

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

**JULY 7, 2008  
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 Allen, to approve the agenda as prepared. Motion carried.

**MINUTES:**

Moved by Barington, seconded by Lepke, to approve the minutes of the regular City Council meeting held on June 16, 2008. Motion carried.

**CITIZEN'S INPUT:**

Rob Parker, representing the Firefighter's Union thanked Council Members Britt Bruner, Doug Molumby, and Ken Tracy for their work on City Council.

Council Member Allen stated that the soccer complex received a grant through Avera Queen of Peace.

Mayor Sebert reported that Water Pretreatment inspections were recently conducted by the Department of Environment and Natural Resources and there were no deficiencies.

**BOARD OF ADJUSTMENT:**

Moved by Lepke, seconded by Carpenter, 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 Bob Porter for a variance to construct a garage at 5100 Fiala Road, legally described as Lot 13, Fiala 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 Carpenter, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Norman Pearson for a variance to move a 14 x 22 accessory building at 1009 East 7<sup>th</sup> Avenue, legally described as the East 45 feet of Lot 8, Block 4, Wilkinson'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 Allen, to approve said application. Motion carried.

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

**COMMITTEE REPORTS:**

**Public Health & Safety Committee:**

The Public Health & Safety Committee met on July 7, 2008 at 6:45 p.m. in the Council Chambers of City Hall. The committee approved a street light at the intersection of Hackberry and Lawler, approved keeping the 300 block of Main Street closed for an additional 30 minutes after the parade for a Dakota Discovery Museum event, and authorized chip sealing Main Street on Sunday, July 20<sup>th</sup> as the barricades will be on Main Street from the parade on Saturday.

**Sidewalk Committee:**

The Sidewalk Committee met on July 7, 2008 at 6:55 p.m. in the Council Chambers of City Hall. The committee approved a request for curbside sidewalk at 401 East Ash and 415 East Ash. The committee also discussed and approved Resolution #2654, Declaring Nuisance or Hazardous Sidewalk at various locations.

**Finance Committee:**

The Finance Committee met on July 7, 2008 at 7:20 p.m. in the Council Chambers of City Hall. The committee reviewed sales tax collections for the 2<sup>nd</sup> quarter of 2008.

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

**AWARD BIDS:**

Bids were opened and read on the Landfill Closure Project #2008-34 on the 24<sup>th</sup> day of June, 2008 in the Council Chambers of City Hall.

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

**LANDFILL CLOSURE PROJECT #2008-34**

David VanderPol Construction Company, Harrison, SD 57344

Total Bid                    -            \$348,367.82

Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on the application of the Exchange Club for a Special Event Malt Beverage License for the Rodeo Grounds for the rodeo on July 17-20, 2008. 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 the Exchange Club for a Special Event Malt Beverage License for the Rodeo Grounds for the Bull Bash on August 20, 2008. Moved by Barington, seconded by Bruner, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of the Exchange Club for a Special Event Malt Beverage License for Cadwell Park for the State Amateur Baseball Tournament on August 6-17, 2008. Moved by Lepke, seconded by Allen, to approve said application. Motion carried.

**CONSIDER APPROVAL:**

Moved by Lepke, seconded by Carpenter, to approve amending Resolution #2634-Financing TID from the General Fund to change TID #10 to TID #11. Motion carried.

**RESOLUTIONS:**

Moved by Bruner, seconded by Lepke, to adopt Resolution #2652, Creation of Tax Increment District #10, as follows:

**RESOLUTION #2652**

WHEREAS, the City Planning Commission has recommended a proposed plan for Tax Increment District #10 and has recommended its creation; and

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2(1), to create the Tax Increment District #10 and define its boundaries

THEREFORE, IT IS HEREBY RESOLVED:

1. The City hereby finds that twenty-five percent (25%) and more of the real property located within the boundaries of the proposed Tax Increment District #10 City of Mitchell, is a blighted area under SDCL 11-9-10, (5), (6), (9) and 11-9-11 Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District.
2. There is hereby created, pursuant to SDCL 11-9 the Tax Increment District #10, City of Mitchell.
3. The Tax Increment District is hereby created on July 7, 2008.
4. Tax Increment District #10 shall have boundaries which shall include the following described real property:  

See Exhibit One (1) which is attached hereto and incorporated herein by reference.
5. A hearing by the City Planning Commission concerning the creation and boundaries of the Tax Increment District #10 was held on July 1, 2008.

6. Pursuant to SDCL 11-9-7, the City Council hereby approves the project plan as approved by the City Planning Commission.
7. The City finds that the plan is feasible and in conformity with the master plan of the municipality.
8. The City hereby directs the Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
9. There is hereby created, pursuant to SDCL 11-9-31, a Tax Increment District #10 Fund.
10. All tax increments collected pursuant to Tax Increment District #10 shall be deposited into the Tax Increment District #10 Fund.
11. All funds in the Tax Increment District #10 Fund shall be used solely for those proposed expenses in SDCL 11-9.

Motion carried and resolution declared duly adopted.

Moved by Tracy, seconded by Barington, to adopt Resolution #2653, Creation of Tax Increment District #11, as follows:

### **RESOLUTION #2653**

WHEREAS, the City Planning Commission has recommended a proposed plan for Tax Increment District #11 and has recommended its creation; and

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2(1), to create the Tax Increment District #11 and define its boundaries

THEREFORE, IT IS HEREBY RESOLVED:

1. The City hereby finds that twenty-five percent (25%) and more of the real property located within the boundaries of the proposed Tax Increment District #11, City of Mitchell, is a blighted area under SDCL 11-9-10, (5), (6), (9) and 11-9-11 Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District.
2. There is hereby created, pursuant to SDCL 11-9 the Tax Increment District #11, City of Mitchell.
3. The Tax Increment District is hereby created on July 7, 2008.
4. Tax Increment District #11 shall have boundaries which shall include the following described real property:

See Exhibit One (1) which is attached hereto and incorporated herein by reference.

5. A hearing by the City Planning Commission concerning the creation and boundaries of the Tax Increment District #11 was held on July 1, 2008.
6. Pursuant to SDCL 11-9-7, the City Council hereby approves the project plan as approved by the City Planning Commission.
7. The City finds that the plan is feasible and in conformity with the master plan of the municipality.
8. The City hereby directs the Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
9. There is hereby created, pursuant to SDCL 11-9-31, a Tax Increment District #11 Fund.
10. All tax increments collected pursuant to Tax Increment District #11 shall be deposited into the Tax Increment District #11 Fund.
11. All funds in the Tax Increment District #11 Fund shall be used solely for those proposed expenses in SDCL 11-9.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Carpenter, to adopt Resolution #2654, Declaring Hazardous or Nuisance Sidewalk, as follows:

#### **RESOLUTION NO. 2654**

BE IT RESOLVED, by the City Council of the City of Mitchell, South Dakota the following list of properties within the City of Mitchell have hazardous or otherwise nuisance sidewalk as determined by the City Engineer and that City Engineer is authorized and directed to fix such hazardous sidewalk and assess cost of such repair to the property listed as allowed by South Dakota Codified Law.

