

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

**FEBRAURY 5, 2007
7:30 P.M.**

PRESENT: Dan Allen, Marty Barington, Britt Bruner, Travis Carpenter,
Allen Lepke, Doug Molumby, Jeffrey Smith

ABSENT: Ken Tracy

PRESIDING: Mayor Lou Sebert

AGENDA:

Moved by Molumby, seconded by Lepke, to approve the agenda as prepared. Motion carried.

MINUTES:

Moved by Barington, seconded by Allen, to approve the minutes of the regular City Council meeting held on January 16, 2007. Motion carried.

CITIZEN'S INPUT:

Attorney Stiles stated he would give Dean Robideau until April 30th to remove the house on the property purchased by the City for the soccer complex.

BOARD OF ADJUSTMENT:

Moved by Smith, seconded by Molumby, for the City Council to adjourn and sit as the Board of Adjustment. Motion carried.

Moved by Carpenter, seconded by Lepke, that the 19th day of February, 2007 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Josh Cuppy for a variance to construct a garage at 1021 University, legally described as Lot 5, Block 11, University Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

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

COMMITTEE REPORTS:

Public Health & Safety Committee:

The Public Health & Safety Committee met on February 5, 2007 at 6:35 p.m. in the Council Chambers of City Hall. The committee was updated on the nuisance ordinance which was adopted last year.

Sidewalk Committee:

The Sidewalk Committee met on February 5, 2007 at 6:50 p.m. in the Council Chambers of City Hall. The committee approved placement of the sidewalk on the easement on the 300 block of West 19th Avenue for Endorf, Lurken, Olson.

Public Works Committee:

The Public Works Committee met on February 5, 2007 at 7:00 p.m. in the Council Chambers of City Hall. The committee reviewed filling three proposed foreman positions in the Utilities Division. The positions would include a Water Distribution Foreman, Wastewater Collection Foreman and Wastewater Distribution Foreman. The cost to implement the foreman positions is approximately \$8,301.00.

Council Members requested this issue be brought back to the February 19th meeting.

Moved by Molumby, seconded by Allen, to approve the committee reports. Motion carried.

HEARING:

This is the date and time set for hearing on the intent to enter into a lease agreement between the City of Mitchell and the Mitchell Area Chamber of Commerce. There were no questions or discussion items from the audience.

RESOLUTIONS:

Moved by Lepke, seconded by Carpenter, to adopt Resolution #2498, Intent to Enter Into a Lease Agreement with the Chamber of Commerce, as follows:

**RESOLUTION #2498
INTENT TO ENTER INTO A LEASE AND FIXING A
TIME AND PLACE FOR HEARING ON THE
ADOPTION OF THE RESOLUTION**

WHEREAS, the City of Mitchell is the owner of that facility described as the Corn Palace; and

WHEREAS, a portion of that facility will be rented to the Chamber of Commerce on an annual basis for a period of ten (10) years; and

WHEREAS, SDCL 9-12-5.2 requires Notice of Intent to be published in the official newspaper once, at least ten (10) days prior to the hearing; now therefore,

BE IT RESOLVED:

That the City of Mitchell intends to enter into a Lease with the Chamber of Commerce for a portion of the Corn Palace, for a term and period of ten (10) years; and

That a copy of the Lease is on file with the Finance Officer of the City of Mitchell, and that the same may be examined and copied by any interested person; and

That a hearing on the Resolution of Intent to enter into a Lease will be heard by the Council in the Council Chambers in the City of Mitchell on the 5th day of February, 2007, at the hour of 7:30 o'clock p.m., or as soon thereafter as the matter may be heard; and

That after said hearing the Council will consider the matter and adopt a Resolution authorizing the Lease as prepared or amended.

Smith abstained.

Motion carried and resolution declared duly adopted.

Moved by Bruner, seconded by Barington, to adopt Resolution #2493, Petition for Vacation of Public Right-of-Way, as follows:

**Resolution #2493
On Petition for Vacation of
Public Right-of-Way**

WHEREAS, The Petition and consent in writing of Midwest Motels of Mitchell II, L.L.C. and Thomsen Enterprises LLC respectfully in due and proper form, requesting the Governing Body of the City of Mitchell to vacate the street right-of-way described as: A portion of Highland Way (road right-of-way) abutting and lying east of a portion of Lots Three (3) and Four (4) of Highland Business Park Addition, a subdivision of Erdmann Irregular Tract Lot Four B (4B) and that portion of abandoned Lot B abutting Lot B, all in the Southeast Quarter (SE1/4) of Section Twenty-seven (27), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M. ,City of Mitchell, Davison County, South Dakota consisting of 12,637 square feet, more or less, was presented to the City Council of Mitchell, South Dakota, in a regular meeting assembled on the 5th day of February, 2007; and

WHEREAS, This Council did thereupon consider said Petition and did find that said Petition and Consent in writing requesting and consenting to the vacation of said street was signed by all of the owners of the property abutting the street sought to be vacated; and,

