

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

**APRIL 2, 2007  
7:30 P.M.**

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

**PRESIDING:** Mayor Lou Sebert

**AGENDA:**

Moved by Tracy, seconded by Carpenter, to approve the agenda as prepared with an addendum.  
Motion carried.

**MINUTES:**

Moved by Carpenter, seconded by Barington, to approve the minutes of the regular City Council  
meeting held on March 19, 2007. Motion carried.

**CITIZEN'S INPUT:**

Neil Putnam, representing the Mitchell Area Council for People with Disabilities, stated the Department  
of Public Safety was awarded the Outstanding Public Employer Award from the state.

The Mitchell Airport was recognized for being selected as the Airport of the Year.

The City of Mitchell Water Department was awarded a Drinking Water Certificate of Achievement  
from the Department of Environment and Natural Resources.

Senior Services Director Brenda Paradis and Transit Supervisor JoLynn Hanson updated Council on the  
new Transit Computer System.

**DISCUSSION:**

Discussion on the proposed Events Center took place. Council Members indicated they would like to  
continue moving forward on the project. However, the Council would like to see a few more options on  
design, projected costs to develop at least two proposed sites, and determine the amount of the annual  
contribution the city is willing and able to commit to the project. Task Force Chairman Spencer Gross  
stated the task force will continue if the Council wishes and stated the next steps for the task force will  
be to research the projected costs of developing at least two potential sites and work on more options for  
design of the structure. He expects this process to take two months or less.

**CONSIDER APPROVAL:**

Moved by Lepke, seconded by Smith, to approve the purchase agreement for the Reimnitz property, legally described as Lots 7-12, inclusive, Block 11, MH Rowley's First Addition in the amount of \$225,000.00 and the conveyance of the Airport/Soccer Complex property, legally described as Lots B, C, D and E, Block 1 in the SW ¼ of Section 33-104-60 to the City of Mitchell from the Mitchell Area Development Corporation. Motion carried.

**BOARD OF ADJUSTMENT:**

Moved by Molumby, seconded by Barington, 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 Tehra and Chris Scott for a variance to construct a house with a three stall garage at 951 Kippes Cove, legally described as Lot 16, Nelson'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 approved said application. Moved by Lepke, seconded by Carpenter, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Steve Bartscher for a variance to construct an addition to the garage at 600 East 16<sup>th</sup> Avenue, legally described as the East 60 feet of Lot 14 and the West 20.02 feet of Lot 15, Block 5, Green Acres 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 approved said application. Moved by Carpenter, seconded by Allen, to approve said application. Motion carried.

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

**COMMITTEE REPORTS:**

**Public Works Committee:**

The Public Works Committee met on April 2, 2007 at 6:30 p.m. in the Council Chambers of City Hall. The committee discussed and reviewed landfill rates, revenues, and expenditures. The committee also denied a request to supply water service to a home outside of city limits and to require annexation of all property wanting city services.

**Finance Committee:**

The Finance Committee met on April 2, 2007 at 7:25 p.m. in the Council Chambers of City Hall. The South Dakota Department of Labor was present to discuss services offered through the department.

Moved by Barington, seconded by Carpenter, to approve the committee reports. Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on the application of Palace City Lions Club for a Temporary Liquor License for the Corn Palace on April 14, 2007 for the Rollin' Oldies Car Club dance. Moved by Tracy, seconded by Molumby, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Palace City Lions Club for a Special Event Malt Beverage License for the Corn Palace on April 22, 2007 for the Accordion Jamboree. Moved by Smith, seconded by Carpenter, to approve said application. Motion carried.

**AWARD BIDS:**

Bids were opened and read on the Park Department 2007 4x4 Utility Work Machine Project #2007-21 on the 26<sup>th</sup> day of March, 2007 in the Council Chambers of City Hall.

Moved by Carpenter, seconded by Allen, to award as follows:

**PARK DEPARTMENT 2007 4X4 UTILITY WORK MACHINE PROJECT #2007-21**

Olsen Implement Inc., 2025 US Hwy #14 West, Huron, SD 57350

Base Bid	-	\$31,486.00
Alternate Bid #1	-	\$ 4,474.07
Alternate Bid #2	-	\$ 2,350.89
Alternate Bid #3	-	\$ 1,801.26
 Total Bid		 \$40,112.22

Motion carried.

