

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

**SEPTEMBER 2, 2008
7:30 P.M.**

PRESENT: Dan Allen, Doug Backlund, Geri Beck, Travis Carpenter,
Scott Houwman, Allen Lepke

ABSENT: Marty Barington, Jeffrey Smith

PRESIDING: Mayor Lou Sebert

AGENDA:

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

MINUTES:

Moved by Carpenter, seconded by Allen, to approve the minutes of the regular City Council meeting held on August 18, 2008. Motion carried.

CITIZEN'S INPUT:

Two citizens voiced concerns regarding the parking lot dance at Steak 'N' More Saturday night, August 30th.

DISCUSSION:

Rod Titze was present to discuss the lawn bowling proposal at Lakeview Municipal Golf Course. Golf Course Director Kevin Thurman stated he would not have time to begin the project until late next summer. Council directed Titze to research possible grants for this project and come back to the City Council next April for possible funding to help construct this project. Titze also commented that he has no intentions of receiving funding from the City to maintain the lawn bowling facility. Council also directed Thurman to begin the berm work this fall if he has time. Moved by Houwman, seconded by Beck, to table the lawn bowling proposal until April 2009. Motion carried.

BOARD OF ADJUSTMENT:

Moved by Carpenter, seconded by Allen, 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 continued hearing on the application of Tom and Reeny Scott for a variance to construct an addition at 119 West Railroad, legally described as Lot A, KL Wallman'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 Carpenter, seconded by Houwman, 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 School District for a conditional use permit to construct a 100' wind power turbine/tower at 1600 East Spruce Street, legally described as the SW ¼ of Section 26-103-60, 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 Houwman, seconded by Lepke, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Fred Shank for a variance to construct a storage shed at 407 South Rowley, legally described as Lots 4, 5, and 6, Block 16, Railroad 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 Allen, seconded by Houwman, to approve said application. Motion carried.

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

COMMITTEE REPORTS:

Public Properties Committee:

The Public Properties Committee met on September 2, 2008 at 6:15 p.m. in the Council Chambers of City Hall. The committee toured the Lake Mitchell amphitheater and reviewed a plan with Prehistoric Indian Village Board Member Gordon Thomsen and Paul LaRoche of Brule to create a 3,000 seat amphitheater and American Indian cultural center.

Finance Committee:

The Finance Committee met on September 2, 2008 at 7:00 p.m. in the Council Chambers of City Hall. The committee reviewed the audit report for fiscal period ended December 31, 2007 and the Mitchell Advisory Council for People with Disabilities presented a review of the group's activities.

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

Council Member Barington is now present.

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer Package Liquor License (PL-4700) from Culhane Motels, Inc. dba Thunderbird Lodge Motel to M.A.C. Hotels, Inc. dba Thunderbird Lodge located at 1601 South Burr. Moved by Carpenter, seconded by Lepke, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer Retail Liquor License (RL-5760) from Mitchell Doc & Eddys Gaming Inc. dba Doc & Eddys to S & H Marketing

LLC dba Signatures located at 716 North Rowley, Suite #1. Moved by Houwman, 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 to transfer Retail (on-off sale) Malt Beverage License (RB-2834) from Mitchell Doc & Eddys Gaming Inc. dba Doc's to S & H Marketing LLC dba Signatures II located at 716 North Rowley, Suite #2. Moved by Lepke, 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 V.V. Inc. dba Steak 'N' More to transfer Retail Liquor License (RL-5546) from 1801 North Main, Suites #3, #4, & #5 and 130' x 160' parking lot to 1801 North Main, Suites #3, #4, & #5. Moved by Lepke, seconded by Beck, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer Retail Liquor License (RL-6380) from GMK LLC to V.V. Inc. located at 1801 North Main, Suite #15. Moved by Barington, seconded by Allen, to approve said application. Motion carried.

RESOLUTIONS:

Moved by Houwman, seconded by Beck, to adopt Resolution #2672, Capital Outlay Accumulations-Event Center, as follows:

RESOLUTION NO. 2672

WHEREAS, SDCL 9-21-14.1, authorizes municipalities to accumulate funds for a period longer than one year for specific capital outlay purposes. Capital outlay purposes means purposes which result in the acquisition of or additions to plant, or equipment, including but not limited to expenditures for land, existing facilities, improvement of grounds, construction of facilities, additions to facilities, remodeling of facilities, or for the purchase of equipment.