WHEREAS, This Council did, by proper motion, made, seconded and carried in regular meeting assembled on the 5th day of February, 2007, deem it proper that the matter be proceeded with and did order that the said Petition be filed with the City Finance Officer and did order said City Finance Officer to give notice of a hearing thereon, by publication, as required by law, that said Petition had been filed and that the same would be heard and considered by the Governing Body of the said City on the 5th day of February, 2007, at 7:30 o'clock p.m. in the Chambers of the City Council of the City of Mitchell, South Dakota; and

WHEREAS, Said Council did meet to consider and hear said Petition on the said 5th day of February, 2007, at the time and place specified in said Notice, and that the said Petition was duly heard and considered by this Council, the Petitioners being represented by and appearing through

their attorney Don Petersen, and no one appearing in opposition to said Petition, and there having been no objections presented to the granting of said Petition, in writing or otherwise; and,

WHEREAS, this Council having duly heard and considered said Petition finds:

1. That due notice of the hearing of said Petition was given by the City Finance Officer by publication of a Notice thereof in the form as provided by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota, for two (2) successive weeks, to-wit: January 5, 2007, and January 12, 2007.

2. That the Petitioners are the sole owners of all of the property abutting the street right of way requested to be vacated and have requested that the said street right of way be vacated. Said owners having consented in writing to the vacation of said street and which consent is made a part of the said Petition.

3. That no portion of the right-of-way sought to be vacated has been used, maintained or traveled as a street for more than twenty (20) years last past, and that said street right of way is serving no public need, necessity or purpose.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in regular meeting, on the 5th day of February, 2007, that the street right of way identified as; A portion of Highland Way (road right-of-way) abutting and lying east of a portion of Lots Three (3) and Four (4) of Highland Business Park Addition, a subdivision of Erdmann Tract Lot Four B (4B) and that portion of abandoned Lot B abutting Lot B, all in the Southeast Quarter (SE ¼) of Section Twenty-seven (27), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., City of Mitchell, Davison County, South Dakota and the same is hereby declared vacated.

Motion carried and resolution declared duly adopted.

Moved by Molumby, seconded by Barington, to adopt Resolution #2501, Amending Resolution #2492-Giving Approval to the Issuance and Sale of Tax Incremental Revenue Bonds, as follows:

RESOLUTION #2501

RESOLUTION GIVING APPROVAL TO THE ISSUANCE AND SALE OF TAX INCREMENTAL REVENUE BONDS AND BUSINESS IMPROVEMENT BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$2,100,000 PLUS COSTS OF ISSUANCE TO FINANCE THE PUBLIC CONFERENCE CENTER FACILITY, AUTHORIZING A LOAN AGREEMENT OR TRUST INDENTURE, AUTHORIZATION OF THE BOND ANTICIPATION NOTE AND EXECUTION OF RELATED DOCUMENTS

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell as follows:

Declaration of Necessity. The City of Mitchell (the "City") finds and declares a necessity to issue tax increment revenue bonds in connection with Tax Increment District #8 and Business Improvement Bonds and use the proceeds therewith to pay for the construction of a public conference center facility and related project costs as listed in the Tax Increment Plan and the

business improvement plan (collectively the "Project") which Project has been approved and copies of plans are on file with the Finance Officer open to public inspection.

Authority. The City is authorized to issue its tax increment revenue bonds and business improvement bonds to finance costs of the Project (the "Project Costs") pursuant to Section 11-9-33 of the South Dakota Codified Laws. Pursuant to Chapter 11-9 of the South Dakota Codified Laws (the "Act") the City proposes to issue municipal tax incremental revenue bonds and business improvement project bonds to finance a portion of the Project Costs. The City is authorized by the Tax Incremental Act to pledge a special fund into which the City will deposit the tax increment (as defined by the Act) and pursuant to SDCL Chapter 9-55 (the "Business Improvement District Act") to issue Business Improvement Bonds and to pledge a special fund into which the City will deposit the business improvement taxes.

Pledge of State of South Dakota. Pursuant to SDCL 11-9-39.1, the state of South Dakota does pledge to and agree with the holders of any obligations issued under 11-9 that the state will not alter the rights vested in the bond holders until such bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged.

Authorization to issue and sell the Bonds. It is hereby determined to be necessary and in the best interests of the City and its inhabitants that this City Council authorize, issue and sell the Tax Increment Bonds and Business Improvement District Bonds (collectively the "Bonds") in order to finance a portion of the cost of the Project. The Mayor and Finance Officer are authorized negotiate the sale or publicly bid the Bonds subject to the limitations of law and this resolution. The City Council further authorizes its officers to execute a Bond Purchase Agreement in connection with the Bonds (the "Bond Purchase Agreement"). The Bond Purchase Agreement shall provide for a loan agreement or trust indenture (collectively the "Indenture") which shall evidence the final terms of the bonds. The City does hereby authorize the issuance of Bonds upon such terms as are set forth in the Bond Purchase Agreement and Indenture. The Bonds may be issued by the City without an election pursuant to SDCL §11-9-34.

