental Appropriations, as follows:

**ORDINANCE NO. 2366
SUPPLEMENTAL APPROPRIATION ORDINANCE
AMENDING ORDINANCE NO. 2343
CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**

BE IT ORDAINED, BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, that the following sums be appropriated to authorize certain expenditures and to meet certain obligations for the year 2011 according to statute:

**GENERAL FUND
ECONOMIC/INDUSTRIAL DEVELOPMENT**

101-46500-42912	MADC-Building Loan Program	\$142,154.00
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The funding will come from General Fund cash balance.

**SPECIAL REVENUE FUND
E-911**

214-43500-42999	Refunds & Reimbursements	\$1,805.00
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The funding will come from an overpayment.

Motion carried and ordinance declared duly adopted.

Moved by Barington, seconded by Olson, to place Ordinance #2367, Corn Palace Department Head, on first reading. Motion carried.

SET DATE:

Moved by Carpenter, seconded by Smith, that the 5th day of July, 2011 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of the Exchange Club of Mitchell for a Special Event Malt Beverage License, located at Cadwell Park, on August 3-14, 2011 for the State Amateur Baseball Tournament. Motion carried.

Moved by Allen, seconded by Olson, that the 5th day of July, 2011 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of the Exchange Club of Mitchell for a Special Event Malt Beverage License, located at the Horseman's Sports Arena, on August 17, 2011 for the Miller Lite Bull Bash. Motion carried.

CONSIDER APPROVAL:

Moved by Carpenter, seconded by Smith, to authorize the Department of Public Safety to apply for a Highway Safety Grant for Speed Enforcement in the amount of \$18,222.00. If the grant is approved, the Department of Public Safety will purchase two speed boards in the amount of \$10,162.00. The grant will cover \$8,129.60 and the city's portion will be \$2,032.40. The remaining \$8,060.00 will be used for police overtime. Motion carried with Backlund and Barington voting nay.

Moved by Carpenter, seconded by Beck, to approve the request from Mitchell Main Street and Beyond to conduct a raffle with the drawings to be held at various times between now and December 31, 2011. Motion carried.

PAY ESTIMATES:

Moved by Carpenter, seconded by Olson, to approve the following pay estimates:

- pay estimate #3-Final in the amount of \$67,825.50 for Statuary Demo Project #2009-7 contracted with Schoenfelder Construction,
- pay estimate #18 in the amount of \$3,7939.75 for South Side Water Tower Project #2009-30 contracted with SPN & Associates,
- pay estimate #9 in the amount of \$15,499.75 for Lawler Street Utilities Project #2010-2B contracted with SPN & Associates,
- pay estimate #12 in the amount of \$4,057.25 for Lake Mitchell Campground Rip Rap Project #2010-5 contracted with SPN & Associates,
- pay estimate #3 in the amount of \$1,656.39 for Sidewalk – Hazardous Project #2011-4C contracted with Big “O” Concrete,

- pay estimate #2 in the amount of \$8,512.63 for Sidewalk – Pioneer & Jennewein Parks Project #2011-4G contracted with Big “O” Concrete, and
- pay estimate #4 in the amount of \$311.85 for Sidewalk – Neighborhood Parks Project #2011-4I contracted with Big “O” Concrete.

Members present voting aye: Allen, Backlund, Barington, Beck, Carpenter, Houwman, Olson, Smith. Members present voting nay: none. Motion carried.

BILLS:

Moved by Beck, seconded by Olson, to approve the following payroll expenditures, adjustments to payroll and accounts payable warrants:

PAYROLL, MAY 15, 2011 – MAY 28, 2011:

SALARY ADJUSTMENTS (per hour rate):

CORN PALACE CONCESSIONS: Deb Bartscher-\$9.00

NEW HIRES (per hour rate):

