

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

**DECEMBER 1, 2008
7:30 P.M.**

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

ABSENT: Jeffrey Smith

PRESIDING: Mayor Lou Sebert

AGENDA:

Moved by Houwman, seconded by Barington, to approve the agenda as prepared and amend the executive session item for review of contract negotiations. Motion carried.

MINUTES:

Moved by Backlund, seconded by Lepke, to approve the minutes of the regular City Council meeting held on November 17, 2008. Motion carried.

REVIEW:

The residents of the property at 300 South Wisconsin were present to discuss the mowing charges assessed by the city for mowing the property. Discussion took place. Moved by Carpenter, seconded by Beck, to leave the mowing charges as they currently are on the property at 300 South Wisconsin. Motion carried.

BOARD OF ADJUSTMENT:

Moved by Carpenter, 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 Jessica Rasmussen for a conditional use permit to operate a daycare center in her home at 3021 South Rowley, legally described as Lot 8, Iverson'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 with the conditions a fence be installed within the next six months, the permit is non-transferable, and the permit will expire if not operated for a period of six months. Moved by Allen, seconded by Carpenter, to approve said application subject to the Planning Commission recommendations. Motion carried.

Moved by Allen, seconded by Barington, 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 December 1, 2008 at 6:45 p.m. in the Council Chambers of City Hall. The committee discussed the plan for the law enforcement shooting range.

Finance Committee:

The Finance Committee met on December 1, 2008 at 7:00 p.m. in the Council Chambers of City Hall. The committee reviewed uncollectible utility account write-offs and Ordinance #2295, Supplemental Appropriations.

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

AWARD BID:

Bids were opened and read on the Water Plant Control Valves and Pulse Converters Project #2008-33 on the 1st day of December, 2008 in the Council Chambers of City Hall.

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

WATER PLANT CONTROL VALVES AND PULSE CONVERTERS PROJECT #2008-33

D.W. Proehl Construction, Sioux Falls, SD 57104-1843

Total Bid - \$63,485.00

Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer Retail (on-sale) Liquor License (RL-5757) and Package (off-sale) Liquor License (PL-4692) from Fredericksen Restaurants Inc. to Fredericksen Enterprise LLC dba Chef Louie's located at 601 East Havens. Moved by Allen, 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 to transfer Retail (on-sale) Liquor License (RL-5765) from RJA Inc. to ACT Bookkeeping Services LLC dba Moonlight Bar & Lounge located at 413 North Main Street. Moved by Barington, seconded by Backlund, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Mitchell Area Community Theatre for a Special Event Wine License on January 23-24, 2009 for Ladies Night Out. Moved by Allen, seconded by Beck, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the applications for renewal of the following liquor and wine licenses:

RETAIL (ON-SALE) LIQUOR

License No.

RL 5270	Mitchell Cuisine LLC dba Ruby Tuesday	2160 Highland Way
RL 5271	Daisy Properties LLC	1610 South Burr St
RL 5350	Lucky's LLC dba Dr Lucky's	205 North Main St
RL 5732	Blarney's LLC dba Blarney's Sports Bar & Grill	2100 Highland Way #W
RL 5771	American Legion, Coacher-Goetsch Post 18	121 North Main St
RL 5768	Todd F Dikoff dba Brig Steakhouse & Lounge	North Hwy 37
RL 5757	Fredericksen Enterprise LLC dba Chef Louie's	601 East Havens St
RL 5758	Fire Brand of Mitchell LLC dba Whiskey Creek	905 East Spruce St
RL 5763	Leisure Time Inc dba The Depot	210 South Main St
RL 5760	S&H Marketing LLC dba Signatures	716 North Rowley, Ste #1
RL 5774	Elks of Mitchell Building Association Trustees LLC	112 East 5th Ave
RL 5756	Boehnen Corp dba Peppers	1525 West Havens
RL 5759	Hay Company Partnership dba Thirsty's	1801 North Main, Ste #1
RL 5761	Robert Daniel Bates dba Longhorn Bar	101 North Main St
RL 5765	Act Bookkeeping Services LLC dba Moonlight Bar & Lounge	413 North Main St
RL 5772	Loyal Order of Moose Lodge 875	516 West 15th
RL 5773	VFW Post 2750/VFW Home Ass'n	103/105 North Main St
RL 5766	RR Enterprises Inc dba Sneaker's Peanut Bar	1514 North Sanborn Blvd
RL 5762	Jackpot Gamblin Inc	511 North Main St
RL 5764	Bathke Enterprises LLC dba Cactus Bar & Casino	102 North Main
RL 5546	V.V. Inc. dba Steak 'N' More	1801 North Main, Ste #4 & #5
RL 5353	David Backlund Jr dba Partee Bar	2410 Quiett Lane
RL 6380	V.V. Inc.	1801 North Main, Ste #3

SUNDAY (ON-SALE) LIQUOR

License No.