Terms of the Bonds. The City Council hereby authorizes the issuance of the Bonds in the aggregate principal amount not to exceed \$2,100,000, plus costs of issuance, in one or more series, in accordance with the terms of the Bond Purchase Agreement and Indenture. The authorization to issue the Tax Increment Bonds is effective without any additional action of the City Council and shall be undertaken by the City Finance Officer on such date and upon the terms and conditions deemed reasonable by Finance Officer. The Bonds shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the Indenture. The form of the Bonds included in the Indenture are approved in substantially the form therein, subject to such changes not inconsistent with this Resolution and applicable law, and subject to such changes that are approved by the City Finance Officer. Without limiting the generality of the foregoing, the City Finance Officer is authorized to approve changes in the original aggregate principal amount of the Bonds, in the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the

Bonds, and the other terms of the Bonds. The issuance and delivery of the Bonds shall be conclusive evidence that the City Finance Officer has approved any changes to the forms of the Bonds on file with the City on the date hereof. The proceeds derived from the sale of the Bonds shall be held, transferred, expended, and invested in accordance with the terms of the Indenture and the earnings from all investments of the proceeds of the Bonds shall be held, transferred, expended, and invested in accordance with the terms of the Indenture.

Security for the Bonds. The City Council appropriates and pledges the Tax Increments and Business Improvement Taxes in accordance with the terms of the Indenture. The City Council authorizes the application of the Tax Increment derived from the Tax Increment District #8 and the Business Improvement Taxes to the payment of debt service on the Bonds in accordance with the terms in the Indenture.

Trust Indenture or Loan Agreement. The Indenture is hereby approved in substantially the form to be filed with the City Finance Officer, subject to such changes not inconsistent with this resolution and applicable law that are approved by the City Finance Officer.

Certification of Proceedings. The officers of the City are authorized and directed to prepare and furnish to the purchasers of the Bonds certified copies of all proceedings and records of the City relating to the authorization and issuance of the Bonds and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the Bonds as such facts appear from the officer's books and records or are otherwise known to them. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the correctness of the facts recited therein and the action stated therein to have been taken.

Representation Letter. The City Finance Officer is authorized to execute and deliver the Representation Letter in substantially the form on file, with such changes therein not inconsistent with applicable law, as the City Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof. Any paying agent or bond registrar subsequently appointed by the City with respect to the Bonds shall agree to take all actions necessary to ensure compliance with all representations of the City in the Representation Letter with respect to the bond registrar and paying agent, respectively.

Disclosure Documents and Closing Certificates.

Disclosure of Material Information. The preparation of an Official Statement (or other form of disclosure document) in conjunction with the offer and sale of the Bonds is hereby authorized. When approved by the City Finance Officer of the City, the Official Statement (or other form of disclosure document) is authorized to be distributed in conjunction with the offer and sale of the Bonds. In order to provide for continuing disclosure with respect to the Bonds, to the extent deemed necessary, required, or appropriate by the City Finance Officer, the City Finance Officer and the Trustee may execute and deliver an agreement or certificate providing for continuing disclosure with respect to the Bonds.

Certificates as to Disclosure and Litigation. The Mayor of the City Council, and the City Finance Officer are individually and collectively authorized to furnish to the purchasers of the Bonds,

on the date of issuance and sale of the Bonds, a certificate that, to the best of the knowledge of such officers, the Official Statement (or other form of disclosure document) does not, as of the date of closing, and did not, as the time of sale of the Bonds, contain any untrue statement of a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Unless litigation shall have been commenced and be pending questioning the Bonds, proceedings for approval of the Bonds, creation of the Tax Increment District #8, Tax Increment Revenue revenues pledged for payment of the Bonds, creation of the Business Improvement District or the organization of the City, or incumbency of its officers, at the closing, the City Finance Officer shall also execute and deliver a suitable certificate as to absence of material litigation, and the City Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds, and the signed approving legal opinion of Danforth & Meierhenry, LLP, as to the validity and enforceability of the Bonds and the taxability of interest on the Bonds.

Other Documents and Certifications. The City Finance Officer, and other agents, officers, and employees of the City are hereby authorized and directed, individually and collectively, to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter, the Trustee, or other persons or entities in conjunction with the issuance of the Bonds and the expenditure of the proceeds of the Bonds. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for the proceeds derived from the sale of the Bonds, an order to the Trustee, a general certificate of the City, and an Information Return for Governmental Obligations, if any.

Section 11. The City does hereby authorize a Bond Anticipation Note in anticipation of the issuance of the Bonds, upon such terms and limitations as set forth in SDCL 6-8B.

Motion carried and resolution declared duly adopted.

AWARD BIDS:

The following bids were opened and read on the 11th day of January, 2007 in the Council Chambers of City Hall.

Moved by Lepke, seconded by Allen, to award Conference Center Project #2007-2 as follows:

CONFERENCE CENTER PROJECT #2007-2

Schoenfelder Construction, 3131 West Havens, Mitchell, SD 57301
Item 1 - \$13,304.50

Alternate 2 - \$714.00
Alternate 3 - \$588.00

Pro Contracting, PO Box 673, Mitchell, SD 57301

Item 2 - \$93,000.00
Alternate 2 - \$9,270.00
Alternate 3 - \$5,908.00
Alternate 9 - \$2,600.00