CEMETERY: Mark Budahl-\$7.75, Skylar Neugebauer-\$7.75

CORN PALACE SHOWS: Madelyn Essig-\$8.00

FIRE: Brennan Oliverius-\$12.616

PARKS: Matt Hayes-\$14.578

RECREATION & AQUATICS: Cory Adland-\$10.00, Daniel Anderson-\$8.50, Harriet Baldwin-\$9.50, Jordan Barnhart-\$7.50, Kelsey Baye-\$9.75, Mitch Baye-\$8.50, Zach Bennett-\$7.50, Leah Berg-\$7.25, Brianna Bernard-\$8.00, Ryan Buck-\$7.50, Jacob Cundy-\$7.50, Mauli Delaney-\$8.75, Micaela Erickson-\$7.75, Megan Farnham-\$7.50, Jordan Feterl-\$7.50, Cory Greenway-\$10.00, Brent Havlik-\$7.50, Jamie Henkel-\$11.50, Matt Ivers-\$8.50, Megan Kirby-\$10.50, Morgan Larson-\$7.50, Taryn Lehr-\$7.50, Aimee Lenocker-\$7.50, Julie Millar-\$10.50, Collin Moen-\$7.50, Kendra Morgan-\$7.50, Kella Rodiek-\$8.50, Michael Sadler-\$7.25, Trevor Salmonson-\$8.00, Isaac Smith-\$7.75, Nick Young-\$7.75