Properties declared hazardous or otherwise nuisance are as follows:

400 East Hanson  
220 East 7th  
608 South Isadore  
709 North Kimball  
604 South Isadore

Motion carried and resolution declared duly adopted.

Moved by Lepke, seconded by Allen, to adopt Resolution #2655, Residual Equity Transfer, as follows:

**RESOLUTION #2655  
RESIDUAL EQUITY TRANSFER**

WHEREAS, the City of Mitchell, Davison County, South Dakota, has a number of separate and distinct funds, of which the following Capital Project Fund

523 Highland Conference Center

have paid from and out of said funds, all expenses, leaving a balance therein; and

WHEREAS, all claims payable from such funds have been satisfied in full; now, therefore,

BE IT RESOLVED, by the City Council of the City of Mitchell, Davison County, South Dakota, that the following sums be transferred as there are no other outstanding claims on the Highland Conference Center Fund and that such funds be transferred to the General Fund, as follows:

Residual Equity Transfer to the Debt Service Fund-304:     \$6,000.00

Residual Equity Transfer to the General Fund:             \$9,458.16

Motion carried and resolution declared duly adopted.

Moved by Bruner, seconded by Allen, to adopt Resolution #2656, Providing for Issuance and Sale of Special Assessment Improvement Bonds, Series 2008-720, as follows:

**RESOLUTION NO. 2656**

**A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF MITCHELL, SOUTH DAKOTA, SPECIAL ASSESSMENT IMPROVEMENT BONDS, SERIES 2008-720, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$150,000; FIXING THE FORM AND SPECIFICATIONS OF THE BONDS; RATIFYING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN RELATED INSTRUMENTS.**

WHEREAS, the City of Mitchell, South Dakota (the "City") is authorized by Chapter 43 of Title 9 of the South Dakota Codified Laws, as amended (the "Law") to issue Special Assessment Improvement Bonds which are not general obligations of the City but which are payable from payments of assessments levied by the City against properties benefited by the improvements paid for by the net proceeds of such bonds; and

WHEREAS, the City has heretofore authorized improvements (the "Improvements"), let construction contracts for the improvements and directs assessments to be levied against the properties benefited by the improvements; and

WHEREAS, the City issued Bond Anticipation Notes ("BANS") to finance the project; and

WHEREAS, the City intends to redeem the BANS by issuing its Special Assessment Bonds, Series 2008-720 (the "Bonds"), in the principal amount not to exceed \$150,000.00; and

WHEREAS, the payments of assessments for all of the improvements will be used to secure the bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1. Ratification of Prior Actions and Declaration of Necessity. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City Council and by the officers of the City directed toward the issuance of the bonds are hereby ratified, approved and confirmed. The City hereby declares a necessity to issue Special Assessment Improvement Bonds, Series 2008-720.

Section 2. Issuance of Special Assessment Improvement Bonds. To provide funds to pay the costs of the improvements, the City shall issue, without a vote to its electors, its registered bonds, in an aggregate principal amount not to exceed \$150,000.00, to be issued in full conformity with the provisions of SDCL 9-43-62 and 6-8B. The Bonds shall be issued in lieu of Special Assessment Certificates and shall be payable solely from special assessments made against property benefited from the Improvements. The bonds do not constitute a debt within the meaning of Article XIII Section 4 of the Constitution of the State of South Dakota. The Bonds shall be dated in 2008 and shall become due and payable annually on as negotiated with purchaser. The terms of the bonds shall be negotiated by the Mayor and Finance officer. The Mayor and Finance Officer are authorized to finalize the terms and conditions of the Bonds consistent with the intent of this resolution.

Section 4. Authentication. All bonds shall have thereon a certificate of authentication substantially in the form hereinafter set forth duly executed by the Bond Registrar as authenticating agent of the City and showing the date of authentication. No bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless and until such certificate of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such bond shall be conclusive evidence that such bond has been authenticated and delivered under this resolution. The certificate of authentication on any bond shall be deemed to have been executed by the Bond Registrar if signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the bonds issued hereunder.

Section 5. Registration of bonds; persons treated as owners. The Finance Officer of the City shall cause books (the "Bond Registrar") for the registration and for the transfer of the bonds as provided in this resolution to be kept at the principal office of the Bond Registrar, which is hereby constituted and appointed the registrar of the City. The City is authorized to prepare, and the Bond Registrar shall keep custody of, multiple bond blanks executed by the City for use in the transfer and exchange of bonds.

5.1. Transfer. Upon surrender for the transfer of any bond at the principal office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Bond Registrar and duly executed by the registered owner or his attorney duly authorized in writing, the City shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the transferee or transferees a new fully registered bond or bonds of the same maturity or authorized denominations, for a like aggregate principal amount. Any fully registered

bond or bonds may be exchanged at said office of the Bond Registrar for a like aggregate principal amount of bond or bonds of the same maturity of other authorized denominations. The execution by the City of any fully registered bond shall constitute full and due authorization of such bond and the Bond Registrar shall thereby be authorized to authenticate, date and deliver such bond, provided, however, the principal amount of outstanding bonds of each maturity authenticated by the Bond Registrar shall not exceed the authorized principal amount of bonds for such maturity less previous retirements. The Bond Registrar shall not be required to transfer or exchange any bond which is subject to redemption, during the period of fifteen days next preceding mailing of a notice of redemption of any bonds.

5.2. Registered Owner. The person in whose name any bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes. The payment of the interest on any bond shall be made only to or upon the order of the registered owner thereof at the close of business on the last day in the month next preceding the interest payment date, or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid.

5.3. No Service Charge for Transfer. No service charge shall be made for any transfer or exchange of bonds, but the City or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of bonds.

Section 6. Form of Bond. The Bonds shall be prepared in substantially the form on file with the Finance Officer.

Section 7. Sale of Bonds. The Mayor and Municipal Finance Officer are authorized to sell said bonds upon terms and conditions not inconsistent with this resolution. The Finance Officer shall deliver upon receipt of the purchase price therefore; the Bonds to said purchaser. The bonds shall be purchased for a price not less than 95%.

Prior to the delivery of any of the bonds, the Municipal Finance Officer shall execute a Certificate describing the improvements (by number) which are to be financed by the proceeds of the bonds being delivered, stating the amount of unpaid assessments for such improvements, and stating that said assessments have been appropriated and pledged to the bond fund hereby created.