RL 5270	Mitchell Cuisine LLC dba Ruby Tuesday	2160 Highland Way
RL 5771	American Legion, Coacher-Goetsch Post 18	121 North Main St
RL 5768	Todd F Dikoff dba Brig Steakhouse & Lounge	North Hwy 37
RL 5757	Fredericksen Enterprise LLC dba Chef Louie's	601 East Havens St
RL 5760	S&H Marketing LLC dba Signatures	716 North Rowley St, Ste #1
RL 5756	Boehnen Corp dba Peppers	1525 West Havens St
RL 5759	Hay Company Partnership dba Thirsty's	1801 North Main, Ste #1
RL 5761	Robert Daniel Bates dba Longhorn Bar	101 North Main St
RL 5772	Loyal Order of Moose Lodge 875	516 West 15th
RL 5762	Jackpot Gamblin Inc	511 North Main St
RL 5773	VFW Post 2750/VFW Home Ass'n	103/105 North Main St
RL 5766	RR Enterprises Inc dba Sneaker's Peanut Bar	1514 North Sanborn Blvd
RL 5763	Leisure Time Inc dba The Depot	210 South Main St
RL 5765	Act Bookkeeping Services LLC dba Moonlight Bar & Lounge	413 North Main St
RL 5350	Lucky's LLC dba Dr Lucky's	205 North Main St
RL 5732	Blarney's LLC dba Blarney's Sports Bar & Grill	2100 Highland Way #W
RL 5546	V.V. Inc. dba Steak 'N' More	1801 North Main, Ste #4 & #5
RL 5353	David Backlund Jr dba Partee Bar	2410 Quiett Lane

RL 6380	V.V. Inc.	1801 North Main, Ste #3
RL 5758	Fire Brand of Mitchell LLC dba Whiskey Creek	905 East Spruce St

**CONVENTION CENTER LIQUOR
(Including Sunday Sales)**

License No.

CL-15421	Highland Conference Center	1920 Highland Way
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PACKAGE (OFF-SALE) LIQUOR

License No.

PL 4692	Fredericksen Enterprise LLC dba Chef Louie's	601 East Havens St
PL 4697	Daisy Properties LLC	1610 South Burr St
PL 4685	C Inc dba County Fair Food Store	1305 West Havens St
PL 4695	Dakota Sunset Inc dba Dakota Sunset	1524 West Havens St
PL 4688	Boehnen Corp dba Peppers	1525 West Havens St
PL 4691	Robert Daniel Bates dba Long Horn Bar	101 North Main St
PL 4701	Miller & Holmes Inc dba M&H Gas Station	221 West Havens St
PL 4698	AP Investments dba Amstar	1 st Avenue & Main St
PL 4686	Erickson Oil Products, Inc. dba Freedom Valu Center	512 South Sanborn
PL 4694	Coborn's Inc dba Coborn's	1800 North Main St
PL 4687	Highland Travel Plaza LLC	2160 Highland Way
PL 4700	MAC Hotels Inc dba Thunderbird Lodge	1601 South Burr
PL 4690	Wal-Mart Stores Inc dba Wal-Mart Supercenter #2990	1101 East Spruce St

RETAIL (ON-SALE) WINE LICENSE

License No.

RW 6462	Twin Dragon Inc dba Twin Dragon Restaurant	704 East Norway Ave
RW 6543	JB Enterprises dba Perkins Restaurant	1301 South Burr Street
RW 6592	AP Investments dba Amstar	1st Avenue & Main Street
RW 6422	Coborn's Inc dba Coborn's	1800 North Main Street, Ste A
RW 6464	RR Enterprises Inc dba Spare Change Casino	1500 North Duff Street
RW 6671	Cubby's Inc. dba Cubby's Mitchell West	1700 West Havens Street
RW 6507	Wiebelhaus Companies Inc dba Jack's Sinclair	1905 North Main Street
RW 6511	Dakota Sunset Inc dba Dakota Sunset	1524 West Havens Street
RW 6553	Los Sombreros LLC dba Los Sombrero's	1522 West Havens Street
RW 6558	Allen's Restaurant Inc dba Country Kitchen	1101 South Burr Street
RW 6538	Hungry's Restaurants dba Marlin's Roadhouse Grill	Hwy 37 South, Ste B
RW 6509	Sport Time Inc dba Scoreboard	522 North Main Street
RW 6586	Teresa Quist dba Café Teresa	312 North Main Street
RW 6598	Wiebelhaus Companies Inc dba J-Mart	1527 West Havens Street
RW 6659	Graham Oil Inc dba Graham's Interstate BP	1610 South Burr Street
RW 6689	Cubby's Inc dba Cubby's Mitchell East	1000 South Burr Street