SPORTS COMPLEXES: Timothy McCain-\$10.00

STREET: Jordan Jendersee-\$8.75

WASTE WATER TREATMENT: Josiah Mueller-\$9.50

WARRANTS: A & B Business, Supplies-\$556.21, A-Ox Welding Supply, Supplies-\$32.04, Abc-Clio, Books-\$128.52, Advance Auto Parts, Parts-\$50.97, Affordable Geothermal, Deposit Refund-\$1,000.00, Aflac, Aflac Withholdings-\$4,275.30, AFSCME Council 59, Union Dues-\$1,066.40, Al's Engraving, Name Badges-\$7.90, Alltel, Utilities-\$940.25, ALS Group USA, Testing-\$200.00, American Swing Products, Repairs-\$1,180.17, American Water Works Association, Supplies-\$95.50, Aqua-Pure, Chemicals-\$700.00, Arctic Refrigeration, Repairs-\$4,274.13, ATR Lighting Enterprises, Supplies-\$90.82, Audiogo, Books-\$367.32, Auto Body Specialties, Supplies-\$6.75, Avera Queen of Peace Hospital, Contract Services-\$2,802.15, Avera Queen of Peace Hospital, Supplies-\$183.69, Baker Bros Electric, Repairs-\$710.82, Barbara R. Strong, Election Worker-\$119.00, Bayne Machine Works, Parts-\$1,537.61, Ben DeVries, Reimbursement-\$25.00, Bender's Sewer & Drain, Pumpout Holding Tank-\$673.00, Bernan, Books-\$200.00, Betty Hainy, Election Worker-\$114.75, Beverly Pooley, Election Worker-\$40.00, Bierschbach Equipment & Service, Supplies-\$2,391.14, Big O Concrete, Contract Services-\$10,480.87, Birch Communications, Utilities-\$48.15, Break Time Portables, Contract Services-\$75.00, Brenda F. Reinfeld, Contract Services-\$175.00, Brenda Schroeder, Uniform Repairs-\$100.00, Brown Traffic Products, Parts-\$440.00, Business Products, Supplies-\$1,345.67, Campbell Supply, Supplies-\$490.18, Card Services, Supplies-\$42.88, Carol Preston, Contract Services-\$200.00, Carquest Auto Parts, Parts-\$96.79, CDW Government, Supplies-\$119.10, Center Point Large Print, Books-\$166.56, Central Electric Cooperative, Utilities-\$9,358.70, Char's Party Center, Supplies-\$36.50, Cherrybee's, Green Plant-\$54.25, Chuck's Paint & Blinds, Supplies-\$132.83, City of Emery, Senior Meals Payroll Reimbursement-\$1,653.00, City of Mitchell, Project Construction-\$20,000.00, Coca Cola Bottling, Supplies-\$821.00, Commercial Asphalt/Spencer Quarries, Hot Mix-\$15,291.92, Construction Products, Parts-\$398.00, Corn Palace Concessions, Supplies-\$371.08, Corrine Larson, Election Worker-\$40.00, County Fair, Supplies-\$14.78, Craig Waldron, Lawn Mowing-\$150.00, Cretex Concrete Products, Supplies-\$716.10, Daily Republic, Legals-\$4,331.38, Dakota Fluid Power, Repairs-\$100.00, Dakota Pump, Parts-\$135.17, Dakota Pump & Control, Repairs-\$527.14, Dakota Salvage, Parts-\$50.00, Dale's A-1 Transmission, Police Tow-\$135.00, Daniel Campbell, Reimbursement-\$54.25, Danko Emergency Equipment, Protective Clothing -\$208.82, Darrington Water Conditioning, Rent-\$41.00, Davison Rural Water System, Water Usage-\$77.50, Deb Cundy, Election Worker-\$106.25, Dell Marketing, Computers-\$3,000.00, Delta Dental Plan of South Dakota, Dental Insurance-\$11,490.96, Denise Amber Lee Foundation, Video-\$25.00, Department of Social Services, Child Support-\$1,160.95, Diamond Traffic Products, Supplies-\$244.68, Diamond Vogel Paint and Wax, Supplies-\$1,715.00, Dick's Body Shop, Repairs-\$470.00, Du All Construction, Repairs-\$1,224.00, Ellefson Implement, Parts-\$201.33, Emery Senior Citizens, Utilities Reimbursement-\$94.11, Environmental Toxicity Control, Testing-\$325.00, Evelyn Buckley, Election Worker-\$135.00, Evelyn E. Blumer, Election Worker-\$15.00, EZ-Liner Industries, Supplies-\$184.62, Fabric Warehouse, Upholstery-\$15.02, Farmers Alliance, Supplies-\$1,326.00, Farnams Genuine Parts, Parts-\$139.83, Farner-Bocken Company, Supplies-\$2,854.78, Fastenal Company, Supplies-\$107.06, Ferguson Waterworks, Maintenance-\$1,460.00, Forestry Suppliers, Supplies-\$26.15, Gale, Books-\$620.13, Gary Walton, Lawn Mowing-\$75.00, Golden West Technologies, Repairs-\$132.50, Graham Tire, Tires-\$1,039.03, Grainger, Supplies-\$25.95, Haensel Distributing, Equipment-\$5,400.00, Hard Drive Outlet, Supplies-\$312.00, HD Supply Waterworks, Parts-\$4,554.71, Helena Chemical, Supplies-\$1,425.00, Heritage Archives, Supplies-\$248.75, Honda of Mitchell, Parts-\$5.88, International Municipal Lawyers Association, Renewal-\$480.00, Ingram Library Services, Supplies-\$1,709.83, Insurance Benefits, Airport Liability Renewal-\$4,520.00, Integrity Transcription, Transcribing Service-\$577.50, Interstate Office Products, Supplies-\$41.58, Iverson Chrysler Center, Rental-\$49.95, James Blades, Election Worker-