Section 8. Creation of Bond Fund. The proceeds of the bonds, including accrued interest thereon, upon receipt thereof, shall be deposited promptly by the Municipal Finance Officer and shall be accounted for in the following manner and are hereby pledged therefore:

8.1. Accrued interest received for the bonds shall be deposited in the Special Assessment Improvement Bonds, Series 2008-720, Bond Fund (the "Bond Fund") which is hereby created for the payment of the principal of and interest on the bonds. The accrued interest and funds deposited by the City at the time of the delivery of the bonds, shall be used for the first installment of interest on the bonds; and

8.2. The balance of such proceeds shall be credited to the improvement account created by the Finance Officer to pay the costs of, or reimburse the City for the costs of, the improvements.

Section 9. Covenants of Tax Exemption. The City hereby covenants for the benefit of each holder of the bonds that:

9.1. Bond proceeds and other sums credited to the improvement account shall not be invested in such manner as to result in the loss of exemption from federal income taxation of interest on the bonds;

9.2. The City shall make no use of the proceeds of the bonds which, if such use had been reasonably expected on the date of the issue of the bonds, would have caused them or could cause the governmental obligations of any subsequent issue to be "arbitrage bonds" under Section 103(b) of the Internal Revenue Code of 1986, as amended (the "Code") and the applicable regulations thereunder; and the City and its officer, employees and other agents shall take appropriate action so that on the basis of the facts, estimates and circumstances in existence on the date of issue of the bonds it is reasonably expected that the proceeds of the bonds will be used in a manner that will not cause the bonds nor the governmental obligations of any subsequent issue to be such taxable "arbitrage bonds"; and

9.3. The City certifies the following:

9.3.1. The Bonds are being issued for a valid essential governmental purpose and are not "private activity bonds" as defined by the Code. None of the proceeds of the Bonds will be used to make or finance loans to any person. The City does not anticipate issuing more than \$10,000,000 in tax exempt obligations during the current calendar year. The Bonds are "qualified tax exempt obligations" as described by the Code.

9.3.2. The covenants in this Section impose an obligation on the City to comply with the requirement of Section 103 of the Code, and such income tax regulations; but

9.3.3. The proceeds of the bonds may be otherwise invested if and when the Code and Regulations thereunder permit the investment to be made in the manner made without causing the bonds or the governmental obligations of any subsequent issue to become such taxable "arbitrage bonds".

9.3.4. The Bonds are hereby designated for the purposes of 265(b)(3)(B)(i)(III) to be qualified tax-exempt obligations.

Section 10. Pledge of Special Assessments. The Special Assessment Bond Fund 2008-720 (hereafter "Bond Fund") is hereby created. For the purpose of providing the necessary funds to make required payments of principal of and interest on the bonds, the City hereby irrevocably pledges all amounts derived from special assessments for all improvements and all moneys in the Bond Fund. No moneys may be transferred out of the fund until all obligations which are or may be charged against the Bond Fund have been discharged.

10.1. Deposit of Assessments into Bond Fund. Such assessments, when collected and received by the City, shall be deposited immediately into the Bond Fund. In the event the amount in the Bond Fund is insufficient to pay all principal and interest when due, such amount shall first be used to pay any past due interest and then in pro rata payment of current interest. Any balance shall be paid on bonds issued hereunder in order of serial numbers; provided that no bondholder shall be compelled to accept partial payment on any bond.

Section 11. Event Constituting Default. In event of nonpayment of principal or interest on any of the bonds, such action shall constitute a default as to all bonds and shall enable the holders of any or all outstanding bonds, whether or not the same shall be due, acting individually or collectively, to take such action as they may deem necessary to protect the security of their bonds.

Section 12. Registered Form. The City recognizes that Section 149(a) of the Code requires the bonds to be issued and to remain in fully registered form in order that interest thereon is exempt from federal income taxation under laws in force at the time the bonds are delivered. In this connection, the City agrees that it will not take any action to permit the bonds to be issued in, or converted into, bearer or coupon form.

Section 13. List of Bondholders. The Bond Registrar shall maintain a list of the names and addresses of the holders of all bonds and upon transfer shall add the name and address of the new bondholder and eliminate the name and address of the transferor bondholder.

Section 14. Authorization to Furnish Information. The Municipal Finance Officer is authorized and directed to furnish to bond counsel certified copies of all proceedings and records of the City relating to the bonds and to the improvements financed thereby and to the right and power of the City to make the assessments securing payment of the bonds and all said certified copies and Bonds shall be deemed representative of the City as to the facts therein stated.

Section 15. Authorization to Take Action. The Mayor and Finance Officer of the City are hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this resolution, including without limiting the generality of the foregoing, negotiating the final terms of the sale, the printing of the bonds, and the execution of such Bonds as may reasonably be required, including, without limitation, certification relating to the signing of the bonds, the tenure and identity of the City's officials, the exemption of interest on the bonds from federal income taxation, the receipt of the bond purchase price and, if in accordance with the facts, the absence of litigation affecting the validity thereof.

Section 16. Resolution Constitutes Contract. After the bonds have been issued, this resolution shall constitute a contract between the City and the holder or holders of the bonds, and shall be and remain irrevocable and unalterable until the bonds and the interest accruing thereon shall have been duly paid, satisfied and discharged.

Section 17. This resolution shall become effective immediately upon its passage.

Motion carried and resolution declared duly adopted.

Moved by Molumby, seconded by Lepke, to adopt Resolution #2657, Providing for Issuance and Sale of Special Assessment Improvement Bonds, Series 2008-721, as follows:

**RESOLUTION NO. 2657**  
**A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF**  
**MITCHELL, SOUTH DAKOTA, SPECIAL ASSESSMENT IMPROVEMENT**  
**BONDS, SERIES 2008-721, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$67,500;**  
**FIXING THE FORM AND SPECIFICATIONS OF THE BONDS;**  
**RATIFYING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN**  
**RELATED INSTRUMENTS.**

WHEREAS, the City of Mitchell, South Dakota (the "City") is authorized by Chapter 43 of Title 9 of the South Dakota Codified Laws, as amended (the "Law") to issue Special Assessment Improvement Bonds which are not general obligations of the City but which are payable from payments of assessments levied by the City against properties benefited by the improvements paid for by the net proceeds of such bonds; and

WHEREAS, the City has heretofore authorized improvements (the "Improvements"), let construction contracts for the improvements and directs assessments to be levied against the properties benefited by the improvements; and

WHEREAS, the City issued Bond Anticipation Notes ("BANS") to finance the project; and

WHEREAS, the City intends to redeem the BANS by issuing its Special Assessment Bonds, Series 2008-721 (the "Bonds"), in the principal amount not to exceed \$67,500.00; and

WHEREAS, the payments of assessments for all of the improvements will be used to secure the bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1. Ratification of Prior Actions and Declaration of Necessity. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City Council and by the officers of the City directed toward the issuance of the bonds are hereby ratified, approved and confirmed. The City hereby declares a necessity to issue Special Assessment Improvement Bonds, Series 2008-721.