**RESOLUTIONS:**

Moved by Tracy, seconded by Barington, to adopt Resolution #2512, Plat of Lots 26 and 28 of Enemy Creek Estates, as follows:

**RESOLUTION #2512  
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 26<sup>th</sup> day of March, 2007; and

**WHEREAS**, it appears from an examination of the plat of LOTS 26 AND 28 OF ENEMY CREEK ESTATES, A SUBDIVISION IN THE NE ¼ OF SECTION 14, T 102 N, R 60 W OF THE 5<sup>TH</sup> P.M., 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 LOTS 26 AND 28 OF ENEMY CREEK ESTATES, A SUBDIVISION IN THE NE ¼ OF SECTION 14, T 102 N, R 60 W OF THE 5<sup>TH</sup> P.M., 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 and resolution declared duly adopted.

Moved by Lepke, seconded by Carpenter, to adopt Resolution #2514, Acquisition of Lot 14, Block 23, Original Town, as follows:

**RESOLUTION #2514  
ACQUISITION OF REAL PROPERTY**

Whereas, the City of Mitchell, a municipal corporation, has considered the need for street improvement in order to accommodate the needs of the City;

Now, therefore, be it

RESOLVED that it is necessary and in the best interests of the City that the real property legally described as follows:

Lot Fourteen (14), Block Twenty-three (23), Original Town, now City, of Mitchell,  
Davison County, South Dakota

which real property lies wholly within the boundaries of this municipality, be acquired for future municipal purposes.

Be it further RESOLVED that that the Mayor may enter into the contract for the purchase of the same as the same is hereinafter set forth in Exhibit "A".

Motion carried and resolution declared duly adopted.

Moved by Molumby, seconded by Smith, to adopt Resolution #2515, Acquisition of Lot 13, Block 23, Original Town, as follows:

**RESOLUTION #2515  
ACQUISITION OF REAL PROPERTY**

Whereas, the City of Mitchell, a municipal corporation has considered the need for street improvement in order to accommodate the needs of the City;

Now, therefore, be it

RESOLVED that it is necessary and in the best interests of the City that the real property legally described as follows:

Lot Thirteen (13), Block Twenty-three (23), Original Town, now City, of Mitchell, Davison County, South Dakota

which real property lies wholly within the boundaries of this municipality, be acquired for future municipal purposes.

Be it further RESOLVED that that the Mayor may enter into the contract for the purchase of the same as the same is hereinafter set forth in Exhibit "A".

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Tracy, seconded by Allen, to place Ordinance #2237, Supplemental Appropriations on second reading. Motion carried. Moved by Barington, seconded by Lepke, to adopt Ordinance #2237, Supplemental Appropriations as follows:

**ORDINANCE NO. 2237  
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**

**EMS**

101-44600-43400	Ambulance Replacement	\$8,300.00
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The funding will come from the General Fund cash balance.

Motion carried and ordinance declared duly adopted.

Moved by Molumby, seconded by Carpenter, to place Ordinance #2238, Establishing a Moratorium on the Issuance of Video Lottery with Wine Licenses on second reading. Barington abstained. Motion carried. Moved by Lepke, seconded by Molumby, to adopt Ordinance #2238, Establishing a Moratorium on the Issuance of Video Lottery with Wine Licenses. Barington abstained. Motion carried.

This ordinance will be published separately from these proceedings.

**SET DATE:**

Moved by Molumby, seconded by Tracy, that the 16<sup>th</sup> day of April, 2007 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application to transfer Retail (On-off sale) Malt Beverage License from Thomsen Enterprises LLC to Highland Travel Plaza LLC dba Blarney's Irish Pub located at 2160 Highland Way. Motion carried.

Moved by Allen, seconded by Smith, that the 16<sup>th</sup> day of April, 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 Fredericksen Restaurants Inc. dba Burr Street Barbeque for a Retail (On-sale) Wine License with the option of video lottery located at 1300 South Burr Street. Lepke and Molumby opposed. Barington abstained. Motion carried.

Moved by Tracy, seconded by Carpenter, that the 16<sup>th</sup> day of April, 2007 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on Collection of Special Assessment Rolls for 2005 and 2006 Construction Projects. Motion carried.

### **CONSIDER APPROVAL:**

Moved by Carpenter, seconded by Lepke, to approve the request to conduct a raffle to benefit the Dry Run Creek Skate Park with the drawing to be held on April 28, 2007. Motion carried.

Moved by Barington, seconded by Allen, to approve the request of Dakota Wesleyan University Entrepreneurship Class to conduct a raffle with the drawing to be held on April 10, 2007. Motion carried.