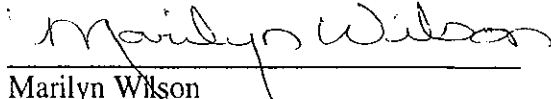
\$123.25, James Valley Community Center, Contract Services-\$975.00, James Valley Nursery, Supplies-\$434.48, Janet Klinger, Election Worker-\$110.50, JCL Solutions-Janitors Closet, Supplies-\$409.77, JD Concrete Products, Supplies-\$1,654.75, Jeff Spars, Tools-\$54.11, Joan Byrd, Election Worker-\$135.00, John Deere Landscapes, Parts-\$296.98, John Hegg, Travel-\$41.50, Jones Supplies, Supplies-\$929.18, Josh's Mowing Service, Lawn Mowing-\$175.00, Joyce Jones, Election Worker-\$130.50, K-Mart, Supplies-\$43.11, KJRV, Advertising-\$300.00, Kleen Solutions, Supplies-\$246.75, KORN/KQRN Radio, Advertising-\$1,212.00, Kurth Lawn Care, Lawn Mowing-\$575.00, Lakeview Sales & Supply, Supplies-\$695.51, Lakeview Veterinary Clinic, Rent and Dog Pound-\$1,710.97, Larry's I-90 Service, Repairs-\$148.08, Lavetta Kruger, Refund-\$27.50, Lavonne Schmit, Election Worker-\$125.37, Librarians' Choice, Books-\$414.10, Light & Siren, Parts-\$99.90, Lighthouse Uniform, Supplies-\$195.15, Liles & Tippit, Supplies-\$179.59, Lois E. Huber, Contract Services-\$777.00, Maloney & Maloney, Legal Services-\$5,722.23, Marius Laursen, Travel-\$199.32, Mary Ann Lulewicz, Election Worker-\$15.00, Mary Lou Voigt, Election Worker-\$40.00, McFarland Supply, Parts-\$222.41, McLeod's Printing, Supplies-\$254.60, Mebius Nursery & Landscaping, Repairs-\$1,907.44, Medicine Shoppe, Supplies-\$34.30, Menard's, Supplies-\$1,185.72, Meridian Grain, Supplies-\$5,604.50, Meyers Oil Company, Fuel-\$25,485.90, Microfilm Imaging Systems, Maintenance-\$1,200.00, Midcontinent Communications, Utilities-\$100.70, Midwest Fire & Safety, Supplies-\$412.85, Midwest Tire & Muffler, Tires-\$12,539.59, Midwest Turf & Irrigation, Parts-\$371.02, Minitex, Supplies-\$328.00, Mitchell Aquatics Club, Allocation-\$12,000.00, Mitchell Area Chamber of Commerce, June Funding-\$2,637.50, Mitchell Area Convention Visitors Bureau, June Funding-\$18,462.50, Mitchell Area Development Corporation, June Funding-\$5,275.00, Mitchell Concrete Products, Supplies-\$69.60, Mitchell Iron & Supply, Parts-\$81.09, Mitchell Lawn Care, Lawn Mowing-\$445.00, Mitchell Senior Center, Training-\$20.00, Mitchell Telecom, Utilities-\$119.20, Mitchell United Way, United Way Deductions-\$188.64, Minnesota Bureau of Criminal Apprehension, Shipping Fees-\$5.50, Montana CSED, Child Support-\$125.56, Mount Vernon School District, Contract Services-\$73.70, Mueller Lumber, Supplies-\$11.04, Muth Electric, Supplies-\$1,819.32, Neve's Uniforms, Supplies-\$134.19, New Cingular Wireless, Refund-\$1,803.38, New Deal Tire, Tires and Tire Disposal-\$2,529.00, Newman Traffic Signs, Supplies-\$2,233.55, Norma Rew, Election Worker-\$132.75, Northwest Pipe Fittings, Parts-\$209.91, Northwestern Energy & Communications, Utilities-\$19,206.49, Palace Cleaners, Supplies-\$292.25, Patzer Woodworking, Display Case-\$3,000.38, Paul Morris, Reimbursement-\$25.00, Paulson Sheet Metal, Repairs-\$996.32, Pepsi Cola Company, Supplies-\$283.08, Plastow & Associates, Computer Repairs-\$687.60, Pony Creek Steakhouse, Contract Services-\$2,129.15, Porter Distributing, Supplies-\$195.00, Powerphone, Recertification-\$129.00, Prestige Flag, Flags-\$115.11, Pro-Build, Supplies-\$620.08, Professional Mailing & Marketing, Mailing Service-\$2,914.97, Qualified Presort, Mailing Service-\$502.38, Qwest, Utilities-\$2,092.61, Randolph F. Stiles, Reimbursement-\$10.00, Random House, Books-\$62.36, Reader's Den, Books-\$72.74, Recorded Books, Books-\$1,680.93, River Cities Public Transit, Phone Lines-\$56.00, Rodger Kulm Repair, Repairs-\$97.33, SAE Warehouse, Freight Charges-\$25.00, Saga Communications Of South Dakota, Advertising-\$362.50, Santel Communications, Utilities-\$165.06, Schmucker Paul & Nohr, Contract Services-\$23,296.75, Schoenfelder Construction, Contract Services-\$67,825.50, Scott Supply, Parts-\$497.02, South Dakota Department of Environment & Natural Resources, Fees-\$2,287.19, South Dakota Magazine, Renewal-\$19.00, South Dakota One Call, Fees-\$290.82, South Dakota Retirement System, South Dakota Retirement System-\$38,635.68, South Dakota State Treasurer, Sales Tax Payment-\$16,907.97, South Dakota Department of Transportation, Reimbursement-\$591.00, South Dakota Library Association Conference, Registration-\$360.00, South Dakota Retirement System Special Pay Plan, Supplemental Retirement-\$2,104.33, Share Corporation, Supplies-\$360.81, Sheehan Mack

