

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

**MAY 7, 2007
7:30 P.M.**

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

ABSENT: Allen Lepke

PRESIDING: Mayor Lou Sebert

AGENDA:

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

MINUTES:

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

CITIZEN'S INPUT:

Mayor Sebert stated that Lake Mitchell has been closed to all watercraft due to the high water levels.

UPDATE:

Event Center task force member, Jim Johnston, stated that there will be three to four new building
concepts for the Events Center presented at the next council meeting. Public Works Director Tim
McGannon reviewed the site development costs for parking, street construction and water and sewer
installation for each potential site. The two bypass sites are estimated to cost approximately \$2.2
million to \$2.3 million, the cost of the site near Cabela's is approximately \$1.5 million plus land costs
and the two downtown sites are estimated to be between \$500,000.00 and \$600,000.00 plus land costs.
Downtown sites include no new parking. Chuck Mauszycki presented estimated parking costs for both
his site and a downtown area.

PRESENTATION:

A presentation and discussion took place regarding the proposed Soccer Complex. Carey Bretsch of
Civil Design discussed the complex components and the costs of the different phases. Phase 1 will cost
approximately \$931,000.00, Phase 2 is \$605,000.00, and Phase 3 will cost approximately \$314,000.00
with a total cost of \$1.85 million. Council Member Marty Barington discussed possible funding options
and Denise Werner of the Soccer Association discussed potential private donations. Moved by Smith,
seconded by Allen, to authorize moving forward with a commitment for Phase 1 of the project. After
discussion Smith withdrew his motion. Moved by Barington, seconded by Bruner, to bring back the

issue at the next Council meeting with a resolution for a financing plan. Motion carried.

BOARD OF ADJUSTMENT:

Moved by Tracy, seconded by Molumby, 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 Tiffany Thiesse for a conditional use permit to operate a chiropractic clinic at 1224 North Sanborn, legally described as Lot 6, Block 27, Capital 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.

It was advised that this is the date and time set for hearing on the application of Lisa Hagerty for a conditional use permit to operate a daycare center in her home at 308 South Wallace, legally described as Lot 7, Block 2, Sunnybrook Estates 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 with the conditions the permit is not transferable and will expire if not operated in a six month period. Moved by Bruner, seconded by Molumby, to approve said application with the recommendations of the Planning Commission. Motion carried.

It was advised that this is the date and time set for hearing on the application of Michelle Moller for a conditional use permit to operate a daycare center in her home at 621 North Wisconsin, legally described as Lot 1, Block 8, Rowley's Second 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 with the conditions the permit is not transferable and will expire if not operated in a twelve month period. Moved by Tracy, seconded by Barington, to approve said application with the recommendations of the Planning Commission. Motion carried.

It was advised that this is the date and time set for hearing on the application of Nathan Vetter for a variance to construct a governors house and garage at 1817 Thomsen Place, legally described as Lot 14, Knollwood Heights Second 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.

It was advised that this is the date and time set for hearing on the application of LeRoy Persson for a variance to construct a garage at 1020 South Minnesota, legally described as Lot 12, Block 11, University 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 Molumby, seconded by Smith, to approve said application. Motion carried.

Moved by Barington, seconded by Carpenter, that the 21st day of May, 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 Anne Krietlow for a conditional use permit to operate a daycare center in her home at 916 East Birch #1, legally described as

Lots 10 & 11, Block 9, Applegate Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Carpenter, seconded by Allen, that the 21st day of May, 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 Duane Welch for a variance to construct a garage at 410 East 14th Avenue, legally described as Lot 6, Block 3, Fullerton Terrace Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Tracy, seconded by Barington, that the 21st day of May, 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 Jeff Jatton for a variance to construct a garage at 1123 South Duff, legally described as Lot 5, Block 17, University Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Bruner, seconded by Allen, 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 May 7, 2007 at 6:30 p.m. in the Council Chambers of City Hall. The committee discussed the City's spring clean up week and reviewed the history of the project.

Finance Committee:

The Finance Committee met on May 7, 2007 at 6:50 p.m. in the Council Chambers of City Hall. The committee reviewed Resolution #2524-Contingency Transfer, Resolution #2525-Cancel Uncollectible Landfill Accounts, Resolution #2526-Interim Financing for Conference Center, Ordinance #2241-Supplemental Appropriations for City Metered Utilities, Ordinance #2242-Supplemental Appropriations, and Ordinance #2243-Supplemental Reappropriations for Public Safety. The committee also discussed increasing E-911 contractual fees and approved the purchase of E-911 radio equipment in 2007.

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

CONTINUED HEARING:

It was advised that this is the date and time set for continued 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. Moved by Tracy, seconded by Allen, to table said application until the first meeting in June. Barington abstained. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-sale) Liquor License from Dr. Lucky's LLC to Lucky's LLC dba Dr. Lucky's Bar & Grill located at 205 North Main Street. Moved by Tracy, seconded by Allen, to approve said application. Bruner abstained. Motion carried.