Moved by Carpenter, seconded by Molumby, to approve the request of American Red Cross to conduct a raffle with the drawing to be held on May 5, 2007. Motion carried.

Moved by Molumby, seconded by Barington, to approve the request of Davison County Democrats to conduct a raffle with the drawing to be held on June 19, 2007. Motion carried.

Moved by Smith, seconded by Tracy, to approve the request of Easter Seals to conduct a raffle with the drawing to be held on August 11, 2007. Motion carried.

### **PAY ESTIMATES:**

Moved by Tracy, seconded by Bruner, to approve the following pay estimates:

- pay estimate #22 in the amount of \$1,095.30 for New Landfill Monitoring Project #2003-17 contracted with Leggette, Brashears & Graham,
- pay estimate #38 in the amount of \$1,756.26 for Old Landfill Leachate Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #11 in the amount of \$417.75 for 23<sup>rd</sup> & Ohlman Drainage Project #2005-29 contracted with SPN & Associates,
- pay estimate #18 in the amount of \$975.00 for Broin Enterprises Waterline Project #2005-33 contracted with SPN & Associates and
- pay estimate #7 in the amount of \$937.50 for James Valley Community Center Project #2006-7 contracted with L.L. Jirsa, Architect.

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

**BILLS:**

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

**PAYROLL, MARCH 11, 2007 – MARCH 24, 2007:** CITY COUNCIL-\$2,369.12, MAYOR-\$859.73, ATTORNEY-\$1,807.69, FINANCE-\$10,357.20, HUMAN RESOURCES-\$3,604.08, POLICE-\$47,260.72, TRAFFIC-\$3,301.64, FIRE-\$30,010.38, STREET-\$21,039.59, PUBLIC WORKS-\$13,905.84, CEMETERY-\$3,922.04, HEALTH & WELFARE-\$378.00, ANIMAL CONTROL-\$1,164.55, EMERGENCY MEDICAL SERVICES-\$6,854.69, LIBRARY-\$8,917.01, PLAYGROUNDS & ATHLETICS-\$4,000.50, CAMPGROUND-\$875.20, RECREATION CENTER-\$9,978.87, ICE ARENA-\$2,599.26, CADWELL SPORTS COMPLEX-\$240.00, PARK-\$7,710.32, SUPERVISION-\$4,681.92, FORESTRY-\$2,622.79, E911-\$15,080.36, RSVP-\$4,271.92, PALACE TRANSIT-\$14,619.44, WATER-\$8,689.87, WATER DISTRIBUTION-\$7,263.49, SEWER-\$11,110.25, AIRPORT-\$1,563.68, WASTE COLLECTION-\$7,368.01, LANDFILL-\$6,361.38, CORN PALACE MAINTENANCE-\$7,051.70, CORN PALACE SHOWS-\$1,894.48, CORN PALACE CONCESSIONS-\$1,446.14, GOLF COURSE-\$4,249.29.

**SALARY ADJUSTMENTS (per hour rate):**

UTILITIES: Rick VanOverschelde-\$19.471

WASTE WATER: Loren Skinner-\$19.471, Eugene Wagaman-\$19.471

**NEW HIRES (per hour rate):**

CAMPGROUND: Lee Parks-\$10.94, Sandy Parks-\$7.50

PARKS: Maynard Friederich-\$10.75, Ronald Jirsa-\$9.75, Amiel Ziebart-\$10.50

**WARRANTS:** A&B Business Equipment, Supplies-\$401.80; AAA Travel Agency, Travel-\$1,229.20; AAA Collections, Payroll Deduction-\$75.00; Advance Auto Parts, Supplies-\$217.18; AFLAC, Payroll Deductions-\$2,882.99; Aflac/Flex One, Flex One Checks-\$1,733.98; Alice Claggett, Contract Services-\$130.00; Atlas Pen & Pencil, Supplies-\$252.58; Auto Body Specialties, Supplies-\$155.29; Avera Heart Hospital of South Dakota, Supplies-\$69.00; B&B Upholstery, Repairs-\$224.00; Bailey Metal Fabricators, Supplies-\$3,234.86; Ben VandenHoek, Registration-\$20.00; Bender's Sewer & Drain, Services-\$88.00; Bonnie Weber, Contract Services-\$357.50; Brad Bussell, Refund-\$30.00; Brian Kelly, Supplies-\$448.90; Brian Rickel, Refund-\$30.00; Business Products, Supplies-\$1,611.48; Butler Machinery, Parts-\$935.73; Cabela's, Uniform Allowance-\$61.88; Campbell Supply, Supplies-\$1,058.54; Carol Cersosimo, Supplies Reimbursement-\$121.82; Carol Houlton, Contract Services-\$110.00; Central Electric Cooperative, Supplies-\$28.00; Char's Party Center, Supplies-\$29.25; City of Emery, Senior Meals-\$736.50; Coborn's, Supplies-\$65.75; Coca-Cola Bottling Company, Supplies-\$1,045.45; Commercial Asphalt, Supplies-\$1,737.27; Connie Tomes, Contract Services-\$110.00; Corn Palace Concessions, Supplies-\$113.00; Cornerstone Coffee House, Meals-\$47.25; Country Kitchen, Supplies-\$1,861.91; County Fair,