Section 2. Issuance of Special Assessment Improvement Bonds. To provide funds to pay the costs of the improvements, the City shall issue, without a vote to its electors, its registered bonds, in an aggregate principal amount not to exceed \$67,500.00, to be issued in full conformity with the provisions of SDCL 9-43-62 and 6-8B. The Bonds shall be issued in lieu of Special Assessment Certificates and shall be payable solely from special assessments made against property benefited from the Improvements. The bonds do not constitute a debt within the meaning of Article XIII Section 4 of the Constitution of the State of South Dakota. The Bonds shall be dated in 2008 and shall become due and payable annually on as negotiated with purchaser. The terms of the bonds shall be negotiated by the Mayor and Finance officer. The Mayor and Finance Officer are authorized to finalize the terms and conditions of the Bonds consistent with the intent of this resolution.

Section 4. Authentication. All bonds shall have thereon a certificate of authentication substantially in the form hereinafter set forth duly executed by the Bond Registrar as authenticating agent of the City and showing the date of authentication. No bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless and until such certificate of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such bond shall be conclusive evidence that such bond has been authenticated and delivered under this resolution. The certificate of authentication on any bond shall be deemed to have been executed by the Bond Registrar if signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the bonds issued hereunder.

Section 5. Registration of bonds; persons treated as owners. The Finance Officer of the City shall cause books (the "Bond Registrar") for the registration and for the transfer of the bonds as provided in this resolution to be kept at the principal office of the Bond Registrar, which is hereby constituted and appointed the registrar of the City. The City is authorized to prepare, and the Bond Registrar shall keep custody of, multiple bond blanks executed by the City for use in the transfer and exchange of bonds.

5.1. Transfer. Upon surrender for the transfer of any bond at the principal office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Bond Registrar and duly executed by the registered owner or his attorney duly authorized in writing, the City shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the transferee or transferees a new fully registered bond or bonds of the same maturity or authorized denominations, for a like aggregate principal amount. Any fully registered bond or bonds may be exchanged at said office of the Bond Registrar for a like aggregate principal amount of bond or bonds of the same maturity of other authorized denominations. The execution by the City of any fully registered bond shall constitute full and due authorization of such bond and the Bond Registrar shall thereby be authorized to authenticate, date and deliver such bond, provided, however, the principal amount of outstanding bonds of each maturity authenticated by the Bond Registrar shall not exceed the authorized principal amount of bonds for such maturity less previous retirements. The Bond Registrar shall not be required to transfer or exchange any bond which is subject to redemption, during the period of fifteen days next preceding mailing of a notice of redemption of any bonds.

5.2. Registered Owner. The person in whose name any bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes. The payment of the interest on any bond shall be made only to or upon the order of the registered owner thereof at the close of business on the last day in the month next preceding the interest payment date, or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid.

5.3. No Service Charge for Transfer. No service charge shall be made for any transfer or exchange of bonds, but the City or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of bonds.

Section 6. Form of Bond. The Bonds shall be prepared in substantially the form on file with the Finance Officer.

Section 7. Sale of Bonds. The Mayor and Municipal Finance Officer are authorized to sell said bonds upon terms and conditions not inconsistent with this resolution. The Finance Officer shall deliver upon receipt of the purchase price therefore; the Bonds to said purchaser. The bonds shall be purchased for a price not less than 95%.

Prior to the delivery of any of the bonds, the Municipal Finance Officer shall execute a Certificate describing the improvements (by number) which are to be financed by the proceeds of the bonds being delivered, stating the amount of unpaid assessments for such improvements, and stating that said assessments have been appropriated and pledged to the bond fund hereby created.

Section 8. Creation of Bond Fund. The proceeds of the bonds, including accrued interest thereon, upon receipt thereof, shall be deposited promptly by the Municipal Finance Officer and shall be accounted for in the following manner and are hereby pledged therefore:

8.1. Accrued interest received for the bonds shall be deposited in the Special Assessment Improvement Bonds, Series 2008-721, Bond Fund (the "Bond Fund") which is hereby created for the payment of the principal of and interest on the bonds. The accrued interest and funds deposited by the City at the time of the delivery of the bonds, shall be used for the first installment of interest on the bonds; and

8.2. The balance of such proceeds shall be credited to the improvement account created by the Finance Officer to pay the costs of, or reimburse the City for the costs of, the improvements.

Section 9. Covenants of Tax Exemption. The City hereby covenants for the benefit of each holder of the bonds that:

9.1. Bond proceeds and other sums credited to the improvement account shall not be invested in such manner as to result in the loss of exemption from federal income taxation of interest on the bonds;

9.2. The City shall make no use of the proceeds of the bonds which, if such use had been reasonably expected on the date of the issue of the bonds, would have caused them or could cause the governmental obligations of any subsequent issue to be "arbitrage bonds" under Section 103(b) of the Internal Revenue Code of 1986, as amended (the "Code") and the applicable regulations thereunder; and the City and its officer, employees and other agents shall take appropriate action so that on the basis of the facts, estimates and circumstances in existence on the date of issue of the bonds it is reasonably expected that the proceeds of the bonds will be used in a manner that will not cause the bonds nor the governmental obligations of any subsequent issue to be such taxable "arbitrage bonds"; and

9.3. The City certifies the following:

9.3.1. The Bonds are being issued for a valid essential governmental purpose and are not "private activity bonds" as defined by the Code. None of the proceeds of the Bonds will be used to make or finance loans to any person. The City does not anticipate issuing more than \$10,000,000 in tax exempt obligations during the current calendar year. The Bonds are "qualified tax exempt obligations" as described by the Code.

9.3.2. The covenants in this Section impose an obligation on the City to comply with the requirement of Section 103 of the Code, and such income tax regulations; but

9.3.3. The proceeds of the bonds may be otherwise invested if and when the Code and Regulations thereunder permit the investment to be made in the manner made without causing the bonds or the governmental obligations of any subsequent issue to become such taxable "arbitrage bonds".

9.3.4. The Bonds are hereby designated for the purposes of 265(b)(3)(B)(i)(III) to be qualified tax-exempt obligations.

Section 10. Pledge of Special Assessments. The Special Assessment Bond Fund 2008-721 (hereafter "Bond Fund") is hereby created. For the purpose of providing the necessary funds to make required payments of principal of and interest on the bonds, the City hereby irrevocably pledges all amounts derived from special assessments for all improvements and all moneys in the Bond Fund. No moneys may be transferred out of the fund until all obligations which are or may be charged against the Bond Fund have been discharged.

