

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

**JUNE 4, 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 Barington, to approve the agenda as prepared with an addendum. Motion carried.

MINUTES:

Moved by Carpenter, seconded by Molumby, to approve the minutes of the regular City Council meeting held on May 21, 2007. Motion carried.

UPDATE:

Event Center Task Force Member, Spencer Gross, stated that the task force has completed the research and work on the events center and all information has been reported to Council. Council Member Ken Tracy suggested a Special Council Meeting to select the site location and design architect. Moved by Molumby, seconded by Carpenter, to conduct a Special Council Meeting on Wednesday, June 6, 2007 at 6:30 p.m. at Mitchell Technical Institute Technology Center located on East Spruce if available. Motion carried.

Parks, Recreation, and Forestry Director Randy Ahrendt discussed the Mosquito Control program.

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 Avis Bahm for a variance to construct and replace the garage at 622 West 4th Avenue, legally described as the South 128 feet of Lot 6, Block 104, Lawler'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 tabled said application. Moved by Lepke, seconded by Molumby, to table said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Jim Buck for a variance to construct a garage/addition at 1216 State Avenue, legally described as Lot 10, Block 10, Sunnyside 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 Smith, seconded by Carpenter, to approve said application. Motion carried.

Moved by Barington, seconded by Carpenter, that the 18th day of June, 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 Jack and Mary Mortenson for a variance to construct a garage at 1115 Mitchell Boulevard, legally described as Lots 4 and 5, Block 20, University Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

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

COMMITTEE REPORTS:

Sidewalk Committee:

The Sidewalk Committee met on June 4, 2007 at 6:50 p.m. in the Council Chambers of City Hall. The committee approved discontinuing sidewalk rebates.

Public Properties Committee:

The Public Properties Committee met on June 4, 2007 at 7:05 p.m. in the Council Chambers of City Hall. The committee authorized applying for a grant for improving the Sportsman's Fishing Boat Ramp with the city's share not to exceed \$25,000.00.

Public Health & Safety Committee:

The Public Health & Safety Committee met on June 4, 2007 at 7:20 p.m. in the Council Chambers of City Hall. The committee approved closing Indian Village Road from the Kiwanis Woodlot up to the boat ramp from 5:00 p.m. to 11:00 p.m. and also approved a noise permit and fireworks permit for the Brule Concert on June 30, 2007. The rain date is scheduled for July 1, 2007.

Moved by Tracy, 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 the Mitchell Exchange Club for a Special Event Malt Beverage License for the Rodeo at the Rodeo Grounds on July 19-22, 2007. Moved by Carpenter, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of the Mitchell Exchange Club for a Special Event Malt Beverage License for the Bull Bash at the Rodeo Grounds on August 22, 2007. Moved by Molumby, 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 the Palace City Lions Club for a Special Event Malt Beverage License for a wedding dance at the SD National Guard Armory on June 30-July 1, 2007. Moved by Smith, seconded by Allen, to approve said application contingent upon working with Chief of Public Safety Lyndon Overweg on security issues. Motion carried.

It was advised that this is the date and time set for hearing on the applications for renewal of Malt Beverage Licenses. Moved by Carpenter, seconded by Tracy, to renew the following applications:

RETAIL (ON-OFF SALE) MALT BEVERAGE

License No.

RB-2679	Twin Dragon Inc. dba Twin Dragon Restaurant	704 E. Norway Ave.
RB-2828	R & R Enterprises Inc. dba Village Bowl & Lounge/Spare Change Casino	1500 N. Duff St.
RB-2833	Mervin Bouchie dba Lakeview Golf	3300 N. Ohlman St.
RB-2834	Mitchell Doc 'N' Eddy's Gaming Inc. dba Doc's	104 E. 4 TH Ave.
RB-2835	Mitchell Mens Slowpitch Association	Cadwell Park
RB-2838	Meyers Oil Company Inc. dba All Star Sports Bar	1510 1/2 S. Burr St.
RB-2839	CDH Inc. dba Kwik-Phil	520 E. Havens St.
RB-2841	Ritter-Ritenhouse Corp. dba Mitchell Super 8 Motel	213 S. Harmon Dr.
RB-2842	I-90 Fuel Services Inc. dba I-90 Truck Stop	Highway 37 South
RB-2844	V.V. Inc. dba E-Z \$ Pub	1801 N. Main St.
RB-2846	Sport Time Inc. dba Scoreboard Sports Bar	522 N. Main St.
RB-2854	NPC International Inc. dba Pizza Hut #2773	420 E. Havens St.
RB-3434	Hay Company dba Sudz	508 E. Havens
RB-3464	Robert Folkerts Betty's Place Café	107 N. Main St.
RB-3124	Bathke Enterprises LLC	1003 E Havens
RB-3133	Highland Travel Plaza LLC dba Blarney's Irish Pub	2160 Highland Way
RB-2169	David Backlund Jr dba ParTee Bar	2601 E 1 st Avenue

PACKAGE (OFF-SALE) MALT BEVERAGE

License No.