T & D Masonry, 619 West McCabe, Mitchell, SD 57301

Item 3 - \$7,310.00

Tellinghuisen Inc., PO Box 138, Willow Lake, SD 57278

Item 4 - \$326,000.00
Alternate 4 - \$10,200.00

Interstate Glass, PO Box 727, Mitchell, SD 57301

Item 6 - \$24,632.00

Olympic Wall System, 3518 North Casco, Sioux Falls, SD 57104

Item 7 - \$258,400.00

Syverson Tile, 4015 South Western Avenue, Sioux Falls, SD 57105

Item 8 - 14,783.00

Office Interior, 4510 East 10th Street, Suite 106, Sioux Falls, SD 57110

Item 9 - \$39,074.00

Dakota Acoustical Tile, 1508 West 3rd Street, Sioux Falls, SD 57104

Item 12 - \$20,134.00

R & K Painting and Wallcovering, 713 South Phillips Avenue, Sioux Falls, SD 57104

Item 13 - \$12,630.00

Combined Building Specialties, 516 North Garfield Circle, Sioux Falls, SD 57104

Item 14 - \$94,818.00

Krohmer Plumbing, PO Box 1264, Mitchell, SD 57301

Item 16 - \$66,114.00
Alternate 4 - \$396.00

Howe Heating & Plumbing, 712 East 3rd Street, Sioux Falls, SD 57103

Item 17 - \$68,300.00

Paulson Sheet Metal, 1500 West 3rd Avenue, Mitchell, SD 57301

Item 18 - \$233,750.00

TK Electric, 419 East Juniper, Mitchell, SD 57301

Item 19	-	\$163,654.00
Alternate 4	-	\$2,254.00
Alternate 7	-	\$4,259.00
Alternate 8	-	\$6,075.00

Midstates Audio, 4012 North Hainje Avenue, Mitchell, SD 57301

Item 20	-	\$46,720.00
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James Valley Nursery, 600 West Spruce, Mitchell, SD 57301

Item 22	-	\$4,490.00
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Motion carried.

ORDINANCES:

Moved by Carpenter, seconded by Lepke, to place Ordinance #2234, Supplemental Appropriations on second reading. Motion carried. Moved by Barington, seconded by Molumby, to adopt Ordinance #2234, Supplemental Appropriations, as follows:

**ORDINANCE NO. 2234
 SUPPLEMENTAL APPROPRIATION ORDINANCE
 AMENDING ORDINANCE NO. 2221
 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 2007 according to statute:

**GENERAL FUND
 PUBLIC WORKS**

101-43110-43400	Minor Equipment	\$13,500.00
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The funding will come from the General Fund cash balance.

**SPECIAL REVENUE FUND
 RSVP-PALACE TRANSIT**

218-45150-42512	Preventive Maintenance	\$2,233.00
218-45150-42610	Tires	\$6,660.00
218-45150-42661	Mechanics Tools	\$10,000.00

The funding will come from federal and state grant funds (80%) and from the RSVP cash balance (20%).

ENTERPRISE FUND
WATER

602-43330-42801	Utilities-Broin Pump Station	\$15,000.00
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The funding will come from a reimbursement from Prairie Ethanol.

SEWER

604-43250-42200	Contract Services	\$1,000.00
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The funding will come from the Sewer Fund cash balance.

Motion carried and ordinance declared duly adopted.

Moved by Molumby, seconded by Carpenter, to place Ordinance #2235, Supplemental Appropriations on first reading. Motion carried.

SET DATE:

Moved by Lepke, seconded by Allen, that the 22nd day of February, 2007 at 1:30 p.m. in the Council Chambers of City Hall be the date and time set to receive and consider bids for Waste Water Treatment Facility Flow Meter Installation Project #2007-26. Motion carried.

Moved by Smith, seconded by Barington, that the 26th day of February, 2007 at 1:30 p.m. in the Council Chambers of City Hall be the date and time set to receive and consider bids for Turf Coring/Aerifier Project #2007-25. Motion carried.

CONSIDER APPROVAL:

Moved by Molumby, seconded by Carpenter, to approve the 2007 Corn Palace Decorating Product Contract between the City of Mitchell and Wade Strand in the amount of \$38,500.00. Motion carried.

Moved by Lepke, seconded by Carpenter, to approve amending Resolution #2499, Donation of Property for Bike Path, as follows:

AMENDED
RESOLUTION #2499
FRED KIPPES FAMILY DONATION OF PROPERTY
FOR BIKE PATH

WHEREAS, the Fred Kippes family, by and through Fred Kippes, has generously donated the following described real property:

The South Thirty-three Feet (S. 33') of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4), Section Nine (9), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., City of Mitchell, Davison County, South Dakota

to the City of Mitchell for use by the City in conjunction with the construction of a bike path; and

WHEREAS, that for and in consideration of that donation, the City, by and through the Park and Recreation Department, has agreed to place signage on the property noting the dedication of the property; and that on the east side of the property, there will be a field stone placed thereon and on the west side, a ground-level plaque—both of which having appropriate wordage as agreed to by the donor and the Board; now therefore,

BE IT RESOLVED:

That the City of Mitchell, by and through the Park and Recreation Department, is authorized to erect the field stone and the ground-level plaque with appropriate wordage thereon, for and in consideration of the gift made for the above-described property.

Motion carried.

Moved by Carpenter, seconded by Barington, to authorize the Palace Transit Division to apply for Department of Transportation and American Cancer Society grant funds. Motion carried.