RESOLUTIONS:

Moved by Bruner, seconded by Carpenter, to adopt Resolution #2519, Executing a Quit Claim Deed, as follows:

RESOLUTION #2519

WHEREAS, Kelly L. Miller and Jeffrey D. Shonley, as joint tenants with right of survivorship, and not as tenants in common, are the owners of that real property described as: the East Five Feet (E. 5') of Lot Eleven (11) and the West Five Feet (W. 5') of Lot Twelve (12), Block Three (3), Bridle Acres, an Addition to the City of Mitchell, Davison County, South Dakota; and

WHEREAS, a survey has been completed with reference to the buildings and property; and

WHEREAS, it has been determined that the City has easements upon and across said property, all as is contained in the exhibit which is attached hereto and incorporated herein by reference; and

WHEREAS, it has been determined that the City no longer has a need for said easement; now therefore

BE IT RESOLVED by the City Council that the Mayor is authorized to execute a Quit Claim Deed from the City of Mitchell to the current owner. The purpose for the execution of said Quit Claim Deed is to extinguish the City's easement on and across the above-described property.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Smith, to adopt Resolution #2520, Executing a Quit Claim Deed, as follows:

RESOLUTION #2520

WHEREAS, Lisa A. Bludorn is the owner of that real property described as: the East Five Feet (E. 5') of the South One Hundred Seven Feet (S. 107') of Lot Thirty (30) and the West Five Feet (W. 5') of the South One Hundred Seven Feet (S. 107') of Lot Thirty-one (31), Block Four (4), Bridle Acres, an Addition to the City of Mitchell, Davison County, South Dakota; and

WHEREAS, a survey has been completed with reference to the buildings and property; and

WHEREAS, it has been determined that the City has easements upon and across said property, all as is contained in the exhibit which is attached hereto and incorporated herein by reference; and

WHEREAS, it has been determined that the City no longer has a need for said easement; now therefore

BE IT RESOLVED by the City Council that the Mayor is authorized to execute a Quit Claim Deed from the City of Mitchell to the current owner. The purpose for the execution of said Quit Claim Deed is to extinguish the City's easement on and across the above-described property.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Barington, to adopt Resolution #2524, Contingency Transfer, as follows:

**RESOLUTION NO. 2524
CONTINGENCY TRANSFER**

WHEREAS, the City of Mitchell has included in the 2007 Annual Budget a contingency item which may be appropriated by resolution of the governing board to any other appropriation amount that is deemed insufficient during the year, and

WHEREAS, the budget item for the following is insufficient and it was deemed necessary that appropriation be transferred for the 2007 budget, as follows:

**GENERAL FUND
CITY COUNCIL**

101-41110-42200	Professional Services	\$5,000.00
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PUBLIC WORKS

101-43110-42916	Nuisance Abatement	\$4,000.00
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STREET & SIDEWALK

101-43120-42526	Bridge Inspection/Engineering	\$3,122.00
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Motion carried and resolution declared duly adopted.

Moved by Molumby, seconded by Bruner, to adopt Resolution #2525, Cancel Uncollectible Landfill Accounts, as follows:

RESOLUTION #2525

WHEREAS, the following landfill accounts are declared and reported as uncollectible by the City of Mitchell and by statute must be approved for removal from the records by the governing body:

ACCOUNT NO.:	YEAR:	NAME:	AMOUNT:
424	2001	Knodel Farms	\$282.90
670	2001	Ridgeway Construction	\$120.97
131	2004	Skip Brenden	\$ 16.60

BE IT RESOLVED, that the uncollectible landfill accounts are hereby approved for removal from the records by the City of Mitchell for the budget year ending December 31, 2007.

Motion carried and resolution declared duly adopted.

Moved by Tracy, seconded by Carpenter, to adopt Resolution #2526, Interim Financing for Conference Center, as follows:

Resolution #2526

Whereas, the City of Mitchell, South Dakota, must provide financing for the following fund until such time as monies are received from bond financing revenues:

**Capital Project Fund
Highland Way Conference Center:**

To finance the payment of Conference Center Construction in the amount of \$2,000,000.00.

Now, therefore, be it resolved, by the City Council of the City of Mitchell, South Dakota, that the City of Mitchell, South Dakota, provide the necessary interim financing advancing funds from the following source:

General Fund

Be it further resolved, that when monies are available, the General Fund will be reimbursed without further action on the part of this council.

Motion carried and resolution declared duly adopted.