PB-1280	Wiebelhaus Co Inc. dba Jack's Sinclair	1905 N. Main St.
PB-1288	Freedom Valu Centers Inc. dba Erickson Oil	512 S. Sanborn
PB-1296	Wiebelhaus Co Inc. dba J-Mart	1527 W. Havens St.
PB-1341	Jackie A. & Beverly A. Robinson dba Rob's Short Stop	215 N. Burr St.
PB-1478	Farmers Alliance dba West 16 Travel Plaza	1700 W. Havens
PB-1532	Graham Oil Inc. dba Graham's Interstate BP	I-90 & Hwy 37
PB-1578	Coborns Inc. dba Coborn's	1800 N. Main St.
PB-1610	Meyers Oil Co. Inc. dba All Star Convenience Store	1510 S. Burr
PB-1695	Miller & Holmes Inc. dba M & H Gas Station	201 W. Havens St.
PB-1708	AP Investments LLC dba Amstar	1 st Avenue & Main St.
PB-1788	Casey's Retail Company dba Casey's General Store	701 N. Main St.
PB-1881	Kum & Go, LC dba Kum & Go #601	316 W. 5 th St.
PB-1391	Farmers Alliance dba Cenex C-Store	1000 S. Burr
PB-1400	County Fair Inc. dba County Fair Food & Fuel	1012 W. Havens

Motion carried.

AWARD BIDS:

Bids were opened and read on the Rock Chips Project #2007-10 on the 4th day of June, 2007 in the Council Chambers of City Hall.

Moved by Bruner, seconded by Barington, to award as follows:

ROCK CHIPS PROJECT #2007-10

Spencer Quarries, 25341 430th Avenue, Spencer, SD 57374

Item 1 - \$11.10 per ton

Motion carried.

Bids were opened and read on the Petroleum Products Project #2007-13 on the 4th day of June, 2007 in the Council Chambers of City Hall.

Moved by Lepke, seconded by Molumby, to award as follows:

PETROLEUM PRODUCTS PROJECT #2007-13

Jebro Inc., 2303 Bridgeport Drive, Sioux City, IA 51111

Item 1 - \$322.55 per ton

Item 2 - \$394.55 per ton

Item 3 - \$519.55 per ton

Motion carried.

Bids were opened and read on the Paving & Overlay Project #2007-15 on the 4th day of June, 2007 in the Council Chambers of City Hall.

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

PAVING & OVERLAY PROJECT #2007-15

Commercial Asphalt, Mitchell, SD 57301

Item 1 - \$438.00 per ton

Item 2 - \$28.80 per ton

Item 3 - \$28.80 per ton

Item 4 - \$31.80 per ton

Item 5 - \$1.65 per linear foot

Item 6 - \$403.00 per ton

Item 7 - \$45.75 per ton

Motion carried.

RESOLUTIONS:

Moved by Bruner, seconded by Barington, to adopt Resolution #2543, Authorization to file an application for a Sport Fisheries Restoration Fund Grant for the Sportsman's Boat Ramp Project, as follows:

RESOLUTION #2543

The United States of America and the State of South Dakota have authorized the making of grants from the Sport Fisheries Restoration Fund to public bodies to aid in financing the enhancement of specific public outdoor recreation projects;

NOW THEREFORE, BE IT RESOLVED:

1. That Randy Ahrendt, Director of the Park, Recreation & Forestry Department, is hereby authorized to execute and file an application on behalf of the City of Mitchell, with the United States of America, through the State of South Dakota, Department of Game, Fish and Parks, for a Sport Fisheries Restoration Fund grant to aid in financing the Sportsman's Boat Ramp Project for the City of Mitchell, South Dakota, and its Environs.
2. That Randy Ahrendt, Director of the Park, Recreation & Forestry Department, or his successor, is hereby authorized and directed to furnish such information as the above-mentioned Federal and/or State agencies may reasonably request in connection with the application, which is hereby authorized to be filed.
3. That the City of Mitchell shall provide a minimum of 25% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.
4. That the City of Mitchell shall dedicate for park and recreation purposes in perpetuity, the real property identified in the authorized application.