Supplies-\$8.52; Credit Collections Bureau, Payroll Deduction-\$50.00; Daily Republic, Renewal-\$132.00; Dakota Supply Group, Supplies-\$135.08; Darl Allen, Travel-\$62.00; Davison County Clerk of Courts, Background Checks-\$30.00; Daylight Donut, Supplies-\$21.50; Debbie Vaughn, Travel-\$278.38; Department of Social Service, Insurance Refund-\$78.35; Dependable Sanitation, Recycling Units-\$13,746.95; Department of Social Services, Payroll Deductions-\$474.93; Diesel Machinery, Parts-\$202.30; Dippin' Dots, Supplies-\$1,905.20; Don Everson, Travel-\$954.20; Dorothy Cahoy, Contract Services-\$520.00; Dorothy Stahl, Contract Services-\$422.50; Dr Robert Snortum, Refund-\$30.00; Dugout Lounge, Supplies-\$463.50; Elite Sportswear, Supplies-\$79.85; Ellefson Implement, Parts-\$253.07; Ellwein Brothers, Supplies-\$96.00; Emery Senior Citizens, Reimbursement-\$593.99; Farm Plan, Supplies-\$144.87; Farmers Alliance, Contract Services-\$6,928.56; Farner-Bocken Company, Supplies-\$2,454.85; Fastenal Company, Supplies-\$89.39; Floor to Ceiling Store, Supplies-\$38.55; Formulations, Supplies-\$132.51; Gall's, Supplies-\$161.93; Garland Activewear, Supplies-\$313.95; General Drivers & Helpers, Union Dues-\$324.00; Graham Tire Company, Supplies-\$451.40; Grainger, Supplies-\$284.63; Great Western Tire, Supplies-\$354.42; H&R Salvage, Parts-\$70.00; Harve's Sport Shop, Supplies-\$118.35; Heileen Castro-Sheely, Contract Services-\$384.56; ICOP, Contract Services-\$12,753.28; Internal Revenue Service, Payroll Deductions-\$50.00; Interstate Glass & Door, Supplies-\$29.59; Interstate Office Products, Supplies-\$149.18; JD Evans, Trailer-\$5,600.00; J.J. Bankdraft, Supplies-\$26.39; James Valley Community, Contract Services-\$5,020.50; Jeremy Robertson, Reimbursement-\$20.00; Joanne Runge, Contract Services-\$125.00; John Hegg, Travel-\$46.00; Jones Supplies, Supplies-\$1,574.12; Just Jymnastics, State Meet-\$1,349.54; Kevin Thurman, Travel-\$180.80; Kimball-Midwest, Supplies-\$415.75; Lakeview Sales, Supplies-\$61.95; Larry Lee Jirsa, Contract Services-\$937.50; Leggette Brashers & Graham, Contract Services-\$2,851.56; Leila Chamber, Contract Services-\$520.00; Light & Siren, Equipment-\$1,635.73; Lois Huber, Contract Services-\$700.00; Lyle Signs, Supplies-\$4,865.80; M&T Fire and Safety, Equipment-\$2,895.71; MC&R Pools, Pool Supplies-\$461.63; McLeod's Printing, Supplies-\$427.80; Menard's, Supplies-\$870.04; Merv Bouchie, Services-\$6,494.00; Meyers Oil Company, Supplies-\$2,161.95; Mid-American Research Chemicals, Supplies-\$95.94; Midcontinent Communications, Contract Services-\$42.34; Midwest Turf & Irrigation, Supplies-\$608.84; Miki Kelly, Contract Services-\$417.20; Minnesota Valley Testing, Lab Fees-\$981.50; Mitchell Area Chamber, Training-\$150.00; Mitchell CPR Fund, Registration-\$460.00; Mitchell Ford, Parts-\$30.72; Mitchell Iron & Supply, Supplies-\$92.07; Mitchell Recreation Center, Start-Up Change-\$600.00; Mitchell School District, Contract Services-\$9,521.00; Mitchell United Way, Payroll Deductions-\$148.25; Mueller Lumber Company, Supplies-\$199.04; Muth Electric, Repairs-\$1,573.05; NAEIR, Supplies-\$91.09; Neil Putnam, Travel-\$46.00; Neve's Uniforms, Uniform Allowance-\$167.64; Northwestern Energy & Communications, Contract Services-\$7,550.07; Palace Cleaners, Supplies-\$178.25; Palace Motors, Contract Services-\$90.00; Paul's Towing, Contract Services-\$90.00; Pennington County Sheriff, Psychological Evaluation-\$300.00; Pepsi Cola, Supplies-\$285.75; Petty Cash, Startup Change-\$300.00; Plastow & Associates, Supplies-\$1,428.00; Pony Creek Steakhouse, Contract Services-\$2,002.50; Prairie Wave, Contract Services-\$50.66; Pristine Water Solutions, Supplies-\$614.98; Qualified Presort, Mailing Service-\$1,064.69; Qwest, Utilities-\$2,395.81; RSVP, Supplies-\$92.96; Radio Shack, Supplies-\$59.63; Ralph Wallace III, Travel-\$86.01; Rockmount Research, Supplies-\$561.82; Rocs Transit, Dues-\$25.00; Ron Olson, Travel-\$136.00; S&M Printing Company, Supplies-\$149.00; Sam's Club, Supplies-\$448.64; Sand J Collections, Payroll Deductions-\$321.26; Santel Communications, Utilities-\$50.95; Sarah Perius, Contract Services-\$369.60; Schmucker Paul & Nohr, Contract Services-\$1,392.75; Scott Supply Company, Parts-\$456.63; South Dakota Asphalt Conference, Registration-\$95.00; South Dakota Department of Health, Lab-\$193.00; South Dakota Department of Revenue, License/Title Fees-\$40.00; South Dakota Retirement System, Retirement Contributions-