Moved by Lepke, seconded by Molumby, to authorize the Police Division to apply for a Highway Safety Grant for in-car cameras. Motion carried.

Moved by Barington, seconded by Allen, to approve the request of the Mitchell Skating & Hockey Association to conduct a raffle with the drawing to be held on March 4, 2007. Motion carried.

Moved by Lepke, seconded by Carpenter, to approve the request of the Mitchell Girls' Basketball Program to conduct a raffle with the drawings to be held in February and March 2007. Motion carried.

ABATEMENT OF TAXES:

Moved by Lepke, seconded by Smith, to approve the following tax abatements:

- Rodney and Michelle Weisser in the amount of \$1,349.73 for Lot 2, Block 2, Roselander Ridge Addition due to wrong value entered,
- Trail King Industries Inc. in the amount of \$1,073.50 for Lots 2A, 2B, 3A, 3B, 4A, 4B, Mitchell Interstate Industrial Park Addition due to discretionary amount taxed,
- Quality Wood Design Inc. in the amount of \$7,514.50 for the East 325 feet of the South 601.76 feet of Lot 5B of Previously Platted Lot 5, Mitchell Interstate Industrial Park Addition due to discretionary amount taxed,
- Thomas and Sherri Patzer in the amount of \$10,878.78 for Block 15, Weavers Square Addition due to discretionary amount taxed,
- Jane Hagen in the amount of \$3,046.12 for Block D, Westview Addition due to discretionary amount taxed,
- AKG Midwest Inc. in the amount of \$52,632.44 for Lot 1, Mitchell Interstate Industrial Park Addition due to discretionary amount taxed,

Motion carried.

PAY ESTIMATES:

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

- pay estimate #21 in the amount of \$455.87 for New Landfill Monitoring Project #2003-17 contracted with Leggette, Brashears & Graham,
- pay estimate #37 in the amount of \$4,316.79 for Old Landfill Leachate Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #26 in the amount of \$835.63 for Hitchcock Aquatic Center Project #2004-5 contracted with Bonestroo, Rosene, Anderlik & Associates,
- pay estimate #1 in the amount of \$1,200.00 for Soccer Field Complex Project #2007-1 contracted with Civil Design Inc. and
- pay estimate #1-Final in the amount of \$96,304.00 for Street Division 3.5 CY Loader Project #2007-17 contracted with Sheehan Mack Sales.

Members present voting aye: Allen, Barington, Bruner, Carpenter, Lepke, Molumby, Smith.
Members present voting nay: None. Motion carried.

BILLS:

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

PAYROLL, DECEMBER 31, 2006 – JANUARY 27, 2007: CITY COUNCIL-\$4,738.24, MAYOR-\$1,719.46, ATTORNEY-\$3,615.38, FINANCE-\$20,476.10, HUMAN RESOURCES-\$6,036.88, POLICE-\$95,531.88, TRAFFIC-\$5,549.28, FIRE-\$63,090.66, STREET-\$45,823.54, PUBLIC WORKS-\$27,811.67, CEMETERY-\$7,736.91, ANIMAL CONTROL-\$2,296.80, EMERGENCY MEDICAL SERVICES-\$14,817.67, LIBRARY-\$20,122.85, PLAYGROUNDS & ATHLETICS-\$8,425.15, SWIM POOL-\$172.07, RECREATION CENTER-\$16,960.64, ICE ARENA-\$5,170.08, CADWELL SPORTS COMPLEX-\$240.00, PARK-\$14,129.74, SUPERVISION-\$9,363.83, FORESTRY-\$5,279.83, E911-\$29,703.50, RSVP-\$8,525.11, PALACE TRANSIT-\$27,363.49, WATER-\$20,519.28, WATER DISTRIBUTION-\$14,463.56, SEWER-\$21,810.13, AIRPORT-\$3,157.47, WASTE COLLECTION-\$15,526.72, LANDFILL-\$13,554.29, CORN PALACE MAINTENANCE-\$14,579.13, CORN PALACE SHOWS-\$4,960.24, CORN PALACE CONCESSIONS-\$6,269.32, GOLF COURSE-\$8,004.46.

SALARY ADJUSTMENTS (per hour rate):

E-911: Cheryl Shelton-\$16.280

FIRE: Derek Fahey-\$11.648, Paul Schreck-\$11.374, Mark White-\$11.648

ICE ARENA: Jordan Bragg-\$8.00

LIBRARY: David Cantrell-\$7.75

PALACE TRANSIT: Dale Copeland-\$8.76, Bob Folkerts-\$10.18, Kendall Hardina-\$10.18, Rick Johnson-\$10.18, Ila Kulm-\$13.350, Agostino Moniella-\$8.76, John Robertson-\$10.14, Dennis Ruff-\$8.76, Stan Ruff-\$10.18

POLICE: Joan Kerns-\$11.60, Gary Kingsbury-\$19.236, Cindy Titze-\$12.592

PUBLIC SAFETY: George Breidenbach-\$9.25, Pamela Catalano-\$9.25, Alice Claggett-\$9.25, Gladys George-\$9.25, Mel Lubbers-\$9.25, Dean Minder-\$9.25, Carolyn Pina-\$9.25, Elsie Rippe-\$9.25, Jim Schneider-\$9.25, Edna Schrank-\$9.25, Ron Sommer-\$9.25, Norman Thuringer-\$9.25, Jerry Weber-\$9.25, Al Weg-\$9.25, Pam Wolff-\$9.25