Motion carried and resolution declared duly adopted.

Moved by Tracy, seconded by Barington, to adopt Resolution #2536, Plat of Lot 20 of Airport Addition, as follows:

**RESOLUTION #2536
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 29th day of May, 2007; and

WHEREAS, it appears from an examination of the plat of LOT 20 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST ½ OF THE NW ¼ OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 LOT 20 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST ½ OF THE NW ¼ OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 Carpenter, seconded by Smith to approve a building permit located at Lot 20 of Airport Addition. Motion carried.

Moved by Barington, seconded by Carpenter, to adopt Resolution #2537, Plat of Lot 6, Block 5 of the Woods First Addition, as follows:

**RESOLUTION #2537
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 29th day of May, 2007; and

WHEREAS, it appears from an examination of the plat of LOT 6, BLOCK 5 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 LOT 6, BLOCK 5 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 Bruner, seconded by Lepke, to adopt Resolution #2538, Plat of Lot 1, Block 2 of B. and J. DeVries First Addition, subject to the Planning Commission recommendation that any future development must have a street plan, as follows:

RESOLUTION #2538
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 29th day of May, 2007; and

WHEREAS, it appears from an examination of the plat of LOT 1, BLOCK 2 OF B. AND J. DEVRIES FIRST ADDITION IN THE NE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5TH 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 LOT 1, BLOCK 2 OF B. AND J. DEVRIES FIRST ADDITION IN THE NE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5TH 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 Molumby, seconded by Barington, to adopt Resolution #2539, Plat of Lots 35, 36 and 37 of the Island First Addition, as follows:

RESOLUTION #2539
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 29th day of May, 2007; and

WHEREAS, it appears from an examination of the plat of LOTS 35, 36 AND 37 OF THE ISLAND FIRST ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 35, 36 AND 37 OF THE ISLAND FIRST ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 Carpenter, seconded by Molumby, to adopt Resolution #2540, Plat of Lot 40 of the Island First Addition, as follows:

**RESOLUTION #2540
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 29th day of May, 2007; and

WHEREAS, it appears from an examination of the plat of LOT 40 OF THE ISLAND FIRST ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W AND IN THE NE ¼ OF THE NE ¼ OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 LOT 40 OF THE ISLAND FIRST ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W AND IN THE NE ¼ OF THE NE ¼ OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 Molumby, seconded by Barington, to adopt Resolution #2541, Plat of Lot 4 of CJM First Addition, as follows:

**RESOLUTION #2541
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 29th day of May, 2007; and

WHEREAS, it appears from an examination of the plat of LOT 4 OF CJM FIRST ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 3 IN THE SW ¼ OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 LOT 4 OF CJM FIRST ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 3 IN THE SW ¼ OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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.

ORDINANCES:

Moved by Molumby, seconded by Lepke, to place Ordinance #2239, Limiting Wine Licenses with Video Lottery on second reading. Barington abstained. Motion carried. Moved by Tracy, seconded by Allen, to adopt Ordinance #2239, Limiting Wine Licenses with Video Lottery, as follows:

Ordinance #2239

Preamble: Wine licenses have been requested by many establishments designated as restaurants. Many of the wine licensees have requested video lottery with their application for a wine license.

That it is in the best interest of the city to curtail the proliferation of video lottery within the community.

Now therefore it is Ordained that no wine licenses will be issued with video lottery; and

That any previously issued wine license that did not request its issuance with video lottery will not be authorized to request video lottery with said license; and

That wine licenses issued with video lottery are limited to those licenses that were issued as of April 1, 2007 or were applied for on or before April 1, 2007.

Barington abstained.

Motion carried and ordinance declared duly adopted.

Moved by Tracy, seconded by Allen, to place Ordinance #2240, Amending Quota on Malt Beverage Licenses on second reading. Bruner, Carpenter, and Lepke opposed. Motion carried. Moved by Smith, seconded by Barington, to adopt Ordinance #2240, Amending Quota on Malt Beverage Licenses, as follows:

Ordinance #2240

An ordinance amending the quota on malt beverage licenses and limiting video lottery licenses with on sale malt beverage licenses and wine licenses.