\$33,726.63; South Dakota SHRM, Registration-\$358.00; South Dakota Supplemental Retirement, Payroll Deductions-\$768.00; South Dakota EMT Association, Membership Dues-\$15.00; South Dakota Library Association, Registration-\$70.00; Sheehan Mack Sales & Service, Parts-\$5,847.95; Sherwin-Williams, Supplies-\$220.94; Shirley J. Beck, Contract Services-\$650.00; Sioux Falls Two-Way Radio, Repairs-\$934.79; Sioux Pipe, Supplies-\$1,676.95; Sleepy Eye Industrial, Supplies-\$64.00; Stan Houston Equipment Company, Supplies-\$14,023.12; Steve Nedved, Reimbursement-\$120.00; Streicher's, Supplies-\$630.00; Sturdevant's Auto Parts, Supplies-\$2,700.99; Sun Gold Trophies, Supplies-\$1,625.71; Sun Life Financial, Payroll Deductions-\$872.30; SWANA, Recertification-\$175.00; Symbol Arts, Supplies-\$653.00; Tech Solutions, Computer System-\$1,167.60; Teledyne Isco, Supplies-\$486.00; The Dayton Stencil Works, Supplies-\$470.40; The Municipal Street Maintenance, Registration-\$25.00; The UPS Store, Shipping Charges-\$6.79; Thomas Gulledge, Contract Services-\$2,905.00; Thune True Value Hardware, Supplies-\$190.54; Tim McGannon, Uniform Allowance-\$67.63; TK Electric, Repairs-\$1,875.21; Tory Kaufman, Travel-\$20.00; Tractor Supply, Supplies-\$425.69; Tracy Palmer, Reimbursement-\$15.22; Trail King Industries, Parts-\$108.31; United States Postal Service, Postage-\$200.00; United States Postmaster, Postage-\$78.00; United Energy, Supplies-\$1,786.28; United Way & Volunteer Services, Reimbursement-\$21.19; USAG Sanction, Dues-\$125.00; Wal-Mart Community, Supplies-\$37.87; West Payment Center, Information Charges-\$495.00; Wheelco Brake & Supplies, Parts-\$48.00; Wholesale Electronics, Supplies-\$263.40; Wright Brothers Aviation, Services-\$94.34.

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

**ADJOURN:**

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

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Marilyn Wilson  
Finance Officer