RSVP: Leah Christensen-\$14.641, Deb Overseth-\$14.058

TRAFFIC: Gene Haiar-\$8.50

WASTEWATER: James Zard-\$15.064

WATER DISTRIBUTION: Tylor Peterson-\$16.367

NEW HIRES (per hour rate):

CORN PALACE CONCESSIONS: Kimberly Barnhart-\$7.00

CORN PALACE MAINTENANCE: Dennis Geidel-\$11.213

ICE ARENA: Katie Kennelly-\$7.00

NUTRITION: Dean Minder-\$10.00

PLAYGROUNDS & ATHLETICS: Kate Lippert-\$6.00, Melissa Muehler-\$6.00, Ashton Pollreisz-\$6.00, Jill Thomas-\$7.25

POLICE: Steve Clarke-\$16.156, Keith Munro-\$16.156

PUBLIC SAFETY: Michelle Malters-\$9.25

RECREATION CENTER: Kleve Klingaman-\$6.25, Ronald Moody-\$10.00, Jill Rust-\$6.50

WASTE COLLECTION: Scott Dey-\$13.163

WARRANTS: 3-D Specialties Inc, Supplies-\$2,375.43; A & B Business Equipment, Contract Services-\$376.01; AM Leonard, Supplies-\$206.24; AS Pratt & Sons, Supplies-\$278.95; A T Emblem Company, Supplies-\$799.50; AAA Collections, Payroll Deduction-\$150.00; Accounts Management, Payroll Deduction-\$105.72; Advance Auto Parts, Parts-\$610.30; Aflac, Payroll

Deductions-\$5,857.16; Aflac/Flex One, Claim Checks-\$1,833.24; AIA Corporation, Supplies-\$345.35; Al's Engraving, Supplies-\$37.50; Alice Claggett, Contract Services-\$162.50; Allan Miller, Reimbursement-\$50.00; Allied Industrial Distributors, Supplies-\$36.37; Alltel, Telephone-\$1,294.08; American Bottling Company, Supplies-\$146.00; American Garage Door Company, Repairs-\$119.89; American Red Cross, CPR Training-\$30.00; American Water Works Associates, Supplies-\$74.50; AmericInn Hotel & Suites, Travel-\$91.30; Aqua Pro, Supply-\$30.00; Arctic Refrigeration, Repairs-\$32.63; Auto Body Specialties, Repairs-\$150.55; B&B Upholstery, Repairs-\$75.00; Bailey Metal Fabricators, Repairs-\$1,855.07; Barnes Distribution, Supplies-\$1,572.95; Ben VandenHoek, Reimbursement-\$251.60; Bender's Sewer Cleaning, Repairs-\$88.00; Bierschbach Equipment & Traffic Cones, Supplies-\$1,843.00; Blue Cross of South Dakota, Refund-\$541.16; Bonestroo, Rosene, Anderlik & Associates, Contract-\$835.63; Boyer Trucks Sioux Falls, Repairs-\$156.60; Brenda Paradis, Travel-\$837.61; Brucelli Advertising Company, Supplies-\$83.50; Business Products, Supplies-\$2,544.85; Cabela's, Uniform Allowance-\$210.74; Campbell Supply, Supplies-\$647.73; Carquest Auto Parts, Supplies-\$58.55; Cenex, Supplies-\$199.26; Central Electric Cooperative, Utilities-\$28.00; Cherrybee's, Supplies-\$30.95; Civil Design, Contract-\$1,200.00; Coborn's, Supplies-\$503.18; Coca-Cola Bottling Company, Supplies-\$1,489.85; Corporate Information System, Supplies-\$399.00; County Fair, Supplies-\$25.75; Credit Collections Bureau, Payroll Deduction-\$50.00; Cronatron Welding Systems, Supplies-\$107.65; Dakota Counseling Institute, Contract Services-\$632.50; Dakota Fluid Power, Supplies-\$2,139.49; Dakota Pump, Repairs-\$218.28; Dakota Salvage, Supplies-\$249.00; Dakota Supply Group, Supplies-\$7.71; Dakota's Best, Supplies-\$48.55; Daktronics, Repairs-\$375.00; Dan Grigg Images, Supplies-\$694.11; Davison Conservation District Waste Management System, Contract-\$11,348.17; Davison County Clerk of Courts, Background Checks-\$150.00; Davison County Volunteer, Allocation-\$2,000.00; Deb Overseth, Travel-\$21.88; Dependable Sanitation, Contract Services-\$13,744.50; Department of Social Services, Payroll Deduction-\$949.86; Devin Alfson, Travel-\$9.00; Diamond Lake Book Company, Supplies-\$95.98; Diesel Machinery, Repairs-\$199.14; Dippin' Dots, Supplies-\$4,521.30; Don Everson, Uniform Allowance-\$52.87; Dorothy Cahoy, Contract Services-\$552.50; Dorothy Stahl, Contract Services-\$455.00; Douglas Hanson, Refund-\$50.00; Dugout Lounge, Contract Services-\$796.50; Electronic Security, Repairs-\$45.00; Ellefson Implement, Supplies-\$249.00; Ellwein Brothers, Supplies-\$96.00; Engineered Ice Systems, Supplies-\$425.54; Environmental Systems Research Maintenance, Contract-\$1,500.00; Farmers Alliance, Supplies-\$859.42; Farnam's Genuine Parts, Supplies-\$26.90; Farner-Bocken Company, Supplies-\$6,116.08; Fastenal Company, Supplies-\$76.28; Fischer Rounds & Associates, Notary Bond-\$75.00; Fisher Scientific, Chemicals-\$864.22; Franklin Covey, Supplies-\$68.09; Frito-Lay, Supplies-\$217.80; Frontier Precision, Supplies-\$72.90; GF Advertising Services, Supplies-\$364.00; Gall's, Supplies-\$51.33; General Drivers & Helpers Union, Payroll Deduction-\$332.00; GFOA, Supplies-\$45.00; Global Security, Contract Services-\$60.00; Graham Tire Company, Supplies-\$218.50; Grainger, Supplies-\$172.64; Great Western Tire, Supplies-\$1,241.04; Green Tree, Supplies-\$262.59; Hanson School District, Contract Services-\$24,173.75; Hard Drive Central, Repairs-\$417.87; Harve's Pro Prints, Supplies-\$24.00; Harve's Sport Shop, Supplies-\$13.95; Henry Schein, Supplies-\$1,825.55; Hillyard Floor Care Supply, Supplies-\$19.24; Hohn Electronics, Repairs-\$294.61; Holiday Inn Hotel, Travel-\$192.00; Honda of Mitchell, Parts-\$41.89; Huron Culvert & Tank, Supplies-\$13,699.60; Hydrotex, Supplies-\$1,312.80; IACP Membership, Dues-\$100.00; Independent Viking Glass, Repair-\$5.00; Informed Publishing, Supplies-\$340.50; Ingenix, Supplies-\$75.96; Ingram Library Services, Supplies-\$48.11; Interactive Computer Design, Software Maintenance-\$11,412.00; Internal Revenue Service, Payroll Deduction-\$100.00; Interstate Office Products, Supplies-\$46.52; Iverson Chrysler Center, Car Rental-\$55.69; JC Penney, Supplies-\$677.44; JJ Bankdraft, Supplies-\$66.65; James Valley Community Center, Contract Services-\$15.89; Janitor's Closet, Supplies-\$383.26; Jeff Spars,