10.1. Deposit of Assessments into Bond Fund. Such assessments, when collected and received by the City, shall be deposited immediately into the Bond Fund. In the event the amount in the Bond Fund is insufficient to pay all principal and interest when due, such amount shall first be used to pay any past due interest and then in pro rata payment of current interest. Any balance shall be paid on bonds issued hereunder in order of serial numbers; provided that no bondholder shall be compelled to accept partial payment on any bond.

Section 11. Event Constituting Default. In event of nonpayment of principal or interest on any of the bonds, such action shall constitute a default as to all bonds and shall enable the holders of any or all outstanding bonds, whether or not the same shall be due, acting individually or collectively, to take such action as they may deem necessary to protect the security of their bonds.

Section 12. Registered Form. The City recognizes that Section 149(a) of the Code requires the bonds to be issued and to remain in fully registered form in order that interest thereon is exempt from federal income taxation under laws in force at the time the bonds are delivered. In this connection, the City agrees that it will not take any action to permit the bonds to be issued in, or converted into, bearer or coupon form.

Section 13. List of Bondholders. The Bond Registrar shall maintain a list of the names and addresses of the holders of all bonds and upon transfer shall add the name and address of the new bondholder and eliminate the name and address of the transferor bondholder.

Section 14. Authorization to Furnish Information. The Municipal Finance Officer is authorized and directed to furnish to bond counsel certified copies of all proceedings and records of the City relating to the bonds and to the improvements financed thereby and to the right and power of the City to make the assessments securing payment of the bonds and all said certified copies and Bonds shall be deemed representative of the City as to the facts therein stated.

Section 15. Authorization to Take Action. The Mayor and Finance Officer of the City are hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this resolution, including without limiting the generality of the foregoing, negotiating the final terms of the sale, the printing of the bonds, and the execution of such Bonds as may reasonably be required, including, without limitation, certification relating to the signing of the bonds, the tenure and identity of the City's officials, the exemption of interest on the bonds from federal income taxation, the receipt of the bond purchase price and, if in accordance with the facts, the absence of litigation affecting the validity thereof.

Section 16. Resolution Constitutes Contract. After the bonds have been issued, this resolution shall constitute a contract between the City and the holder or holders of the bonds, and shall be and remain irrevocable and unalterable until the bonds and the interest accruing thereon shall have been duly paid, satisfied and discharged.

Section 17. This resolution shall become effective immediately upon its passage.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Lepke, seconded by Carpenter, to place Ordinance #2282, Supplemental Appropriations on second reading. Motion carried. Moved by Carpenter, seconded by Barington, to adopt Ordinance #2282, Supplemental Appropriations, as follows:

**ORDINANCE NO. 2282  
SUPPLEMENTAL APPROPRIATION ORDINANCE  
AMENDING ORDINANCE NO. 2254  
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 2008 according to statute:

**GENERAL FUND  
POLICE**

101-42110-42511	Roof Repair	\$4,000.00
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The funding will come from the General Fund cash balance.

**CEMETERY**

101-43700-43300	Paving	\$30,000.00
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The funding will come from the General Fund cash balance.

**SPECIAL REVENUE FUND  
PALACE TRANSIT**

218-45150-43412	Radio System Upgrade	\$40,000.00
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The funding will come from Department of Transportation grant funds (80%) and RSVP cash balance (20%).

**ENTERPRISE FUND  
WATER TREATMENT**

602-43330-43210	Reshingle Roof	\$57,000.00
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The funding will come from Water Fund cash balance.

Motion carried and ordinance declared duly adopted.

**CONSIDER APPROVAL:**

Moved by Tracy, seconded by Bruner, to approve an automatic supplement to the General Fund-Debt Service in the amount of \$3,405,000.00 for the 2008 Cabela's Refunding Bond from bond proceeds. Motion carried.

Moved by Lepke, seconded by Allen, to approve an automatic supplement to the Enterprise Fund-Sanitation in the amount of \$93,155.00 for the 2008 Landfill Closure Project from grant funds. Motion carried.

Finance Officer Marilyn Wilson reviewed the proposals of actuarial firms to conduct a study of Other Post-Employment Benefits. Moved by Lepke, seconded by Carpenter, to approve Hildi Inc. of Minneapolis, MN to conduct a study of Other Post-Employment Benefits in the amount of \$4,500.00. Motion carried.

**ABATEMENT OF TAXES:**

Moved by Bruner, seconded by Barington, to approve the abatement of taxes in the amount of \$473.12 to Maui Farms Inc. for Lot 64-A of Maui Farms Second Addition due to non-conveyance to City of Mitchell. Motion carried.

**PAY ESTIMATES:**

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

- pay estimate #30 in the amount of \$1,418.84 for New Landfill Monitoring Project #2003-17 contracted with Leggette, Brashears & Graham,
- pay estimate #47 in the amount of \$2,627.37 for Old Landfill Leachate Response Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #12 in the amount of \$14,694.50 for Soccer Field Complex Project #2007-1 contracted with Civil Design Inc.,
- pay estimate #3 in the amount of \$135,301.52 and change order #1 in the amount of \$19,775.32 increasing the contract amount to \$516,677.78 for Railroad Avenue Project #2007-3 contracted with Commercial Asphalt,
- pay estimate #13 in the amount of \$13,788.11 for Railroad Avenue Project #2007-3 contracted with SPN & Associates,
- pay estimate #8 in the amount of \$314.50 for Hanson Avenue Street Utilities Project #2007-38 contracted with SPN & Associates,
- pay estimate #2 in the amount of \$4,184.02 for Kay Street Storm Sewer Project #2008-3 contracted with Schrank Construction,

- pay estimate #2 in the amount of \$70,466.25 for Recycled Asphalt/Concrete Project #2008-9 contracted with Maloney Excavating,
- pay estimate #1 in the amount of \$51,070.70 for Sanborn Curb & Gutter Project #2008-14A contracted with Robert Johnson Construction and
- change order #2 in the amount of \$110.40 increasing the contract amount to \$396,060.45 for North Highway #37 Lighting Project #2008-31 contracted with Muth Electric.

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 this meeting, it was moved by Carpenter and seconded by Allen to adjourn the meeting sine die. Motion carried.

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Marilyn Wilson  
Finance Officer

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

**JULY 7, 2008  
9:15 P.M.**

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

**PRESIDING:** Mayor Lou Sebert

**RECONVENE:**

Mayor Sebert called the meeting to order and the City Council meeting to reconvene in regular session.

**AGENDA:**

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

**OATHS OF OFFICE:**

Honorable Magistrate Judge Kiner issued the oath of office to City Council members as follows: Ward 1-Doug Backlund, Ward 2-Dan Allen, Ward 3-Scott Houwman and Ward 4-Geri Beck.