Preamble: That numerous restaurants, pursuant to the request of their patrons, have requested malt beverages with their meals;

That the restaurants are not interested in the acquisition of video lottery licenses with the malt beverage license;

That the restaurants want the ability to supplement the meals with a malt beverage and are not interested in changing the character of their establishments from that of an eating establishment to that of a bar or gaming atmosphere;

That to promote the restaurant businesses within the community the caps on the malt beverage licenses should be lifted with restrictions that no new video lottery should be authorized with the new malt beverage licenses.

That authorizing wine licenses with video lottery to also have a malt beverage license with no video lottery would not promote the best interest of the community. The enforcement of the liquor laws and regulations would be problematic for law enforcement if one licensee has a wine license with video lottery and a malt beverage license with no video lottery. Therefore, because of the reasons stated the new malt beverage licenses should not be granted to any wine licensees who have video lottery with their wine license, now therefore

It is ordained by the City of Mitchell that all of 4-2-1 of the City Code of Mitchell be amended as hereinafter set forth

That 4-2-1 A and 4-2-1 B are repealed and 4-2-1 C is amended and now referred to as 4-2-1-D and the new Ordinance 4-2-1 A, 4-2-1 B and 4-2-1 C are enacted.

4-2-1: NUMBER OF ON SALE MALT BEVERAGE LICENSES WITH VIDEO LOTTERY:

- A. ~~The total number of licenses for the on sale of malt beverages that may be issued by the city shall not exceed more than one license for each one thousand (1,000) population of the city.~~
- B. ~~No population limit shall apply to off sale malt beverage licenses, to temporary on sale malt beverage licenses which are issued for a limited time only.(Ord. 2060, 8-19-2002)~~
- A. All on sale malt beverage licenses issued prior to April 1, 2007 are authorized to have video lottery if their current license authorizes video lottery.
- B. No on sale malt beverage license issued after April 1, 2007 shall be authorized to have video lottery.
- C. No on sale malt beverage license issued after April 1, 2007 shall be issued to any licensee or establishment which has a wine license with video lottery
- D. The on sale malt beverage license issued for operation of the Mitchell municipal golf course shall be restricted to use at the golf course, and shall not be transferable to any location other than the municipal golf course. In the event of cancellation of or the discontinuance of use of the said license, a newly issued on sale malt beverage license may be issued for use at the municipal golf course. ~~notwithstanding the numerical restriction on the issuance of such licenses. Such newly issued license shall be subject to the same restrictions as provided in this section.~~

Roll call vote was taken. Yes: Allen, Barington, Molumby, Smith, Tracy. No: Bruner, Carpenter, Lepke.

Motion carried and ordinance declared duly adopted.

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. Barington and Bruner abstained. Motion carried.

ORDINANCES:

Moved by Carpenter, seconded by Molumby, to place Ordinance #2246, Supplemental Appropriation on second reading. Motion carried. Moved by Lepke, seconded by Barington, to adopt Ordinance #2246, Supplemental Appropriation, as follows:

ORDINANCE NO. 2246

**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:

**CAPITAL PROJECTS FUND
SOCCER COMPLEX**

524-46500-43300	Soccer Complex	\$400,000.00
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The funding will come from an operating transfer from the General Fund in the amount of \$350,000.00 and from the Park Fund in the amount of \$50,000.00.

Motion carried and ordinance declared duly adopted.

SET DATE:

Moved by Molumby, seconded by Barington, that the 18th day of June, 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 the Mitchell Prehistoric Indian Village for a Special Event Malt Beverage License for a Brule Concert on June 30-July 1, 2007. Motion carried.

Moved by Tracy, seconded by Carpenter, that the 18th day of June, 2007 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on resolution of necessity for curb & gutter, paving, base course, storm sewer and miscellaneous fees. Motion carried.

CONSIDER APPROVAL:

Moved by Lepke, seconded by Carpenter, to approve the Statement of Extension to the Joint Cooperative Agreement with Planning & Development District III. Motion carried.

Moved by Molumby, seconded by Carpenter, to approve an automatic supplement to the General Fund-Library in the amount of \$225.00 from grant funds for workshop fees. Motion carried.

Moved by Molumby, seconded by Allen, to approve the Maintenance and Financial Agreement with the SD Department of Transportation for North Highway 37 Lighting Project. Motion carried.

Moved by Lepke, seconded by Smith, to ratify the work order for West End Bridge Project with Brosz Engineering. Motion carried.