Moved by Tracy, seconded by Allen, to adopt Resolution #2527, Use of Main Street for Street Dance, as follows:

RESOLUTION #2527

Jeff Bathke doing business as Cactus Bar, hereinafter referred to as Applicant, having made an application to the City of Mitchell for the use of Main Street and the sidewalks adjacent to Main Street bounded on the North by Second Street and on the South by First Street; and

Applicant having received permission to use the public street for a street dance on June 29 from 4 p.m. to 4:00 a.m. on June 30th 2007, which permission is granted by the passage of this resolution; and

SDCL 35-1-5.3 authorizes the City of Mitchell to grant Applicant the authority to allow consumption or blending of alcoholic beverages in a public place, upon publicly-owned property for a term and period not to exceed twenty-four (24) hours, and the term of operation shall not exceed those permitted for on-sale licenses; now, therefore

BE IT RESOLVED by the City Council of the City of Mitchell that on June 29th and June 30th 2007 at the times above stated, Applicant is authorized to use that public property, to include Main Street bounded on the North by Second Street and bounded on the South by First Street; and

BE IT FURTHER RESOLVED that the consumption of alcoholic beverages, which will be purchased at the Applicant’s licensed location, will be permitted on the public property above referred to as the Main Street bounded on the North by Second Street and on the South by First Street; and

BE IT FURTHER RESOLVED that said authorization is conditioned upon Applicant acquiring the appropriate liability insurance as required by the City’s underwriter; and

BE IT FURTHER RESOLVED that said authorization is also subject to Applicant utilizing security provided by the City of Mitchell, at the cost of Applicant, which security would include a minimum of two law enforcement officers from the Mitchell Police Department, or such other officers as deemed appropriate by the Chief or his designee and also providing such fencing or other barriers as required by the Chief or his designee.

Bruner abstained.

Motion carried and resolution declared duly adopted.

Moved by Molumby, seconded by Barington, to adopt Resolution #2528, STIP Projects-Five Year Plan, as follows:

Resolution No. 2528
City of Mitchell S.T.I.P.
5 Year Plan

Be it resolved by the City of Mitchell, South Dakota, that the following projects should be added to the SD-DOT 5 year plan as STIP projects for the City of Mitchell, SD.

Be it further resolved that the City of Mitchell will fund the Municipal Water and Sewer portions of the projects from Local money.

The Projects:

2008: (1) Railroad Avenue from Main Street to Langdon and Lawler Street from Railroad Avenue to First, 4 blocks total, originally scheduled for 2007 and moved to 2008 due to title problems in the land. Project to include Municipal Water, Municipal Sewer, Storm Sewer, Base, Asphalt Paving and Curb and Gutter. Project to include Engineering. Estimated Cost: \$800,000 of which \$700,000 will be STIP 90/10 split, and \$100,000 will be Local funds for Water and Sewer.

2008: (2) Hanson Avenue Reconstruction from Foster Street to Gamble Street, 4 blocks total. Project to include Municipal Water, Municipal Sewer, Storm Sewer, Base, Asphalt Paving and Curb and Gutter. Project to include Engineering. Estimated Cost: \$775,000 including \$350,000 STIP 90/10 funds and \$425,000 Local funds. Local funds will be for Water and Sewer as well as a portion of Street Construction.

2009: (3) Minnesota Street, from Havens to 15th Ave., including the following sections: Havens to 7th, mill edges next to curb and gutter, 2 inch overlay, 4900 feet; 7th to 10th, mill 2 inches full width, 2 inch overlay, 732 feet; 10th to 13th, no work; 13th to 15th, mill edges next to curb and gutter, 2 inch overlay, 732 feet. Estimated Cost: \$235,000 all of which to be STIP 90/10 funds.

2010: (4) Lawler Street Reconstruction from 1st Street to 5th Street, 4 blocks total. Project to include Municipal Water, Municipal Sewer, Storm Sewer, Base, Asphalt Paving and Curb and Gutter. Project to include Engineering. Estimated Cost: \$800,000 including \$350,000 STIP 90/10 funds and \$450,000 local funds. Local funds will be for Water and Sewer as well as a portion of Street Construction.

2011: No Project

2012: No Project

2013 Spruce Street from Rowley to Ohlman, reconstruction of rural section to urban section. Grading, Storm Sewer, Curb and Gutter, Base and Paving. Estimated Cost \$1,400,000

Motion carried and resolution declared duly adopted.

Moved by Molumby, seconded by Allen, to adopt Resolution #2529, Plat of Lots 1, 2, 3 & 4, Backlund Addition, as follows:

**RESOLUTION #2529
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 23rd day of April, 2007; and

WHEREAS, it appears from an examination of the plat of LOTS 1, 2, 3 & 4, BACKLUND ADDITION, A PORTION OF FORMER RAILROAD RIGHT OF WAY IN THE SW ¼ OF THE NW ¼ AND THE NW ¼ OF THE SW ¼; AND THE NE ¼ OF THE SW ¼ AND THE NW ¼ OF THE SE ¼; AND A PORTION OF IRREGULAR TRACT NO. 1; ALL IN SECTION 24, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; as prepared by Johnnie R. Shafer, 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 1, 2, 3 & 4, BACKLUND ADDITION, A PORTION OF FORMER RAILROAD RIGHT OF WAY IN THE SW ¼ OF THE NW ¼ AND THE NW ¼ OF THE SW ¼; AND THE NE ¼ OF THE SW ¼ AND THE NW ¼ OF THE SE ¼; AND A PORTION OF IRREGULAR TRACT NO. 1; ALL IN SECTION 24, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA prepared by Johnnie R. Shafer, 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 Tracy, seconded by Carpenter, to adopt Resolution #2530, Purchase of Conference Center Property, as follows:

**RESOLUTION #2530
CONFERENCE CENTER
PURCHASE OF PROPERTY**

WHEREAS, the City of Mitchell is constructing a Conference Center on the real estate described as:

Lot Three (3), Highland Business Park Addition to the City of Mitchell,
Davison County, South Dakota;
and

WHEREAS, the above-described property must be acquired in order to construct that Conference Center; and

WHEREAS, the property that must be acquired in order to construct that Conference Center is owned by Thomsen Enterprises, L.L.C., a South Dakota limited liability company, of Mitchell, South Dakota, and that the parties have agreed to the sale of that property (pursuant to Exhibit "A", a Real Estate Purchase Agreement, which is attached hereto and incorporated herein by reference), to the City of Mitchell, for the sum of Three Hundred Thousand Dollars (\$300,000.00); now therefore,

BE IT RESOLVED:

That the Mayor of the City of Mitchell is hereby authorized to execute the Real Estate Purchase Agreement for the purchase of said real property, all as is contained in Exhibit "A", which is attached hereto and incorporated herein by reference.

Motion carried and resolution declared duly adopted.

Moved by Carpenter, seconded by Molumby, to adopt Resolution #2531, Implementing Costs for Collection of Compost Materials, as follows:

Resolution #2531

That section 5-4A-3 is being amended to include costs for the collection of compost materials, now therefore be it resolved that as of July 1, 2007 the following costs of compost pickup and container costs will be implemented.

1. Container costs will be \$70.00 per container.
2. A monthly charge of \$4.00 for the months of April through October will be implemented for the collection of compost.
3. If compost service is stopped by the customer at any time and the customer wants to re-establish service, there will be an additional charge of \$20.00 assessed to re-establish service. In addition to the \$20.00 charge the customer will also be charged \$4.00 per month for the remaining months of the year when the compost is collected. (i.e April through October)

Motion carried and resolution declared duly adopted.

Moved by Bruner, seconded by Tracy, to adopt Resolution #2532, Amending Resolution #2363-Street Vacation, as follows:

RESOLUTION #2532

Amending Resolution 2363

Whereas the owners of property hereafter identified did petition the City Council of the City of Mitchell for vacation of a portion of the Streets of the City (said portion of street having never been opened for public passage) identified in the said referenced petition and associated documents, and in the resolution of vacation adopted by the City Council (said resolution being dated October 17, 2005 and filed in the office of the register of deeds in and for Davison County, SD on October 18,

2005, in book 66 page 371) inadvertently but wrongly identified the street to be vacated as “Bayside Avenue within Bayside Overlook Subdivision (Phase 1) in the SE 1/4 of SE 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M. in the City of Mitchell, Davison County, S.D.; and

Whereas the correct description of the portion of the street of the City which is adjoined by each of the parcels of the property hereafter described (which is all of the property which adjoins said portion of street) is described as “Beach Avenue within Bayside Overlook Subdivision (phase 1) in the SE 1/4 of SE 1/4 Section 4, T 103 N, R 60 W of the 5 P.M. in the Cit of Mitchell Davison County S.D.; now therefore, in order to effect amendment of the description of the portion of the street to be vacated, the description there of in the petition and associated documents and the said resolution of vacation above referenced and all proceedings associated therewith is and are hereby amended nunc pro tunc to read as follows:

Beach Avenue within Bayside Overlook Subdivision (phase 1) in the SE 1/4 of SE 1/4 Section 4, T 103 N, R 60 W of the 5 P.M. in the City of Mitchell, Davison County S.D.

The identification of the property adjoining said vacated street (Beach Avenue) and the owners thereof at the time of the petition and original proceedings are attached hereto as attachment A.

The Resolution No. 2363 (On Petition for Vacation of Public Right of Way) is hereby deemed amended accordingly.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Tracy, seconded by Smith, to place Ordinance #2239, Limiting Wine Licenses with Video Lottery, as amended, on first reading. Barington abstained. Motion carried.

Moved by Tracy, seconded by Barington, to place Ordinance #2240, Amending Quota on Malt Beverage Licenses on first reading. Bruner and Carpenter opposed. Motion carried.

Moved by Molumby, seconded by Carpenter, to place Ordinance #2241, Supplemental Appropriations on first reading. Motion carried.

Moved by Bruner, seconded by Molumby, to place Ordinance #2242, Supplemental Appropriations on first reading. Motion carried.

Moved by Molumby, seconded by Barington, to place Ordinance #2243, Supplemental Reappropriations on first reading. Motion carried.

Moved by Carpenter, seconded by Bruner, to place Ordinance #2244, Changing the Names of Williams Street and Hurst Street on first reading. Motion carried.

Moved by Molumby, seconded by Barington, to place Ordinance #2245, Amending Section 5-4A-3-Collection of Compost Materials on first reading. Motion carried.