**DEPARTMENT HEAD APPOINTMENTS:**

Mayor Sebert recommended appointments of the City Attorney and department heads as follows:

City Attorney	Stiles Law Firm
Finance Officer	Marilyn Wilson
Public Works Director	Tim McGannon
Chief of Public Safety	Lyndon Overweg
Human Resources Director	Teri Bertness
Parks & Recreation Director	Randy Ahrendt
Golf & Cemetery Director	Kevin Thurman
Senior Services Director	Brenda Paradis

Honorable Magistrate Judge Kiner issued the Oath of Office to City Attorney Randy Stiles and department heads Marilyn Wilson, Tim McGannon, Lyndon Overweg, Teri Bertness, Randy Ahrendt, Kevin Thurman, and Brenda Paradis.

**ELECTION OF PRESIDENT AND VICE-PRESIDENT OF COUNCIL:**

Mayor Sebert called for nominations for President of the Mitchell City Council. Moved by Barington, seconded by Houwman, to nominate Jeff Smith for President of the Mitchell City Council. Motion carried.

Mayor Sebert called for nominations for Vice-President of the Mitchell City Council. Moved by Allen, seconded by Smith, to nominate Marty Barington for Vice-President of the Mitchell City Council. Motion carried.

**BOARD OF ADJUSTMENT:**

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

Moved by Lepke, seconded by Backlund, that the 21<sup>st</sup> day of July, 2008 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Travis and Michelle Carpenter for a variance to construct a garage at 1101 East 3<sup>rd</sup> Avenue, legally described as Lot 6, Block 11, Gleeson's Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

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

**RESOLUTIONS:**

Moved by Carpenter, seconded by Smith, to adopt Resolution #2658, Plat of Lot F and a Portion of Sam Street, Maui Farms Second Addition, as follows:

**RESOLUTION #2658  
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 1<sup>st</sup> day of July, 2008; and

**WHEREAS**, it appears from an examination of the plat of LOT F AND A PORTION OF SAM STREET, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, 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 F AND A PORTION OF SAM STREET, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, 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 Barington, seconded by Carpenter, to adopt Resolution #2659, Plat of Lot 9, Block 1 of the Woods First Addition, as follows:

**RESOLUTION #2659**  
**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 1<sup>st</sup> day of July, 2008; and

**WHEREAS**, it appears from an examination of the plat of LOT 9, BLOCK 1 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 5<sup>TH</sup> 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 9, BLOCK 1 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 5<sup>TH</sup> 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 Lepke, seconded by Barington, to place Ordinance #2283, Amending Title 8-Streets, Sidewalks, and Public Ways, as amended on first reading. Motion carried.

Moved by Lepke, seconded by Carpenter, to place Ordinance #2284, Supplemental Appropriations on first reading. Motion carried.

Moved by Backlund, seconded by Carpenter, to deny Ordinance #2285, On-Sale Licenses for Full Service Restaurants. Motion failed. Moved by Houwman, seconded by Lepke, to table Ordinance #2285, On-Sale Licenses for Full Service Restaurants until the 1<sup>st</sup> meeting in August. Beck and Carpenter opposed. Motion carried.

Moved by Lepke, seconded by Allen, to place Ordinance #2286, Amending Provisions of 6-1-3 B-Animals at Large on first reading. Houwman opposed. Motion carried.

**SET DATE:**

Moved by Allen, seconded by Lepke, that the 21<sup>st</sup> day of July, 2008 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 Palace City Lions Club for a Special Event Malt Beverage License for Hitchcock Park for Tour de Corn on August 23, 2008. Motion carried.

Moved by Barington, seconded by Backlund, that the 21<sup>st</sup> day of July, 2008 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 Palace City Lions Club for a Special Event Malt Beverage License for the Corn Palace Festival on August 21-22, 2008. Motion carried.

Moved by Backlund, seconded by Lepke, that the 21<sup>st</sup> day of July, 2008 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 Palace City Lions Club for a Temporary Liquor License for the Polka Fest on September 19-21, 2008. Motion carried.

**CONSIDER APPROVAL:**

Moved by Allen, seconded by Lepke, to approve the request of CASA to conduct a raffle with the drawing to be held on August 30, 2008. Motion carried.

Moved by Lepke, seconded by Carpenter, to approve the request of FNRA Executive Board to conduct a raffle with the drawing to be held on August 15, 2008. Motion carried.

**BILLS:**

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

**PAYROLL, JUNE 1, 2008 – JUNE 28, 2008:** CITY COUNCIL-\$4,880.48, MAYOR-\$1,771.08, ATTORNEY-\$3,615.38, FINANCE-\$20,365.85, HUMAN RESOURCES-\$6,318.32, DATA PROCESSING-\$2,455.84, POLICE-\$101,618.72, TRAFFIC-\$6,921.84, FIRE-\$65,913.52, STREET-\$46,423.71, PUBLIC WORKS-\$28,552.01, CEMETERY-\$8,864.35, MOSQUITO CONTROL-\$2,087.25, ANIMAL CONTROL-\$2,464.00, EMERGENCY MEDICAL SERVICES-\$15,290.84, LIBRARY-\$18,915.11, PLAYGROUNDS & ATHLETICS-\$20,359.04, SWIM POOL-\$30,000.58, CAMPGROUND-\$5,076.80, RECREATION CENTER-\$22,313.03, ICE ARENA-\$2,820.16, CADWELL SPORTS COMPLEX-\$9,937.57, PARK-\$28,501.12, SUPERVISION-\$9,841.45, FORESTRY-\$5,971.89, E911-\$29,451.78, RSVP-\$8,984.48, PALACE TRANSIT-\$27,481.39, NUTRITION-\$748.50, WATER-\$16,640.22, WATER DISTRIBUTION-\$15,832.77, SEWER-\$21,643.65, AIRPORT-\$3,221.13, WASTE COLLECTION-\$14,233.15, LANDFILL-\$12,881.28, CORN PALACE MAINTENANCE-\$16,811.84, CORN PALACE DECORATING-\$25,356.26, CORN PALACE SHOWS-\$6,469.09, CORN PALACE CONCESSIONS-\$7,694.32, GOLF COURSE-\$19,262.53.