WHEREAS, the maximum capital outlay accumulation shall be as follows:

(1) In first-class municipalities, the amount of the accumulation for all purposes may never exceed an amount equivalent to four dollars per thousand dollars of assessed value of all property within the municipality.

NOW, THEREFORE, be it resolved that the City Council of the City of Mitchell hereby authorizes the accumulation of funds within the General Fund for the purpose of construction of an event center and that this accumulation of funds shall be interest bearing with all earnings credited to the account Designated for Capital Outlay Accumulations-Event Center.

Motion carried and resolution declared duly adopted.

Moved by Carpenter, seconded by Barington, to adopt Resolution #2673, Declaring Hazardous or Nuisance Sidewalk, as follows:

RESOLUTION NO. 2673

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:

500 & 516 West 14th

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Allen, seconded by Carpenter, to place Ordinance #2288, 2009 Annual Appropriation Ordinance on first reading. Motion carried.

SET DATE:

The application of GMK LLC to transfer Retail (on-off sale) Malt Beverage License (RB-3833) from 1620 South Burr Street to 104 East 4th Street has been withdrawn by the applicant.

CONSIDER APPROVAL:

Moved by Allen, seconded by Beck, to approve an automatic supplement to the Special Revenue Fund-RSVP in the amount of \$10,680.00 for passenger bus/van from a South Dakota Department of Transportation reimbursement. Motion carried.

Moved by Barington, seconded by Backlund, to approve awarding financing for Tax Increment Revenue Bonds, TID #10, in the amount of \$1,327,100.00 to US Bank at a rate of 5.49% plus a bank set-up fee of \$500.00 contingent upon review and approval of bond attorney and addition of capitalized interest issuance. Motion carried.

Moved by Houwman, seconded by Barington, to approve the Agreement for Engineering Services with SPN & Associates for Shooting Range Layout. Motion carried.

Moved by Beck, seconded by Barington, to approve the request of Ramada & Suites to serve and sell alcoholic beverages in the parking lot on October 3, 2008 with the bands to end at 9:00 p.m., the noise ordinance to be suspended until 9:00 p.m., and the alcohol in the parking lot to end at 10:00 p.m. Motion carried.

Moved by Houwman, seconded by Carpenter, to approve the property listing of items to be declared surplus for the City Surplus Auction on September 9, 2008. Motion carried.

Moved by Carpenter, seconded by Beck, to approve the request of Davison County Republicans to conduct a raffle with the drawing to be held on September 11, 2008. Motion carried.

Moved by Backlund, seconded by Carpenter, to approve the request of Mitchell Senior Citizens to conduct a raffle with the drawing to be held on December 18, 2008. Motion carried.

PAY ESTIMATES:

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

- pay estimate #32 in the amount of \$339.98 for New Landfill Monitoring Project #2003-17 contracted with Leggette, Brashears & Graham,
- pay estimate #48 in the amount of \$1,294.58 for Old Landfill Leachate Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #13 in the amount of \$12,568.00 for Soccer Field Complex Project #2007-1 contracted with Civil Design,
- pay estimate #2 in the amount of \$62,253.85 for Hanson Avenue Project #2007-38 contracted with Schoenfelder Construction,
- pay estimate #4 in the amount of \$9,108.02 for Sidewalk Project #2008-4 contracted with Colwell Concrete,
- pay estimate #3 in the amount of \$7,227.97 for Curb & Gutter Project #2008-14 contracted with Colwell Concrete,
- pay estimate #6 in the amount of \$53,723.46 for Paving & Overlay Project #2008-15 contracted with Commercial Asphalt,
- pay estimate #1 in the amount of \$100,000.00 for Water Plant Roof Project #2008-32 contracted with Darrell Hohn Construction and
- pay estimate #2 in the amount of \$121,411.44 for AIP '22 Hangar Taxilane Improvements contracted with Robert Johnson Construction.