SET DATE:

Moved by Allen, seconded by Smith, that the 21st day of May, 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 Package (Off-sale) Liquor License PL-4698 from RJA Inc. dba Moonlight Bar & Lounge to AP Investments LLC dba Amstar located at 1st Avenue & Main Street. Motion carried.

Moved by Molumby, seconded by Bruner, that the 21st day of May, 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 Cemetery Hayland Lease. Motion carried.

CONSIDER APPROVAL:

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

Moved by Allen, seconded by Tracy, to approve the application of James Mathis for a Taxicab Drivers License for Palace Transit. Motion carried.

PAY ESTIMATES:

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

- pay estimate #23 in the amount of \$875.16 for New Landfill Monitoring Project #2003-17 contracted with Leggette, Brashears & Graham,
- pay estimate #39 in the amount of \$2,888.13 for Old Landfill Leachate Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #20 in the amount of \$389.00 for Broin Enterprises Waterline Project #2005-33 contracted with SPN & Associates,
- pay estimate #6 in the amount of \$727.32 for Waste Water Treatment Plant Discharge Meter Project #2006-11 contracted with SEH Inc.
- pay estimate #3 in the amount of \$3,064.80 for Curb & Gutter Project #2006-14 contracted with Rexwinkel Concrete LLC,
- pay estimate #1-C in the amount of \$90,571.10 for Convention Center Project #2007-2 contracted with Puetz Corporation,
- pay estimate #1-Final in the amount of \$50,175.00 for Garbage Packer Body Project #2007-19 contracted with Sanitation Products Inc.
- pay estimate #3-Final in the amount of \$10,385.89 for SCADA System Project #2007-20 contracted with DSI Inc.

- pay estimate #1 in the amount of \$27,648.90 for Waste Water Treatment Plant Flow Meter Project #2007-26 contracted with RP& H Inc.
- pay estimate #1 in the amount of \$179,571.60 for 23rd & Ohlman Project #2007-28 contracted with Scott Olson Digging Inc.
- pay estimate #13 in the amount of \$14,788.10 for 23rd & Ohlman Project #2007-28 contracted with SPN & Associates and
- pay estimate #1 in the amount of \$1,145.80 for Vantage Point Site Development Project #2007-33 contracted with SPN & Associates.

Members present voting aye: Allen, Barington, Bruner, Carpenter, 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, APRIL 8, 2007 – APRIL 21, 2007: CITY COUNCIL-\$2,369.12, MAYOR-\$859.73, ATTORNEY-\$1,807.69, FINANCE-\$10,357.20 , HUMAN RESOURCES-\$3,604.08, DATA PROCESSING-\$1,138.48, POLICE-\$46,605.81, TRAFFIC-\$3,309.84, FIRE-\$29,444.55, STREET-\$24,410.10, PUBLIC WORKS-\$13,905.85, CEMETERY-\$3,988.54, HEALTH & WELFARE-\$430.50, ANIMAL CONTROL-\$1,148.41, EMERGENCY MEDICAL SERVICES-\$6,796.57, LIBRARY-\$8,895.00, PLAYGROUNDS & ATHLETICS-\$3,464.62, CAMPGROUND-\$1,195.20, RECREATION CENTER-\$8,708.54, ICE ARENA-\$1,369.04, CADWELL SPORTS COMPLEX-\$240.00, PARK-\$7,772.14, SUPERVISION-\$4,681.90, FORESTRY-\$2,622.80, E911-\$13,391.06, RSVP-\$4,271.92, PALACE TRANSIT-\$15,131.76, WATER-\$9,189.43, WATER DISTRIBUTION-\$7,458.45, SEWER-\$11,178.53, AIRPORT-\$1,563.68, WASTE COLLECTION-\$8,394.26, LANDFILL-\$9,048.09, CORN PALACE MAINTENANCE-\$8,258.99, CORN PALACE SHOWS-\$1,894.48, CORN PALACE CONCESSIONS-\$1,717.07, GOLF COURSE-\$5,389.61.

SALARY ADJUSTMENTS (per hour rate):

CORN PALACE CONCESSIONS: Dawn Nolz-Olsen-\$8.50

GOLF/CEMETERY: Ben Tronnes-\$13.163

PALACE TRANSIT: Larry Moir-\$13.350

POLICE: Dave Beintema-\$21.558

UTILITIES: Josh Peterson-\$15.064, Kerry Plooster-\$17.026

NEW HIRES (per hour rate):

CAMPGROUND: Leota Burson-\$7.50

DATA PROCESSING: Kristine Murtha-\$14.231

LIBRARY: Cindy Keney-\$7.50

PALACE TRANSIT: James Mathis-\$8.50, Donna Nichols-\$8.50

PARK: Fred Kobold-\$8.00, Richard Gantenbein-\$7.00

PLAYGROUNDS & ATHLETICS: Arien Bahm-\$7.00, Ashley Bahm-\$7.00, Collin Berg-\$7.00, Todd Bradwisch-\$10.00, CJ Carlson-\$7.50, Sarah Duff-\$9.50, Collin Gronseth-\$8.50, Ty Hamar-\$7.50, Bob Hansen-\$9.50, Adam Meaney-\$7.50, Dylan Meyer-\$7.00, Jeremy Owens-\$9.75, Tosha Sterk-\$9.25, James Stern-\$9.25, Kelsey Stern-\$6.50, Austin Weber-\$9.00, Holly Zimmer-\$7.50