Notice of hearing has been given according to statute and affidavit of publication is on file. Chief of Public Safety Lyndon Overweg recommended approval of all liquor and wine licenses with attached

maps. Moved by Houwman, seconded by Beck, to approve said applications subject to the attached maps including building only and no parking lots. Barington abstained. Motion carried.

RESOLUTIONS:

Moved by Carpenter, seconded by Beck, to adopt Resolution #2695, 2009 Salary Resolution, as follows:

**RESOLUTION #2695
A RESOLUTION PROVIDING FOR A SALARY SCHEDULE
FOR THE OFFICERS AND FULL TIME EMPLOYEES
OF THE CITY OF MITCHELL, SOUTH DAKOTA**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA:

The purpose of the salary schedule is to establish the compensation of full time employees, officers and elected officials. The step plan as herein stated will be effective from January 1, 2009 through December 31, 2009 and is on file in the office of the Finance Officer. There are six (6) steps for each position except salaried exempt positions in the salary schedule that represent a minimum and maximum salary for each position. New employees will normally be hired at Step 1 of the appropriate classification unless experience and qualifications justify beginning above the minimum. All new employees shall have a probationary period of not less than six (6) months from date of hire.

The following lists the current position classifications and the minimum/maximum salary range for each salaried exempt position as adopted:

<u>POSITION:</u>	<u>Minimum:</u>	<u>Maximum:</u>
Finance Officer	\$67,074	\$83,840
Public Works Director		
Chief of Public Safety		
Park Director	\$59,757	\$74,695
Human Resources Director		
Golf/Cemetery Director	\$52,887	\$66,108
Senior Services Executive Director		
Street/Sanitation Superintendent	\$50,346	\$62,930
Utilities Superintendent		
Assistant Fire Chief		
Deputy Police Chief		
Field Operations Superintendent	\$46,517	\$58,148
Water Superintendent		
Detective Lieutenant		
Communications Supervisor		
Corn Palace Director		

City Planner	\$42,414	\$53,016
Engineering Supervisor		
Library Director		
Deputy Finance Officer		
Recreation Center Director		
Recreation Director		
Operations Supervisor		

For all hourly non-exempt staff, Step 1 represents the hire rate, Step 2 represents the rate after six months of employment subject to a favorable performance appraisal and Steps 3 through 6 represent the increase at the employee's anniversary date subject to a favorable performance appraisal unless experience and qualifications justify beginning above the minimum. An employee may advance in position/grade when a vacancy exists, but must go through the hiring procedure to advance in all departments with the exception of the Police Department.

The following lists the current position classifications and the progressive steps for each hourly non-exempt position as adopted:

POSITION:	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
<u>Professional/Administrative Series:</u>						
Librarian	\$13.874	\$14.205	\$14.536	\$15.198	\$15.859	\$16.521
Engineer Technician I	\$14.363	\$14.708	\$15.053	\$15.740	\$16.416	\$17.103
Specialist	\$15.171	\$15.528	\$15.886	\$16.614	\$17.329	\$18.057
Airport Manager/Building Inspector/Recreation Coordinator	\$17.501	\$17.925	\$18.335	\$19.169	\$20.003	\$20.837
Engineering Technician II	\$17.620	\$18.043	\$18.467	\$19.301	\$20.149	\$20.983
<u>Technical Series:</u>						
Operator I	\$13.795	\$14.113	\$14.443	\$15.104	\$15.754	\$16.416
Operator II	\$14.656	\$14.999	\$15.357	\$16.059	\$16.746	\$17.448
Operator III	\$16.575	\$16.959	\$17.356	\$18.150	\$18.931	\$19.725
Foreman	\$18.163	\$18.586	\$19.024	\$19.884	\$20.757	\$21.618
Pretreatment Coordinator	\$19.182	\$19.645	\$20.095	\$21.010	\$21.922	\$22.836
<u>Maintenance/Equipment Operation Series:</u>						
Labor I	\$11.954	\$12.246	\$12.523	\$13.093	\$13.662	\$14.232
Labor II	\$13.384	\$13.702	\$14.032	\$14.668	\$15.303	\$15.939
Equipment Operator	\$14.032	\$14.363	\$14.708	\$15.370	\$16.045	\$16.707
Heavy Equipment Operator/Foreman	\$15.330	\$15.687	\$16.059	\$16.787	\$17.514	\$18.243
Supervisor	\$17.673	\$18.097	\$18.507	\$19.355	\$20.189	\$21.036
<u>Staff Support Series:</u>						
Secretary/Receptionist	\$13.106	\$13.424	\$13.741	\$14.363	\$14.986	\$15.609
Administrative Clerk	\$13.516	\$13.835	\$14.151	\$14.800	\$15.437	\$16.084