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

BILLS:

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

PAYROLL, AUGUST 10, 2008 – AUGUST 23, 2008: CITY COUNCIL-\$2,440.24, MAYOR-\$885.54, ATTORNEY-\$1,807.69, FINANCE-\$9,579.68, HUMAN RESOURCES-\$2,555.92, INFORMATION TECHNOLOGY-\$1,227.92, POLICE-\$53,454.23, TRAFFIC-\$3,451.92, FIRE-\$33,601.96, STREET-\$24,137.18, PUBLIC WORKS-\$14,275.98, CEMETERY-\$3,604.93, MOSQUITO CONTROL-\$935.00, ANIMAL CONTROL-\$1,232.00, EMERGENCY MEDICAL

SERVICES-\$7,692.68, LIBRARY-\$9,374.81, PLAYGROUNDS & ATHLETICS-\$3,810.99, SWIM POOL-\$7,198.96, CAMPGROUND-\$2,068.40, RECREATION CENTER-\$9,253.97, ICE ARENA-\$52.00, CADWELL SPORTS COMPLEX-\$7,696.55, PARK-\$10,910.62, SUPERVISION-\$4,920.72, FORESTRY-\$2,520.24, E911-\$15,006.76, RSVP-\$4,492.24, PALACE TRANSIT-\$14,136.83, NUTRITION-\$350.00, WATER-\$8,504.77, WATER DISTRIBUTION-\$8,057.00, SEWER-\$10,404.33, AIRPORT-\$1,610.56, WASTE COLLECTION-\$8,724.00, LANDFILL-\$6,476.56, CORN PALACE MAINTENANCE-\$9,898.60, CORN PALACE DECORATING-\$3,564.88, CORN PALACE SHOWS-\$6,132.44, CORN PALACE CONCESSIONS-\$4,748.63, GOLF COURSE-\$8,373.48.

SALARY ADJUSTMENTS (per hour rate):

E-911: Erin Thiphasouk-\$14.605

FIRE: Mark White-\$12.842

RECREATION CENTER: Harriet Baldwin-\$16.86, Jill Rust-\$8.84, Lisa Schulz-\$7.00

WATER: Ryan Nussbaum-\$17.536

NEW HIRES (per hour rate):

FIRE: Justin Adams-\$11.716

PALACE TRANSIT: William Quinn-\$10.393

RECREATION CENTER: Jacquelyn McNary-\$7.25

WARRANTS: A-1 Portable Toilets, Contract Services-\$2,625.00; A-Ox Welding Supply, Supplies-\$53.52; AAA Collections, Payroll Deduction-\$75.00; Advance Auto Parts, Parts-\$137.98; Aflac, Payroll Deductions-\$3,185.29; Aflac/Flex One, Claims-\$1,900.00; Al's Engraving, Name Badges-\$11.90; Alignment X-Perts, Labor-\$60.00; All Star Removal, Lawn Care-\$100.00; Allied Industrial Distribution, Supplies-\$498.25; Alltel, Utilities-\$1,701.29; American Garage Door, Parts-\$10.00; American Red Cross, Supplies-\$486.94; Ann Morris, Contract Services-\$22.50; Arbor Day Foundation, Membership Fee-\$15.00; American Society of Composers, Authors and Publishers, License Fees-\$300.67; Auto Body Specialties, Parts-\$25.62; Avera Queen of Peace Hospital, Contract Services-\$114.14; Bailey Metal Fabricators, Repairs-\$419.76; Baker Bros Electric, Repairs-\$336.85; Baldwin Garage Door Company, Repairs-\$464.10; Barco Products Company, Supplies-\$650.50; Bender's Sewer & Drain, Contract Services-\$1,085.50; Break Time Portables, Contract Services-\$100.00; Bryan Rock Products, Supplies-\$294.47; Business Products, Supplies-\$422.70; Butler Machinery, Parts-\$468.54; Campbell Supply, Supplies-\$592.24; Card Services, Supplies-\$105.37; Central Electric Cooperative, Supplies-\$456.43; Chad Colwell Concrete, Contract Services-\$16,335.99; Charlie's Shoe Repair, Supplies-\$158.50; Chicken Coupe, Meals-\$64.72; City of Emery, Senior Meals Payroll Reimbursement-\$1,835.70; City of Mitchell, Payroll Deduction-\$20.00; Civil Design, Contract Services-\$12,568.00; Clark Paving, Contract Services-\$357.00; Coca Cola Bottling Company, Supplies-\$1,598.70; Commercial Asphalt, Supplies-\$4,879.51; Commercial Asphalt, Contract Services-\$53,723.46; Cook Implement, Supplies-\$76.00; Corn Palace Concessions, Meals-\$160.00; Dakota Fluid Power, Supplies-\$956.20; Dakota Pest Control, Contract