Tools-\$71.75; Jim Zard, Travel-\$27.00; Joe Dolezal, Reimbursement-\$55.00; Joey Degen, Travel-\$27.00; Jones Supplies, Supplies-\$1,117.82; Josh Peterson, Travel-\$9.00; Joyce Star, Uniform Repairs-\$201.50; K-Mart, Uniform Allowance-\$59.96; Kelly Knippling, Uniform Allowance-\$81.73; Kerry Plooster, Travel-\$27.00; Knowledge Industries, Supplies-\$95.76; Kurt Geres, Travel-\$27.00; Kyle Kayser, Refund-\$25.00; L&O Acres Transport, Freight-\$2,876.13; Lakeview Sales, Supplies-\$278.85; Lands End Business, Uniform Allowance-\$127.39; Legal Briefings For Fire, Subscription-\$99.00; Leggette, Brashears & Graham, Contract-\$4,772.66; Leila Schamber, Contract Services-\$552.50; Leonard Bordeaux, Refund-\$15.00; Lincoln Marketing, Advertising-\$299.00; Locators and Supplies, Supplies-\$111.56; Lois Huber, Contract Services-\$735.00; M&T Fire And Safety, Equipment-\$8,970.00; M Lee Smith Publishers, Supplies-\$206.95; MIAMA, Dues-\$125.00; Main Street Designs, Supplies-\$1,512.60; Map, Fees-\$60.00; Mark Schilling, Reimbursement-\$631.02; Marlene Haines, Uniform Allowance-\$63.54; MAS Modern Marketing, Supplies \$106.38; Maurine Cahoy, Contract Services-\$325.00; Maximus, Software Support-\$795.00; McFarland Supply Company, Supplies-\$4,462.51; McLeod's Printing, Supplies-\$1,691.45; Menard's, Supplies-\$1,462.69; Meyers Oil Company, Supplies-\$543.00; Jim Rozum, Refund-\$6.12; Mitchell Area Chamber, 2007 Funding-\$4,064.00; Mitchell Area Chamber of Commerce, Mitchell Bucks-\$2,590.00; Mitchell Area Convention, 2007 Funding-\$15,844.00; Mitchell Area Development, 2007 Allocation-\$28,575.00; Mitchell Community Scholarship, Round-Up Payment-\$369.82; Mitchell CPR Fund, Heartsaver CPR/AED-\$40.00; Mitchell Ford, Repairs-\$688.05; Mitchell Iron & Supply, Parts-\$1,624.31; Mitchell Plumbing & Heating, Repairs-\$961.55; Mitchell United Way, Payroll Deductions-\$296.50; Mobile Electronic Service, Equipment-\$2,870.00; Moody's Western Wear, Uniform Allowance-\$63.59; Mueller Lumber Company, Supplies-\$256.30; Muth Electric, Repairs-\$4,160.91; NFPA, Membership-\$150.00; NRPA, Dues-\$130.00; NAEIR, Supplies-\$50.08; National McGruff House, Supplies-\$14.28; National School Towel Sale, Supplies-\$74.21; Neve's Uniforms, Repairs-\$1,789.40; Nick Traupel, Travel-\$9.00; Northwestern Energy & Communications, Utilities-\$18,543.22; Old Dominion Brush, Supplies-\$1,223.05; Palace Cleaners, Supplies-\$196.75; Palace Motosports, Parts-\$8.00; Papa Murphy's Pizza, Supplies-\$193.18; Paul's Towing, Police Tow-\$90.00; Pepsi Cola, Supplies-\$1,867.31; Photography Unlimited, Photo-\$16.00; Plastow & Associates, Repairs-\$687.60; Pomp's Tire Service, Supplies-\$2,555.00; Pony Creek Steakhouse, Contract Services-\$2,263.50; Prairie Wave, Utilities-\$50.09; Pristine Water Solutions, Supplies-\$581.02; Qualified Presort, Mailing Service-\$1,168.21; Quizno's Subs, Supplies-\$107.82; Qwest, Utilities-\$2,978.47; Ralph Wallace, Reimbursement-\$32.00; Rob Parker, Travel-\$254.60; Ron's Bicycle Shop, Repairs-\$75.00; RSVP, Contract Services-\$425.00; Russell Stevenson, Uniform Allowance-\$100.00; Ryan Muck, Travel-\$9.00; S&M Printing Company, Supplies-\$436.00; Scotland Schools, Contract Services-\$809.60; Scott Supply Company, Equipment-\$1,073.38; Scott's Vallet Cleaners, Supplies-\$3.78; South Dakota Association of Fairs, Advertising-\$225.00; South Dakota Chapter APWA,Registration-\$35.00; South Dakota Department of Agriculture, Registration-\$30.00; South Dakota Department of Health, Lab-\$442.00; South Dakota Federal Property Agency, Supplies-\$606.00; South Dakota Firefighters Association, Dues-\$375.00; South Dakota Public Assurance Alliance, Insurance-\$2,310.00; South Dakota Retailers Association, Dues-\$100.00; South Dakota Retirement System, Retirement Contributions-\$71,469.12; South Dakota State Treasurer, Sales Tax-\$9,496.84; South Dakota Water & Waste Water Association, Registration Fee-\$55.00; South Dakota Supplemental Retirement, Payroll Deduction-\$1,326.00; South Dakota EMA, Dues-\$120.00; Service Lighting Company, Supplies-\$1,215.60; Sheehan Mack Sales & Service, Parts-\$97,204.00; Sherwin-Williams Company, Supplies-\$118.90; Shirley J. Beck, Contract Services-\$682.50; Shopko, Supplies-\$42.85; Siemens Water Technologies, Repairs-\$643.51; Sioux Falls Two-Way Radio, Supplies-\$8,786.00; Society for Human Resource, Fees-\$160.00; State Radio Communications, Contract Service-\$2,050.00; Sterling Codifiers, Annual Fee-\$500.00; Sturdevant's