ABATEMENT OF TAXES:

Moved by Carpenter, seconded by Bruner, to approve the abatement of taxes for Rosamond Gates in the amount of \$1,128.28 for Lot 6, Block 46, Capital Addition due to application for assessment freeze. Motion carried.

HEARING:

An appeal hearing was held on a dangerous animal which was directed by Chief of Public Safety Lyndon Overweg to either be removed from the city's jurisdiction or euthanized according to city code. The owner of the dog, neighbors involved in the incident, Chief of Public Safety Lyndon Overweg, and the two officers involved in the incident gave their accounts to Council regarding the incident. Moved by Tracy, seconded by Carpenter, to concur and uphold Chief of Public Safety Lyndon Overweg's decision to have the dangerous animal removed from the city's jurisdiction or euthanized according to city ordinance. Smith opposed. Motion carried.

PAY ESTIMATES:

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

- pay estimate #6-Final in the amount of \$227,664.70 and change order #3-Final in the amount of \$9,472.40 decreasing the contract amount to \$1,254,190.40 for Broin Raw Waterline Project #2005-33 contracted with Northern Plains Construction,
- pay estimate #1-Final in the amount of \$289,326.00 for Fire Department Pumper Project #2006-22 contracted with M & T Fire Safety,
- pay estimate #2 in the amount of \$36,476.10 for Waste Water Treatment Plant Flow Meter Project #2007-26 contracted with RP & H Inc.,
- pay estimate #2 in the amount of \$407,372.32 for 23rd & Ohlman Drainage Project #2007-28 contracted with Scott Olson Digging and

- pay estimate #1 in the amount of \$22,654.00, pay estimate #2 in the amount of \$22,654.00, and pay estimate #3-Final in the amount of \$23,294.00 for Police Division Cars & Fire Pickup Project #2007-16 contracted with Wegner Auto.

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

BILLS:

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

PAYROLL, MAY 6, 2007 – MAY 19, 2007: CITY COUNCIL-\$2,369.12, MAYOR-\$859.73, ATTORNEY-\$1,807.69, FINANCE-\$10,357.20, HUMAN RESOURCES-\$4,800.16, DATA PROCESSING-\$1,138.48, POLICE-\$50,107.36, TRAFFIC-\$3,816.35, FIRE-\$29,613.99, STREET-\$21,597.82, PUBLIC WORKS-\$13,905.84, CEMETERY-\$4,772.31, HEALTH & WELFARE-\$840.00, ANIMAL CONTROL-\$1,159.17, EMERGENCY MEDICAL SERVICES-\$6,487.20, LIBRARY-\$9,151.75, PLAYGROUNDS & ATHLETICS-\$5,273.64, SWIM POOL-\$289.06, CAMPGROUND-\$2,000.20, RECREATION CENTER-\$7,602.75, ICE ARENA-\$1,369.04, CADWELL SPORTS COMPLEX-\$1,886.75, PARK-\$12,395.18, SUPERVISION-\$4,681.92, FORESTRY-\$2,639.91, E911-\$14,600.99, RSVP-\$4,295.76, PALACE TRANSIT-\$14,977.74, WATER-\$8,498.88, WATER DISTRIBUTION-\$7,329.13, SEWER-\$11,146.88, AIRPORT-\$1,563.68, WASTE COLLECTION-\$7,822.30, LANDFILL-\$7,170.52, CORN PALACE MAINTENANCE-\$5,697.22, CORN PALACE SHOWS-\$1,894.48, CORN PALACE CONCESSIONS-\$1,765.01, GOLF COURSE-\$6,815.09.

SALARY ADJUSTMENTS (per hour rate):

CAMPGROUND: Gladys George-\$10.00, Ron Sommer-\$10.00, Norm Thuringer-\$10.00, Jerome Weber-\$10.00

CORN PALACE SHOWS: Janice Anderson-\$7.50, Deb Bartscher-\$8.00, Denise Olsen-\$8.00

CORN PALCE CONCESSIONS: Jeff Peschong-\$7.50

GOLF COURSE: Drew Anderson-\$6.25, Shawn Hilton-\$6.75, Dustin Meyers-\$6.25, Kylie Nicolaus-\$6.25

PARK: Bryce Gades-\$8.00, Kim Haiar-\$7.25, Mike Titze-\$13.797, Christina Wenande-\$7.25