Sales & Service, Parts-\$345.14, Sherwin-Williams, Supplies-\$781.44, Sherwin-Williams, Supplies-\$4,026.20, Shirley J. Tolsma, Election Worker-\$123.25, Shoemaker Computing, Repairs-\$60.00, Shopko, Supplies-\$69.95, Showcases, Supplies-\$527.79, Sign Pro, Supplies-\$1,575.57, Sioux Empire Christian Counseling, Contract Services-\$120.00, Sioux Falls Two-Way Radio, Repairs-\$62.49, Standard & Poor's, Directories-\$311.73, Standard Insurance Company, Life Insurance Deductions-\$1,166.88, State of South Dakota, Utilities-\$276.96, Steamway Cleaning, Maintenance-\$40.00, Sturdevant's Auto Parts, Parts-\$2,122.19, Sun Gold Trophies, Supplies-\$1,312.76, Tech Solutions, Repairs-\$105.00, Test America Laboratories, Lab Fees-\$2,916.42, The Radar Shop, Recertified Radar Units-\$412.00, Thune True Value Hardware, Supplies-\$281.75, Tierney Brothers, Equipment-\$56.50, Tigerdirect, Supplies-\$156.13, TK Electric, Repairs-\$333.60, Tractor Supply, Supplies-\$76.85, Triotel Communications, Utilities-\$51.84, United Way & Volunteer Service, Copies-\$3.85, UPS Store, Shipping-\$62.61, Unites States Postal Service, Postage-\$88.00, Unites States Postmaster, Postage-\$87.00, USA Blue Book, Parts-\$85.91, Variety Foods, Supplies-\$830.07, Verizon Wireless, Utilities-\$91.98, Verla J. Belitz, Election Worker-\$135.00, Walmart Community, Supplies-\$218.73, Wells Business Brokerage Support, TIF #4-\$37,785.26, West Payment Center, Supplies-\$644.64, Wheelco Brake & Supply, Parts-\$34.66, Wholesale Electronics, Supplies-\$16.40, Wright Brothers Aviation, Airport Administration-\$500.00, Yankton Daily Press & Dakotan, Subscription Renewal-\$169.39, Zach Dalrymple, Reimbursement-\$84.00, Zep Sales & Service, Supplies-\$173.55, Zimco Supply, Chemicals-\$1,772.00.

Members present voting aye: Allen, Backlund, Barington, Beck, Carpenter, Houwman, Olson, Smith.
Members present voting nay: none. Motion carried.

ADJOURN:

There being no further business to come before the meeting, it was moved by Olson and seconded by Backlund to adjourn the meeting. Motion carried.



Marilyn Wilson
Finance Officer

Published once at the approximate cost of _____.

PLANNING COMMISSION MINUTES

JUNE 27, 2011

PRESIDING: Meyers

PRESENT: Meyers, Griffith, Schmucker, Everson, Fergen, Molumby,

ABSENT: Larson, Smith

OTHERS: McGannon, Putnam, Hegg, Overweg, Laursen

AGENDA: Motion by Everson, seconded by Griffith to approve the agenda. All members present voting aye, motion carried.

MINUTES:

Motion by Molumby, seconded by Fergen to approve the minutes of the regular meeting of June 13, 2011. All members present voting aye, motion carried.