Auto Parts, Parts-\$4,743.71; Sun Gold Trophies, Supplies-\$50.50; Sun Life Financial, Payroll Deduction-\$1,743.88; Super 8 Motel, Travel-\$135.00; Tech Solutions, Repairs-\$891.07; Tessier's, Repairs-\$3,060.20; The Frammer, Supplies-\$130.00; Thomas Gullledge, Fees \$2,644.50; Thomas Kippes, Reimbursement-\$120.00; Thunes True Value Hardware, Supplies-\$648.83; TK Electric, Equipment-\$889.00; TL Enterprises, Directory Listing -\$1,250.00; Toby Russell, Uniform Allowance-\$185.83; Tony Palli, Contract Services-\$40.00; Tory Kaufman, Travel-\$18.00; Tractor Supply, Supplies-\$346.34; Tri-County Telcom, Contract Services-\$34.39; Troy Eilts, Contract Services-\$60.00; USGA, Renewal-\$100.00; US Postal Service, Supplies-\$700.00; US Postmaster, Supplies-\$195.00; United Building Centers, Rental-\$49.94; United Energy, Supplies-\$11,965.93; United Way & Volunteer Service, Rent-\$752.40; Vermeer Equipment, Equipment-\$14,950.00; Wal-Mart Community, Supplies-\$1,522.67; Wells Fargo Brokerage Service, Payment-\$21,961.70; West Payment Center, Supplies-\$495.00; Wheelco Brake & Supply, Parts-\$1,043.37; Wholesale Electronics, Supplies-\$39.96; Zimco Supply Company, Supplies-\$6,098.40.

Members present voting aye: Allen, Barington, Bruner, Carpenter, Lepke, Molumby, Smith. Members present voting nay: None. Motion carried.

ADJOURN:

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

Marilyn Wilson
Finance Officer