WARRANTS: A&B Business Equipment, Supplies-\$275.30; A-Ox Welding Supply Company, Supplies-\$1,461.84; AAA Collections, Payroll Deductions-\$75.00; Accounts Management, Payroll Deductions-\$366.74; Advance Auto Parts, Supplies-\$601.04; AFLAC, Payroll Deductions-\$2,917.24; AFLAC/Flex One, Claims-\$6,469.70; Al's Engraving, Supplies-\$18.95; Alice Claggett, Contract Services-\$162.50; Alltel, Phone Services-\$1,240.73; Alyssa Bechen, Lifeguard Training Class-\$360.00; American Bottling Company, Supplies-\$98.00; American Garage Door, Supplies & Installation-\$2,532.66; American Red Cross, Registration Fees-\$125.00; American Swing Products, Supplies-\$238.12; APWA, Registration-\$525.00; Aramark Uniform, Uniform Allowance-\$766.42; Arcmate Manufacturing, Supplies-\$138.65; Arnie's Service, Repair-\$10.00; Aspen Equipment Company, Supplies-\$807.85; Audra Rew, Travel-\$224.64; Auto Body Specialties, Parts-\$8.40; B&B Upholstery, Repairs-\$598.00; B-Y Water, Utilities-\$30,331.00; Bailey Metal Fabricators, Repairs-\$357.41; Bailey Sales, Supplies-\$208.67; Beacon Athletics, Supplies-\$1,580.00; Beadle County Extension, Registration-\$100.00; Bender's Sewer & Drain, Repairs-\$88.00; Best Western Ramkota Inn, Travel-\$225.00; Big Sioux Nursery, Trees-\$277.00; Bonnie Weber, Contract Services-\$260.00; Boyer Trucks Sioux Falls, Supplies-\$361.77; Brown Traffic Products, Parts-\$756.87; Business Products, Supplies-\$1,272.88; Cabela's, Uniform Allowance-\$461.93; Campbell Supply, Supplies-\$1,524.68; CDW Government, Supplies-\$655.22; Center for Tourism Research, Contract Services-\$9,584.00; Central Electric Cooperative, Supplies-\$28.00; Championship Books & Video, Supplies-\$90.80; Charles Zard, Patient Refund-\$38.11; Charlie's Shoe Repair, Repairs-\$8.00; City of Mitchell, Landfill Reimbursement-\$34.74; Claims Associates, Claims Payment-\$1,000.00; Coborn's, Supplies-\$94.21; Coca-Cola Bottling, Supplies-\$243.10; Cole Papers, Supplies-\$116.04; Commercial Asphalt, Supplies-\$1,069.91; Cook Implement, Supplies-\$489.00; Cook's Inn, Contract Services-\$1,152.00; Corinne Christensen, Contract Services-\$320.00; Corn Palace Concessions, Supplies-\$114.00; County Fair, Supplies-\$44.27; Credit Collections Bureau, Payroll Deductions-\$50.00; Cretex Concrete Products, Supplies-\$942.72; Daily Republic, Subscription-\$6,537.43; Dakota Fluid Power, Supplies-\$322.77; Dakota Supply Group, Supplies-\$2,107.24; Dan Grigg Images, Supplies-\$1,360.29; Davison County Clerk of Courts, Contract Services-\$240.00; Davison County Register of Deeds, Copies-\$64.00; Davison Rural Water Systems, Supplies-\$92.58; Days Inn of Mitchell, Rooms-\$482.32; Delta Dental Plan of South Dakota, Dental Insurance-\$10,462.20; Dependable Sanitation, Recycling-\$13,746.95; Department of Social Services, Payroll Deductions-\$474.93; Design Solutions, Contract Services-\$10,385.89; Domino's Pizza, Supplies-\$92.37;