PLAYGROUNDS & ATHLETICS: Erik Anderson-\$7.25, Kelsey Baye-\$7.75, Angela Bechen-\$10.25, Abby Deinert-\$7.25, Mauli Delaney-\$7.25, Greg Friebel-\$11.00, Tina Glissendorf-\$7.50, Mitch Grieve-\$7.00, Lelia Guilbert-\$9.50, Kelsey Hearnen-\$9.50, Katie Heesch-\$6.75, Jamie Henkel-\$10.25, Katie Hilton-\$8.00, Katie Jones-\$7.25, Kayla Jones-\$7.25, Jenny Kee-\$7.50, Gayle Klein-\$10.25, Ashley Klinkhammer-\$7.00, Ryan Krome-\$8.00, Kevin Loker-\$8.00, Tricia Luckett-\$7.25, Julie Millar-\$8.00, Ashleigh Nolz-\$6.75, Zach Nolz-\$10.25, Carrie Oakley-\$10.00, Kirby Oldenkamp-\$7.00, Kelsey Price-\$7.25, Celeste Rasmussen-\$7.50, Jessica Rezac-\$7.25, Trevor Salmonson-\$7.00, Jason Schmidt-\$7.00, Channing Smith-\$7.25, Chase Smith-\$7.00, Sarah Smith-\$7.25, Mackenzie Sterk-

\$7.25, Tosha Sterk-\$7.25, Catherine Patrick-\$7.25, Trevor Vermeulen-\$7.00, Laramie Walker-\$6.75, Hillary Weber-\$8.50, Joshua Wenande-\$7.00, Nicholas Wenande-\$7.00, Brett Young-\$7.00, Holly Zimmer-\$6.50

POLICE: Kimberly Alan-\$16.541, Adam Frerichs-\$18.466

RECREATION CENTER: Chris Cranny-\$14.058

NEW HIRES (per hour rate):

CAMPGROUND: Carson Smith-\$8.00

CEMETERY: Ronald Sommer-\$6.25

CORN PALACE CONCESSIONS: Ashley Schmidt-\$6.00, Amber White-\$6.00

PLAYGROUNDS & ATHLETICS: Whitney Gard-\$7.00, Jill Greenway-\$8.00, Kaleb Herring-\$6.50, Cassie Kiner-\$6.50, Monica Larson-\$8.00, Joleen Mueller-\$8.00, Dustin Quasney-\$6.50, Yvonne Rameriz-\$7.00, Kristin Wempe-\$7.00

SWIM POOL: Rachel Buche-\$6.50, Abby Hettinger-\$6.50, Cody Horton-\$6.50, Megan Kirby-\$6.50, Dawn Morgan-\$9.50, Lori Schmidt-\$10.00, Bonnie Wells-\$9.50

SANITATION: Beth Schneider-\$8.00

WASTE WATER: Brittany Brickman-\$7.50

WARRANTS: A&B Business Equipment, Maintenance-\$222.92; AAA Collections, Payroll Deduction-\$75.00; Accounts Management, Payroll Deductions-\$213.16; Advance Auto Parts, Parts-\$9.58; AFLAC, Payroll Deductions-\$2,878.59; AFLAC/Flex One, Claims-\$675.85; Ag Systems, Supplies-\$11.66; Al's Engraving, Supplies-\$8.98; Alcopro, Supplies-\$115.00; Alice Claggett, Contract Services-\$302.50; All Star Removal, Lawn Care-\$215.00; American Swing Products, Supplies-\$124.34; Arcmate Manufacturing, Supplies-\$153.69; Bailey Metal Fabricators, Repairs-\$425.56; Barnes Distribution, Supplies-\$1,394.36; Ben Franklin Crafts, Supplies-\$18.29; Best Western Kelly Inn, Travel-\$388.75; Bob Buehler, Reimbursement-\$250.00; Boyer Trucks Sioux Falls, Parts-\$562.20; Brown Traffic Products, Parts-\$3,675.00; Brucelli Advertising Company, Supplies-\$85.00; Business Products, Supplies-\$845.70; Campbell Supply, Supplies-\$894.66; Cenex, Supplies-\$74.91; City of Emery, March Utilities-\$1,143.57; Classroomdirect, Supplies-\$13.16; Clayton McLaughlin, Compost Cart Refund-\$30.00; CNH Capital, Contract Services-\$670.26; Coborn's, Supplies-\$9.00; Coca-Cola Bottling Company, Supplies-\$108.70; Cole Papers, Supplies-\$69.23; Comfort Inn, Travel-\$45.00; Commercial Asphalt, Supplies-\$1,249.92; Construction Products, Supplies-\$253.44; Cook Implement, Supplies-\$782.87; Corn Palace Concessions, Supplies-\$48.00; County Fair, Supplies-\$30.50; Credit Collections Bureau, Payroll Deduction-\$50.00; Dakota Fluid Power, Supplies-\$5,379.75; Dakota Pump, Repairs-\$84.18; Dakota Salvage, Supplies-\$26.40; Dakota Supply Group, Supplies-\$10,071.78; Daniel Mayer, Compost Cart Refund-\$30.00; Darrington Water Conditioning, Repairs-\$62.00; Darwin Buus, Travel-\$9.00; Davison County Clerk of Courts, Background Checks-\$195.00; Dependable Sanitation, Recycling-\$13,751.85; Department of Social Services, Payroll Deductions-\$474.93 ; Don Everson, Travel-