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

FIRE/EMS: Zach Dalrymple-\$12.279

GOLF COURSE: Bo Martin-\$7.50, Dustin Meyer-\$7.50, Alex Young-\$7.50

POLICE: Peter Arnold-\$17.037, Dan Kopfmann-\$19.020, Mike Koster-\$22.204

RECREATION CENTER: Thomas Gulledge-\$15.003

SWIMMING POOL: Erik Anderson-\$10.50

WASTE WATER: Luke Rasmussen-\$10.00

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

CEMETERY: Jordan Gau-\$6.50, Tyson Gau-\$6.50

CORN PALACE DECORATING: Adam Aslesen-\$10.00, Larry Degen-\$16.00, Wesley Liddeke-\$10.00, Austin Vickers-\$10.00

FIRE/EMS: Luke Ruml-\$11.716

GOLF COURSE: Ed Klose-\$7.50

PALACE TRANSIT: Delmar Goldammer-\$10.393

PLAYGROUNDS & ATHLETICS: Abby Deinert-\$8.25, Kevin Loker-\$8.75, Ashley Misiaszek-\$7.00, Tammie Munsen-\$15.00, Chase Smith-\$8.25

**WARRANTS:** A&B Business Equipment, Supplies-\$563.25; A-Ox Welding Supply Company, Supplies-\$503.48; AAA Collections, Payroll Deduction-\$150.00; Act, Supplies-\$139.00; Advance Auto Parts, Parts-\$204.36; Aflac, Payroll Deductions-\$3,093.45; Aflac/Flex One, Claims-\$1,138.77; Al's Engraving, Supplies-\$678.95; All Star Removal, Lawn Care-\$150.00; Alltel, Utilities-\$1,625.35; American Planning Association, Subscription-\$75.00; American Red Cross, Supplies-\$1,075.10; Annie Royals, Refund-\$30.00; Argus Leader, Subscription-\$65.29; Auto Body Specialties, Supplies-\$16.99; Avera Queen of Peace Hospital, Contract Services-\$738.89; B-Y Water, Utilities-\$44,044.00; Bailey Metal Fabricators, Supplies-\$557.62; Baker Bros Electric, Repairs-\$744.00; Barb Plooster, Refund-\$22.50; Bender's Sewer & Drain, Labor-\$98.00; Birch Telecom, Utilities-\$15.55; Blick Art Materials, Supplies-\$318.70; Break Time Portables, Contract Services-\$80.00; Bruce Mastel, Tennis Camp-\$200.00; Business Products, Supplies-\$1,418.99; Butler Machinery, Parts-\$661.75; Cabela's, Supplies-\$47.92; California Contractors Supply, Supplies-\$149.40; Campbell Supply, Supplies-\$978.71; Card Services, Supplies-\$40.26; Carrot-Top Industries, Flags-\$770.20; Cedar Shore Resort, Travel-\$275.85; Central Electric Cooperative, Supplies-\$60.00; Central States Fire Apparatus, Supplies-\$139.02; Charlie's Shoe Repair, Repairs-\$7.50; Chicken Coupe, Meals-\$36.54; City of Emery, Payroll Reimbursement-\$1,871.78; City of Mitchell, Payroll Deduction-\$40.00; Civil Design, Contract Services-\$14,694.50; Claims Associates, Payments-\$2,613.34; Coca-Cola Bottling, Supplies-\$1,329.75; Commercial Asphalt, Supplies-\$1,715.65; Commercial Asphalt, Contract Services-\$135,301.52; Corn Palace Concessions, Meals-\$45.00; County Fair, Supplies-\$170.58; Daily Republic, Listing-\$15.00; Dakota Counseling Institute, Allocation-\$15,500.00; Dakota Fluid Power, Parts-\$2,318.16; Dakota Salvage, Supplies-\$244.15; Dakota Supply Group, Supplies-\$44.53; Dale Steffen, CDL Test Fee-\$53.50; Dan Sabers, Contract Services-\$6,416.52; Danko Emergency Equipment, Supplies-\$184.18; David Behrens, Refund-\$12.00; David Cantrell, Reimbursement-\$25.19; Davison County Clerk of Courts, Contract Services-\$165.00; Davison County Register of Deeds, Copies-\$13.00; Davison Rural Water System, Utilities-\$139.40; Dean Knippling, Travel-\$47.76; Dell Marketing, Computers-\$1,924.80; Delmar Goldammer, CDL Reimbursement-\$20.00; Delta Dental Plan of South Dakota, Dental Insurance-\$10,306.80; Dependable Sanitation, Contract Services-\$17,083.00; Department of Social Services, Payroll Deductions-\$1,829.55; Design Solutions & Integration, Repairs-\$180.00; Dippin' Dots, Supplies-\$1,900.00; Donna Wiczorek, Contract Services-\$260.00; Dorothy Cahoy, Contract