Services-\$75.00; Dakota Salvage, Steel-\$2.75; Dakota Supply Group, Supplies-\$62.10; Dakota Transit Associations, Registration-\$400.00; Dan Grigg Images, Supplies-\$2,951.90; Dan Sabers, Contract Services-\$6,963.32; Danko Emergency Equipment, Supplies-\$96.08; Darrell Hohn Construction, Contract Services-\$100,000.00; Datamaxx Applied Technology, Software-\$140.00; Davison Conservation District, Contract Service-\$300.00; Davison County Clerk of Courts, Background Checks-\$60.00; Davison Rural Water System, Utilities-\$40.10; Deann Albers, Refund-\$7.50; Dependable Sanitation, Contract Services-\$17,083.00; Department of Social Services, Payroll Deductions-\$1,019.08; Design Solutions & Integration, Repairs-\$270.00; Dick's Towing, Repairs-\$225.00; Dippin' Dots, Supplies-\$2,723.80; Donna Wieczorek, Contract Services-\$650.00; Dorothy Cahoy, Contract Services-\$585.00; Dorothy Stahl, Contract Services-\$390.00; Dugout Lounge, Contract Services-\$380.00; Ecolab Pest Elimination, Contract Services-\$162.00; Elaine Schaefer, Contract Services-\$130.00; Electronic Security Equipment, Equipment & Installation-\$340.00; Ellefson Implement, Parts-\$210.23; Emery Senior Citizens, Reimbursement-\$205.35; Emily Grode, Contract Services-\$420.00; Farmers Alliance, Labor-\$755.00; Farnams Genuine Parts, Parts-\$0.89; Farner-Bocken Company, Supplies-\$7,634.00; Fedex, Shipping Charges-\$10.52; First Bankcard, Supplies-\$229.56; G&R Tool Service, Tools-\$81.00; Gall's, Supplies-\$66.22; Gametime, Parts-\$490.35; Gaylen's Homegrown Popcorn, Supplies-\$195.00; General Drivers & Helpers Union, Dues-\$173.00; Golden West Technologies, Repairs-\$201.68; Graham Tire, Supplies-\$103.68; Grainger, Supplies-\$146.03; Great Western Tire, Tires-\$2,267.29; Hard Drive Central Mitchell, Repairs-\$140.94; Harve's Sport Shop, Supplies-\$43.50; Hawkins, Pool Chemicals-\$1,332.60; HD Supply Waterworks, Supplies-\$3,869.43; Henry Schein, Supplies-\$1,376.46; Hillyard, Supplies-\$99.58; In The Swim, Supplies-\$360.29; Integrity Transcription, Contract Services-\$142.50; Interstate Office Products, Supplies-\$177.67; JD Evans, Parts-\$171.90; J.J. Bankdraft, Supplies-\$11.55; James Valley Community Center, Deposit-\$1,081.50; James Valley Nursery, Supplies-\$449.83; JCL Solutions, Supplies-\$115.12; Jebro, Asphalt-\$37,978.90; Joel Reinesch, Travel-\$98.00; Jones Supplies, Supplies-\$901.92; Julie Olson, Contract Services-\$597.83; K-Mart, Supplies-\$119.46; Karen Heiser, Contract Services-\$162.50; Kelly Knippling, Uniform Allowance-\$154.21; Knology, Supplies-\$51.93; Krohmer Plumbing, Repairs-\$51.02; Kustom Finish, Labor-\$707.98; L.M.E., Performance-\$20,000.00; Lakeview Sales, Supplies-\$324.80; Leader Sporting Goods, Supplies-\$15.98; Leggette Brashers & Graham, Contract Services-\$1,634.56; Leila Schamber, Contract Services-\$487.50; Lloyd Huber, Piano Tuning-\$75.00; Local #503, Contract Services-\$8,109.00; Lois E. Huber, Contract Services-\$777.00; Lucille H. Dufek, Contract Services-\$97.50; Lyle Signs, Supplies-\$896.38; Marge Bollack, Contract Services-\$18.00; Marcia Shannon, Contract Services-\$454.30; Maurine R. Cahoy, Contract Services-\$422.50; McFarland Supply Company, Supplies-\$277.17; Mebius Nursery & Landscaping, Repairs-\$95.00; Menard's, Supplies-\$1,905.22; Meyers Oil Company, Supplies-\$148.96; Michelle Nowlin, Contract Services-\$14.00; Midcontinent Communications, Utilities-\$49.53; Midwest Fire & Safety, Annual Fire Extinguisher Maintenance-\$745.40; Midwest Masonry Restoration, Contract Services-\$3,988.00; Midwest Tire & Muffler, Labor-\$56.84; Mikes Bikes and Ice, Equipment-\$799.97; Mitchell Lawn Care, Lawn Mowing-\$75.00; Mitchell Music Boosters, Ushers-\$2,000.00; Mitchell School District, City Share-\$919.97; Mitchell United Way, Payroll Deductions-\$204.72; Mobile Electronic Service, Supplies-\$90.00; Mueller Lumber, Supplies-\$188.59; Muth Electric, Repairs-\$4,134.65; Neenah Foundry, Supplies-\$10,606.67; Neve's Uniforms, Uniforms-\$224.67; North Central Seed, Supplies-\$240.00; Northland Chemical, Supplies-\$243.78; Northwestern Energy & Communications, Utilities-\$18,920.13; Old Dominion Brush, Supplies-\$1,102.43; Palace Cleaners, Supplies-\$160.25; Palace Transit, Travel-\$169.18; Papa Murphy's Pizza, Pizzas-\$136.00; Paulson Sheet Metal, Repairs-\$175.02; Pepsi Cola, Supplies-\$1,995.38; Petty Cash, Postage-\$23.40; Porter Distribution, Supplies-\$130.00; Pristine Water Solutions, Lease & Chemicals-\$1,036.57; Qualified Presort, Mailing