Dorothy Cahoy, Contract Services-\$455.00; Dorothy Stahl, Contract Services-\$422.50; Dugout Lounge, Contract Services-\$688.50; Ecolab Pest Elimination, Contract Services-\$157.50; Eddie Klose, Community Garden Tilling-\$50.00; Elaine Schaefers, Contract Services-\$130.00; Ellefson Implement, Supplies-\$2,644.51; Ellwein Brothers, Supplies-\$64.00; Ennis Paint, Supplies-\$8,681.20; Erika Helleloid, Travel-\$110.07; Farmers Alliance, Supplies-\$3,927.87; Farnam's Genuine Parts, Parts-\$227.19; Farner-Bocken Company, Supplies-\$1,625.52; Fastenal Company, Supplies-\$33.40; Fedex, Transportation Charges-\$58.25; Fisher Scientific, Supplies-\$469.02; Flex O Lite, Supplies-\$1,347.50; Floor to Ceiling Store, Supplies-\$17.50; Franklin Covey, Supplies-\$145.95; Gall's, Supplies-\$354.69; Gallus Thill, Contract Services-\$682.50; Gary Larson, Contract Services-\$13,500.00; Gempler's, Supplies-\$20.80; General Drivers & Helpers, Union Dues-\$324.00; Geocomm, Maintenance Services-\$4,870.00; Global Security, Alarm Monitoring-\$60.00; Graham Tire, Supplies-\$494.83; Grainger, Supplies-\$1,447.73; Great Western Tire, Supplies-\$1,350.50; Greg Friebel, Lifeguard Training Class-\$435.00; Hard Drive Central Mitchell, Repairs-\$104.64; Hauge Associates, Payroll Deductions-\$154.32; HD Supply Waterworks, Supplies-\$7,525.26; Headsets Direct, Supplies-\$66.69; Heartland Manufacturing, Supplies-\$527.18; Helena Chemical Company, Supplies-\$1,063.00; Henry Schein, Supplies-\$201.00; Hillyard Floor Care Supply, Supplies-\$257.87; Honda of Mitchell, Parts-\$78.35; Hydrologic Water Management, Supplies-\$1,390.20; IEMSA, Registration-\$150.00; In The Swim, Supplies-\$148.46; Internal Revenue Service, Payroll Deductions-\$50.00; International Laser Engraving, Supplies-\$379.81; Interstate Office Products, Supplies-\$117.55; JC Penney, Uniform Allowance-\$165.82; J.J. Bankdraft, Supplies-\$26.30; Jackie Hess, Supplies Reimbursement-\$600.55; James Valley Community Center, Contract Services-\$19.50; Janitor's Closet, Supplies-\$766.52; Jones Supplies, Supplies-\$1,014.02; Joyce Star, Uniform Repairs-\$187.00; K-Mart, Supplies-\$1,153.26; Karen Allen, Lifeguard Training Class-\$420.00; Karen Fleming, Supplies-\$42.99; Katherine Olson, Patient Refund-\$7.50; Kelly Knippling, Travel-\$358.30; Kerry Plooster, Reimbursement-\$10.00; Kevin DeVries, Supplies Reimbursement-\$45.96; KORN-AM, Advertising-\$33.00; KQRN-FM, Advertising-\$96.00; Kris Murtha, Reimburse Personal Cell Phone-\$35.72; Kustom Signals, Labor-\$127.50; L&O Acres Transport, Freight Charges-\$1,021.20; Lacey's Chemical Restroom, Supplies-\$60.00; Lakeview Sales, Supplies-\$375.44; Lee Jacobs, Books-\$90.00; Leggette Brashers & Graham, Contract Services-\$3,763.29; Leila Schamber, Contract Services-\$585.00; Leon Baier, Travel-\$21.00; Light & Siren, Equipment-\$341.00; Locators and Supplies, Uniform Allowance-\$702.22; Lois Huber, Contract Services-\$743.80; Lyle Signs, Supplies-\$600.00; Lyndon Overweg, Travel-\$27.00; Mark Schilling, Travel-\$76.12; Maximum Promotions, Supplies-\$5,664.65; McFarland Supply Company, Supplies-\$677.76; McLeod's Printing, Supplies-\$487.84; Menard's, Supplies-\$2,976.14; Merv Bouchie, Contract Services-\$10,076.75; Meteorlogix, Supplies-\$360.00; Meyers Oil Company, Supplies-\$14,321.57; Mid-American Research Chemical, Supplies-\$1,199.48; Midcontinent Communications, Utilities-\$336.01; Midwest Fire & Safety, Supplies-\$1,061.00; Midwest Playscapes, Supplies-\$10,492.00; Midwest Tire & Muffler, Repairs-\$316.20; Mitchell Area Development, Allocation-\$25,000.00; Mitchell Concrete Product, Property Purchase-\$70,000.00; Mitchell Ford, Repairs-\$79.50; Mitchell Iron & Supply, Repairs-\$1,238.85; Mitchell Plumbing & Heating, Supplies-\$242.04; Mitchell School District, Contract Services-\$12,159.51; Mitchell United Way, United Way Deductions-\$148.25; Mobile Electronic Service, Repairs-\$60.00; Montgomery Furniture, Supplies-\$988.00; Mueller Lumber Company, Supplies-\$478.63; Municipal Pipe Tool Company, Supplies-\$928.34; Music Service Center, Supplies-\$78.94; Muth Electric, Repairs-\$1,088.06; NAEIR, Supplies-\$825.74; Neve's Uniforms, Uniform Allowance-\$53.82; Northland Chemical, Supplies-\$195.31; Northwestern Energy & Communications, Utilities-\$35,325.35; Oliver Products Company, Supplies-\$142.45; Palace Cleaners, Supplies-\$310.25; Paul Rasmussen, Park Refund-\$20.00; Paulson Sheet Metal, Supplies-\$1,082.87; Pennington County Sheriff, Psychological