Services-\$552.50; Dorothy Stahl, Contract Services-\$390.00; Dugout Lounge, Contract Services-\$1,401.25; E-Z-Go A Textron Company, Parts-\$142.20; Ecolab Pest Elimination, Contract Services-\$157.50; Emery Senior Citizens, Reimbursement-\$103.58; Everson Gunsmithing, Supplies-\$795.00; Fabric Warehouse, Supplies-\$149.53; Farmers Alliance, Repairs-\$1,563.10; Farnam's Genuine Parts, Parts-\$7.47; Farner-Bocken Company, Supplies-\$11,048.61; FedEx, Transportation Charges-\$9.61; First Dakota National Bank, TIF Bond Interest-\$42,298.93; GF Advertising Services, Supplies-\$214.62; Gall's, Supplies-\$755.40; Gary L. Larson, Contract Services-\$1,800.00; Gehl Foods, Lease Fee-\$200.00; General Drivers & Helpers Union, Payroll Deductions-\$173.00; Government Finance Officers Association, Renewal-\$213.00; Glass Doctor of Sioux Falls, Parts-\$237.52; Golden West Technologies, Repairs-\$183.30; Graham Tire Company, Repairs-\$74.25; Great Western Tire Company, Tires-\$1,122.74; Hard Drive Central, Computer Repairs-\$245.49; Harve's Sport Shop, Supplies-\$1,286.00; Hawkins, Chemicals-\$655.00; Headsets.Com, Supplies-\$107.90; Helena Chemical Company, Chemicals-\$300.00; Henry Schein, Supplies-\$3,840.61; Hillyard, Supplies-\$116.10; Icop, Supplies-\$221.25; Innovative Fabricators, Supplies-\$517.96; Integrity Transcription, Contract Service-\$1,122.50; Irv Kruse, Lawn Care-\$75.00; JC Penney, Supplies-\$44.97; J.D. Wilson Signs, Supplies-\$600.00; James Valley Community Center, Meals-\$37.75; James Valley Nursery, Supplies-\$56.45; Jamie Robinson, Refund-\$18.00; Jane Sebert, Refund-\$15.00; Janice Peterson, Travel-\$30.00; JCL Solutions-Janitors Closet, Supplies-\$403.05; Jones Supplies, Supplies-\$2,087.53; K-Mart, Supplies-\$8.99; Karen Nohr, Refund-\$55.00; Kevin DeVries, Travel-\$9.00; Kleve Klingaman, Refund-\$30.00; KMIT/KOOL 98, Summer Brochure Ad-\$1,138.00; Knology, Supplies-\$52.67; KORN/KQRN Radio, Adverstising-\$1,338.00; Kris Murtha, Travel-\$72.93; Larry's I-90 Service, Tires-\$367.20; Leggette Brashers & Graham, Contract Services-\$4,246.21; Leila Schamber, Contract Services-\$422.50; Lesco Commercial, Supplies-\$150.06; Lois E. Huber, Contract Services-\$777.00; Lucille H. Dufek, Contract Services-\$130.00; Maloney Excavating, Contract Services-\$70,466.25; Marilyn Wilson, Travel-\$225.80; Mark Hinker, Travel-\$477.80; Maurine R. Cahoy, Contract Services-\$422.50; McFarland Supply Company, Supplies-\$217.15; McLeod's Printing, Supplies-\$1,845.40; Mebius Nursery & Landscaping, Repairs-\$176.00; Menard's, Supplies-\$1,318.48; Midwest Fire & Safety, Annual Maintenance-\$500.35; Midwest Turf & Irrigation, Supplies-\$96.12; Midwest Vehicle Professionals, Equipment-\$73,008.00; Mitchell Ford, Supplies-\$740.35; Mitchell United Way, Payroll Deductions-\$413.44; Montana CSED, Payroll Deduction-\$36.92; Motorola, Equipment-\$31,774.40; Mueller Lumber, Supplies-\$154.64; Muth Electric, Repairs-\$413.98; NAEIR, Supplies-\$88.23; Nancy Torgersen, Refund-\$55.00; NB Golf, Lease Contract-\$1,000.00; Neil Putnam, Travel-\$35.00; Neve's Uniforms, Shirts-\$422.54; Northland Chemical, Supplies-\$278.92; Northwestern Energy & Communications, Utilities-\$29,769.59; Nutty Bavarian, Supplies-\$1,077.56; Old Dominion Brush, Supplies-\$2,404.91; Palace Cleaners, Mats-\$265.75; Papa Murphy's Pizza, Pizza-\$195.50; Paulson Sheet Metal, Repairs-\$283.94; Pepsi Cola, Supplies-\$1,627.57; Petty Cash, Postage-\$1.32; Plastag, Supplies-\$234.10; Pony Creek Steakhouse, Contract Services-\$5,529.00; Pristine Water Solutions, Generator Lease & Chemicals-\$843.96; Qualified Presort, Mailing Service-\$1,858.54; Qwest, Utilities-\$2,772.36; Rob's Short Stop, Supplies-\$61.94; Robert Johnson Construction, Contract Services-\$51,070.70; Ron's Bicycle Shop, Service Call-\$41.00; S&M Printing Company, Supplies-\$1,027.00; Santel Communications, Utilities-\$143.90; Schmucker, Paul & Nohr, Contract Services-\$14,102.61; Schrank Construction, Contract Services-\$4,184.02; Scott Associates, Consulting Fees-\$280.00; Scott Supply, Parts-\$105.48; South Dakota Department of Environment & Natural Resources, Fees-\$2,221.42; South Dakota Department of Health, Lab Fees-\$159.00; South Dakota Federal Property Agency, Supplies-\$270.00; South Dakota Mud Racers, Hydrant Meter Deposit Refund-\$500.00; South Dakota Municipal League, Registration-\$20.00; South Dakota Retirement System, Retirement Contributions-\$72,775.27; South Dakota State Treasurer, Payment-\$17,826.83; South Dakota

Unemployment Insurance Division, Payment-\$1,700.23; South Dakota-Supplemental Retirement, Payroll Deductions-\$2,132.00; Sensus Metering Systems, Software Support-\$1,320.00; Service Lighting Company, Supplies-\$3,250.60; Sheehan Mack Sales & Services, Parts-\$3,550.04; Sherwin-Williams, Supplies-\$10.44; Shirley J. Beck, Contract Services-\$552.50; Shopko, Supplies-\$193.27; Shorty's Locker, Meals-\$34.22; Sign Pro, Signs-\$386.18; Sioux Falls Two-Way Radio, Equipment-\$1,344.84; Skillpath Seminars, Registration-\$378.00; Software House International, Software-\$481.55; Southeast South Dakota Tourism, Dues-\$190.00; Sport Supply Group, Supplies-\$597.29; Steamway Cleaning, Cleaning-\$28.00; Sterling Codifiers, Supplies-\$173.00; Streicher's, Supplies-\$124.26; Sturdevant's Auto Parts, Parts-\$3,574.77; Sun Gold Trophies, Supplies-\$4,355.90; Sun Life Financial, Payroll Deductions-\$1,577.72; Superior Lamp, Supplies-\$246.69; Tech Solutions, Repairs-\$70.00; Teri Bertness, Travel-\$287.42; Test America Laboratories, Lab Fees-\$248.24; Thune True Value Hardware, Supplies-\$461.37; Tigerdirect, Supplies-\$341.51; Titan Access Account, Supplies-\$50.24; Titze Electric & Remodeling, Labor-\$156.78; TK Electric, Labor-\$114.80; Tractor Supply, Supplies-\$99.13; Traffic Control Corporation, Supplies-\$87.35; Trail King Industries, Supplies-\$292.21; Tri-County Telecom, Utilities-\$32.23; United States Postal Service, Box Rent-\$580.00; Ultramax, Supplies-\$312.00; United Building Centers, Supplies-\$401.50; United Energy, Supplies-\$40,491.46; UPS Store, Shipping Charges-\$474.44; Van Diest Supply, Chemicals-\$1,551.00; Variety Foods, Supplies-\$1,853.51; Velvet Uniforms, Supplies-\$1,020.95; Virginia Limberg, Personal Training Fees-\$1,045.00; Wade Strand, Contract Services-\$10,000.00; Wal-Mart, Supplies-\$733.06; Washington Pavilion of Art, Tickets-\$55.00; West Payment Center, Supplies-\$16.00; West River Beverage, Supplies-\$739.00; Wheelco Brake & Supply, Parts-\$173.04; Wholesale Electronics, Supplies-\$133.85; Xybix Systems, Supplies-\$48.00.

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

### **EXECUTIVE SESSION:**

Moved by Barington, seconded by Smith, to go into executive session as permitted by SDCL 1-25-2. Motion carried. Moved by Carpenter, seconded by Allen, to come out of executive session. Motion carried.

### **CONSIDER APPROVAL:**

Moved by Carpenter, seconded by Barington, to authorize Mayor Sebert and Council Member Dan Allen to review real property. Motion carried.

### **ADJOURN:**

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

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Marilyn Wilson  
Finance Officer