\$9.00; Dorothy Cahoy, Contract Services-\$627.50; Dorothy Stahl, Contract Services-\$432.50; Doug Degen, Travel-\$43.52; Dugout Lounge, Contract Services-\$544.50; Ecolab Pest Elimination, Contract Services-\$157.50; Ellefson Implement, Parts-\$156.70; ELUNA Conference, Registration-\$200.00; Eric Anderson, Tools-\$48.55; Evelyn Fuehrer, Rebate-\$37.50; Farmers Alliance, Supplies-\$1,383.85; Farnam's Genuine Parts, Parts-\$119.85; Farner-Bocken Company, Supplies-\$5,501.92; Fastenal Company, Supplies-\$379.81; FedEx, Shipping-\$6.21; Frontier Precision, Supplies-\$79.25; Gall's, Supplies-\$126.98; General Drivers & Helpers, Union Dues-\$324.00; GFOA, Renewal-\$50.00; Glacken & Associates, Registration-\$530.00; Governmental Finance, Registration-\$150.00; Graham Tire, Tires-\$86.36; Great Western Supply, Tires-\$256.60; GT Body, Repairs-\$81.00; Hauge Associates, Payroll Deduction-\$154.32; HD Supply Waterworks, Supplies-\$139.40; Heartland Manufacturing, Supplies-\$571.53; Helena Chemical Company, Supplies-\$592.80; Honda of Mitchell, Supplies-\$111.82; Horiba Jobin Yvon, Supplies-\$90.88; Internal Revenue Service, Payroll Deduction-\$50.00; Interstate Office Products, Supplies-\$467.90; JC Penney Credit, Uniform Allowance-\$193.86; J.J. Bankdraft, Supplies-\$38.09; James Valley Nursery, Trees-\$288.56; Joel Reinesch, Travel-\$184.24; Johnstone Supply of Sioux Falls, Supplies-\$53.76; Jon Garry, Compost Cart Refund-\$60.00; Jones Supplies, Supplies-\$455.36; K-Mart, Supplies-\$131.98; KGM Powder Coating, Supplies-\$65.00; Krohmer Plumbing, Repairs-\$696.07; Leila Schamber, Contract Services-\$530.00; Leon Baier, Travel-\$112.00; Locators and Supplies, Supplies-\$359.15; Lois Huber, Contract Services-\$770.00; Lyle Signs, Supplies-\$507.96; Lyndon Overweg, Travel-\$82.75; M&T Fire and Safety, Contract Services-\$289,326.00; M Lee Smith Publishers, Supplies-\$327.00; Mark Schilling, Travel-\$1,359.57; Maurine Cahoy, Contract Services-\$530.00; McFarland Supply Company, Supplies-\$360.31; McLeod's Printing, Supplies-\$237.60; Mebius Nursery & Landscaping, Repairs-\$407.00; Mel Lubbers, Travel-\$9.00; Menard's, Supplies-\$1,909.20; Merv Bouchie, Contract Services-\$8,190.02; Midwest Tire & Muffler, Supplies-\$45.90; Miller Consulting, Supplies-\$50.00; Mitchell Ford, Parts-\$288.60; Mitchell Iron & Supply, Labor-\$259.49; Mitchell Lawn Care, Mowing-\$135.00; Mitchell Technical Institute-Registration-\$149.00; Mitchell Telecom, Utilities-\$228.95; Mitchell United Way, Payroll Deductions-\$148.25; Mount Vernon School District, Contract Services-\$49.50; Mueller Lumber Company, Supplies-\$15.24; Muth Electric, Repairs-\$216.69; NAEIR, Supplies-\$103.37; Neve's Uniforms, Uniform Allowance-\$602.48; Newton Manufacturing Company, Supplies-\$598.27; Next Day Gourmet/Superior, Supplies-\$76.27; Northern Plains Construction, Contract Services-\$227,664.70; Northwestern Energy, Repairs-\$355.85; Northwestern Energy & Communications, Utilities-\$12,306.68; Palace Cleaners, Supplies-\$203.25; Palace Motors, Parts-\$31.98; Paul's Sandblasting, Repairs-\$80.00; Pennington County Sheriff Service, Contract Services-\$300.00; Pepsi Cola-Mitchell, Supplies-\$284.68; Petty Cash, Postage-\$4.22; Plastag Corp/Globe, Supplies-\$818.18; Polk City Directories, Directory Publication-\$208.50; Pony Creek Steakhouse, Contract Services-\$3,028.50; Prairie Wave, Supplies-\$56.01; Pristine Water Solutions, Supplies-\$623.97; Push Pedal & Pull, Exercise Equipment-\$7,206.95; Qualified Presort, Mailing Service-\$944.38; Quality Inn, Travel-\$422.67; Quizno's Subs Store, Meals-\$59.90; Qwest, Utilities-\$1,805.77; RP&H, Contract Services-\$36,476.10; RR Bowker LLC, Contract Services-\$1,608.51; Raul Tek, Supplies-\$20.00; Roger Wenzel Construction, Supplies-\$250.00; Ron's Bicycle Shop, Service Call-\$96.00; S&S Willers, Supplies-\$517.19; Santel Communications Cooperative, Phone Installation-\$317.90; Scott Olson Digging, Contract Services-\$407,372.32; Scott Supply Company, Parts-\$212.84; South Dakota Department of Environment & Natural Resources, Services-\$5,518.42; South Dakota Department of Health, Lab Fees-\$253.00; South Dakota Department of Revenue, License & Title Fees-\$52.00; South Dakota Department of Revenue, Renewal License-\$80.00; South Dakota Retirement System, Retirement Contributions-\$35,229.74; South Dakota-Supplemental Retirement, Payroll Deductions-\$891.00; Sheehan Mack Sales & Service, Parts-\$962.26; Sherwin-Williams, Supplies-\$398.35;