Evaluations-\$900.00; Pepsi Cola-Mitchell, Supplies-\$613.45; Plastow & Associates, Contract Services-\$7,900.00; Pony Creek Steakhouse, Contract Services-\$2,479.50; Prairie Wave, Supplies-\$54.51; Previsor, Supplies-\$310.00; Pristine Water Solutions, Lease Agreement-\$687.97; Puetz Corporation, Contract Services-\$90,571.10; Qualified Presort, Mailing Service-\$1,399.64; Quizno's Subs Store, Supplies-\$101.51; Qwest, Utilities-\$2,532.46; RP&H, Contract Services-\$27,648.90; Radio Shack, Supplies-\$69.99; Ramkota Hotel, Travel-\$676.00; Rexwinkel Concrete, Contract Services-\$3,064.80; Rhomar Industries, Supplies-\$821.45; Ron's Bicycle Shop, Repairs-\$209.60; Ron's Saw Shop, Supplies-\$451.44; S&M Printing Company, Supplies-\$184.75; Sam's Club, Supplies-\$253.59; Sanitation Products, Contract Services-\$50,175.00; Santel Communications, Utilities-\$232.56; Schmucker Paul & Nohr, Contract Services-\$16,322.90; Scott Houwman, Supplies-\$200.00; Scott Olson Digging, Contract Services-\$179,571.60; Scott Supply Company, Supplies-\$129.50; South Dakota Department of Health, Lab Fees-\$249.00; South Dakota Police Chiefs Association, Registration-\$100.00; South Dakota Retirement System, Retirement Contributions-\$35,872.22; South Dakota State Treasurer, Sales Tax Payment-\$8,972.07; South Dakota-Supplemental Retirement, Payroll Deductions-\$768.00; SDRA, Registration-\$400.00; SHE, Contract Services-\$727.32; Shah Software, Contract Services-\$3,080.00; Sheehan Mack Sales & Service, Parts-\$7,744.31; Sherwin-Williams Company, Supplies-\$1,435.35; Shirley Beck, Contract Services-\$617.50; Shopko, Supplies-\$20.03; Siemens Water Technologies, Repairs-\$2,080.64; Sign Pro, Supplies-\$1,100.00; Sioux Falls Kenworth, Parts-\$241.43; Sioux Falls Two-Way Radio, Supplies-\$967.52; Sleepy Eye Industrial Knife, Repair-\$96.00; Stahl's Collision Center, Repairs-\$45.00; Stan Houston Equipment, Supplies-\$1,055.58; Star City Athletic Supply, Supplies-\$624.00; State of South Dakota, Utilities-\$376.62; Stiles Law Office, Contract Service-\$1,062.00; Sturdevant's Auto Parts, Supplies-\$2,913.87; Sun Gold Trophies, Supplies-\$1,473.95; Sun Life Financial, Life Insurance Deductions-\$1,489.00; Swiftel Center, Registration-\$100.00; Symbol Arts, Supplies-\$750.00; Tammie Munsen, Lifeguard Training Class-\$375.00; Tech Solutions, Computer Repairs-\$1,152.05; Terance Reyelts, Travel-\$247.64; Teresa Majercik, Travel-\$124.96; Tessier's, Repairs-\$230.64; Test America Analytical, Lab Fee-\$174.55; The Radar Shop, Radar Units Recertified-\$234.00; The Title Company, Title Insurance-\$190.63; The UPS Store, Shipping Charges-\$37.69; Thomas Gullede, Contract Services-\$3,218.40; Thune True Value Hardware, Supplies-\$381.02; Tim's Marine Service, Supplies-\$16.68; Titan Machinery, Repairs-\$683.93; TK Electric, Repairs-\$2,654.76; Toby Russell, Travel-\$139.00; Total Stop Food Store, Supplie-\$128.92; Tractor Supply, Supplies-\$258.30; Trail King Industries, Supplies-\$587.24; Tri-County Telcom, Utilities-\$100.92; Ultramax, Supplies-\$2,664.00; United Building Centers, Rental-\$120.00; United Energy, Supplies-\$6,002.04; United Way & Volunteer Services, Reimbursement-\$25.11; Van Diest Supply Company, Supplies-\$4,825.05; Velvet Uniforms, Uniform Allowance-\$184.85; Virginia Limberg, Contract Services-\$525.00; Walmart Community, Supplies-\$678.85; West Payment Center, Supplies-\$495.73; Wheelco Brake & Supply Company, Supplies-\$1,934.37; Wholesale Electronics, Supplies-\$109.35; William Hurd, Travel-\$657.30

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

EXECUTIVE SESSION:

Moved by Bruner, seconded by Allen, to go into executive session for contractual matters. Motion carried. Moved by Smith, seconded by Carpenter, to come out of executive session. Motion carried.

ADJOURN:

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

Marilyn Wilson
Finance Officer