NEXT MEETING:

Motion by Griffith, seconded by Schmucker to schedule the next Planning Commission meeting for July 11, 2011 at 12:00 p.m. subject to chair for hearings on petitions for rezoning and applications for variances and conditional use permits for publication and Finance Officer be directed to give notice according to statute. All members present voting aye, motion carried.

PLAN: Goodwill Next to County Fair on Havens Zoned HB

Jordan Metzger from Puetz Construction stated they would begin this building before they can start adding/remodeling to County Fair. The loading dock would be in the South East corner and there would be sufficient parking for both the Goodwill store and the Chiropractic office. Motion by Molumby, seconded by Everson to approve the plans as submitted. All members present voting aye, motion carried.

VARIANCE: Mark Bunker to construct an **addition to his garage** located at 516 S Kimball St., legally described as Lots 117 & 118, Overlook Addition to the City of Mitchell, Davison County, South Dakota. The **Size limitation** will not be met. Zoned R-3 Medium Density Residential District. Applicant will provide approximately a 1295 sq ft instead of the 1050 that is required.

Everson questioned if this would meet the new zoning requirement and it would. Motion by Everson, seconded by Fergen to recommend approving this variance based on the drawing submitted. All members present voting aye, motion carried.

PLAT: A Plat of Lot B of Beverly's Addition in the NE¼ of Section 2, 102 N, R 60 W of the 5th P.M., Davison County, South Dakota

Dan Sudrla stated the County Planning Commission did approve this plat. Motion by Griffith, seconded by Fergen to approve this plat based on paperwork submitted by SPN. All members present voting aye, motion carried.

PLAN: B-T Construction 1221 E Havens. Spec House.

Brad Thompson was not available but could be reached with his cell. Putnam explained Thompson would like to build spec houses on Brenden's property and possibly the Bathke property. After the spec house was constructed he would sell them. The Planning Commission did not want to approve this plan without knowing if he'd have a lease or buy the land. McGannon stated he probably is waiting to get permission from the planning before he purchased or leased this land. Motion by Schmucker, seconded by Everson to approve the concept contingent on site approval by this board. All members present voting aye, motion carried.

OTHER BUSINESS:

Putnam updated the commission on the zoning code. He will bring it back for the commission to review the changes at a later date.

ADJOURN:

Chairman Meyers adjourned meeting at 12:40 P.M.

Minutes submitted by Sheila Loecker

City of Mitchell

612 NORTH MAIN STREET • MITCHELL, SOUTH DAKOTA 57301 • (605) 995-8420 • FAX (605) 995-8410
ENGINEER (605) 995-8435 • WATER PLANT (605) 995-8449 • STREET (605) 995-8465 • WASTE WATER (605) 995-8446
WATER/UTILITIES (605) 995-8498 • PUBLIC WORKS/PLANNING/ZONING/INSPECTOR (605) 995-8433
www.cityofmitchell.org

June 27, 2011

TO: MAYOR & CITY COUNCIL

RE: On Road Diesel Fuel Off Road Diesel Fuel

United Energy, LLC.	Requested Gallons	Bid Gallons		
On Road Diesel	2000	2000	\$3.25	\$ 6500.00
Unleaded Gas-10% Ethanol	0	0	\$0	\$
Unleaded Gas-No Ethanol	0	0	\$0	\$
Off Road Diesel	5500	5500	\$3.04	\$16720.00
			Total:	\$23220.00

Meyers Oil Co.

On Road Diesel	2000	2000	\$3.2181	\$ 6436.20*
Unleaded Gas-10% Ethanol	0	0	\$0	\$
Unleaded Gas-No Ethanol	0	0	\$0	\$
Off Road Diesel	5500	5500	\$2.9981	\$ 16489.55*
			Total:	\$22925.75*

Meyers Oil was the low bidder and the bid for the items in bold and marked with asterisk were awarded to them.

Sincerely,



Ron Olson
Street & Sanitation Superintendent

cc: United Energy, LLC.
Meyers Oil Co.