Service-\$1,297.62; Qwest, Utilities-\$2,491.18; Renee Berg, Contract Services-\$565.00; River Cities Public Transit, Repairs-\$1,334.80; Riverbank Bathing, Supplies-\$237.00; Robert Johnson Construction, Contract Services-\$121,411.44; Ron's Bicycle Shop, Supplies-\$3.50; S&M Printing Company, Supplies-\$923.30; Sandra Krage, Contract Services-\$483.00; Sanitation Products, Parts-\$4,483.26; Santel Communications, Repairs-\$389.95; Schoenfelder Construction, Contract Services-\$62,253.85; Scott Supply, Supplies-\$106.11; South Dakota Department of Health, Lab Fees-\$1,306.00; South Dakota Federal Property Agency, Supplies-\$15.00; South Dakota Retirement System, Retirement Contributions-\$37,679.92; South Dakota State Treasurer, Payment-\$17,949.43; South Dakota-Supplemental Retirement, Payroll Deductions-\$1,111.00; South Dakota Sanitation & Waste Management Association, Registration-\$950.00; Sharon Schuer-Klein, Contract Services-\$195.50; Sheehan Mack Sales & Services, Parts-\$3,915.85; Sherwin-Williams, Supplies-\$205.78; Shopko, Supplies-\$85.96; Sign Pro, Signs-\$134.84; Stiles Law Office, Reimbursement-\$22.00; Sturdevant's Auto Parts, Supplies-\$2,082.97; Sun Gold Trophies, Supplies-\$767.70; Sun Life Financial, Payroll Deductions-\$1,601.90; Tammy Aesoph, Supplies-\$324.00; Tessier's, Repairs-\$132.75; The Title Company, Purchase Property-\$1,292,445.58; Thune True Value Hardware, Supplies-\$169.24; Titan Access Account, Supplies-\$302.97; Titze Electric & Remodeling, Repairs-\$159.66; TK Electric, Repairs-\$2,140.69; Tractor Supply, Supplies-\$3.29; Trent Dean, Contract Services-\$52.40; Turning Point Productions, Supplies-\$332.93; United Building Centers, Supplies-\$217.29; United Energy, Supplies-\$3,311.90; UPS Store, Shipping Charges-\$84.14; USA Blue Book, Supplies-\$137.18; USA Gymnastics, Membership Fees-\$160.00; Van Diest Supply Company, Chemicals-\$4,710.75; Variety Foods, Supplies-\$2,046.83; Verena Rickett, Contract Services-\$250.00; Virginia Limberg, Personal Training Fees-\$375.00; Wal-Mart, Supplies-\$331.91; Wheelco Brake & Supply, Parts-\$286.04; Wholesale Electronics, Supplies-\$30.87.

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

ADJOURN:

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

Marilyn Wilson
Finance Officer