Shirley Beck, Contract Services-\$530.00; Shopko, Supplies-\$73.73; Sign Pro, Supplies-\$1,256.36; Sioux Falls Catholic Family Service, Contract Services-\$60.00; Sioux Falls Two-Way Radio, Repairs-\$500.00; St Cloud State University, Registration-\$395.00; Stan Houston Equipment Company, Supplies-\$2,664.73; Sturdevant's Auto Parts, Parts-\$2,354.59; Sun Gold Trophies, Supplies-\$21.00; Sun Life Financial, Payroll Deductions-\$845.05; Tech Solutions, Computer & Repairs-\$3,207.85; Tessier's, Repairs-\$60.20; Test America Analytical, Lab-\$183.41; The Medicine Shoppe, Supplies-\$108.28; Thomas Gullledge, Contract Services-\$1,004.60; Thompson Publishing, Supplies-\$163.95; Thomson West, Supplies-\$168.00; Thune True Value Hardware, Supplies-\$300.82; Tigerdirect, Supplies-\$79.04; Tractor Supply, Supplies-\$508.98; Trail King Industries, Insurance Refund-\$1.00; Trail King Industries, Supplies-\$27.08; Transportation Safety Apparel, Uniform Allowance-\$38.99; United States Postal Service, Postage-\$478.00; United Energy, Supplies-\$6,239.75; Van Diest Supply Company, Supplies-\$1,571.14; Wade Strand, Contract Services-\$9,625.00; Wal-Mart, Supplies-\$158.09; Wegner Auto Company, Vehicles-\$68,602.00; Wells Fargo Bank, TID #4-\$7,152.51; Wheelco Brake & Supply, Parts-\$413.23; Wholesale Electronics, Supplies-\$235.26; William Hurd, Travel-\$276.50 ; Zita Cap, Patient Refund-\$0.31.

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

EXECUTIVE SESSION:

Moved by Molumby, seconded by Carpenter, to go into executive session for personnel matters. Motion carried. Moved by Barington, seconded by Allen, to come out of executive session. Motion carried.

ADJOURN:

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

Marilyn Wilson
Finance Officer