POLICE DEPARTMENT

The following lists the current classifications and the progressive steps for positions within the Police Department. The following classifications are subject to time-in-grade requirements. Requirements for hiring, advancement and review, if different from those previously stated, are set out in the current union contract.

POSITION:	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Communications Specialist	\$14.746	\$15.043	\$15.340	\$15.966	\$16.603	\$17.271
Patrol Officer	\$17.140	\$17.548	\$17.956	\$18.773	\$19.590	\$20.407
Sergeant	\$20.983	\$21.486	\$21.990	\$22.981	\$23.989	\$24.981

FIRE DEPARTMENT

The following lists the current classifications and the progressive steps for positions within the Fire Department.

POSITION:	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Firefighter	\$12.067	\$12.358	\$12.648	\$13.227	\$13.794	\$14.373
Firefighter-Medic	\$12.542	\$12.831	\$13.135	\$13.728	\$14.334	\$14.926
Fire Marshall	\$17.457	\$17.857	\$18.276	\$19.113	\$19.936	\$20.772
Fire Captain	\$14.242	\$14.584	\$14.926	\$15.599	\$16.284	\$16.956

ELECTED AND APPOINTED OFFICIALS

Salaries of elected and appointed officials are not subject to the provisions of the step plan and are as follows:

Mayor	\$23,024
Attorney	\$47,000
City Council	\$ 7,931

OVERTIME PAY:

Each full time employee, other than exempt supervisory personnel, shall receive time and one-half for work performed when called for overtime duty by the supervisor in charge. A minimum of one hour overtime shall apply in such recall to duty. If the supervisor so grants, compensatory time may be given in lieu of overtime. The following positions are classified as exempt and are not subject to overtime or compensatory time provisions:

Public Works Director, Finance Officer, Chief of Public Safety, Parks Director, Human Resources Director, Golf/Cemetery Director, Street/Sanitation Superintendent, Senior Services Executive Director, Assistant Fire Chief, Deputy Police Chief, Utilities Superintendent, Water Superintendent, Field Operations Superintendent, City Planner, Detective Lieutenant, Communications Supervisor, Engineering Supervisor, Library Director, Corn Palace Director, Deputy Finance Officer, Recreation Center Director, Recreation Director, Operations Supervisor.

SHIFT DIFFERENTIAL PAY:

Employees scheduled to work a swing shift or graveyard shift shall be paid an additional \$.50 per hour to a maximum of \$4.00 per each swing shift or late shift worked. Full time employees within the Police Department will receive shift differential pay according to the schedule set out in the current union contract.

TEMPORARY, SEASONAL WAGES:

The hourly wage of temporary, seasonal employees range on an average from the federal minimum wage of \$6.55 per hour to \$11.55 per hour and is determined by the supervisor based on job requirements, skill and experience.

Motion carried and resolution declared duly adopted.

Moved by Beck, seconded by Barington, to adopt Resolution #2696, Plat of Lots 8-10, Wild Oak Golf Club Addition, as follows:

**RESOLUTION #2696
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 24th day of November, 2008; and

WHEREAS, it appears from an examination of the plat of LOTS 8-10, IN THE REPLAT OF TRACT A, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; as prepared by Nathan L. Jibben, 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 8-10, IN THE REPLAT OF TRACT A, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; as prepared by Nathan L. Jibben, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Backlund abstained.

Motion carried and resolution declared duly adopted.

Moved by Carpenter, seconded by Backlund, to adopt Resolution #2697, Plat of Lot 47 of the Island First Addition, as follows:

RESOLUTION #2697
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 24th day of November, 2008; and

WHEREAS, it appears from an examination of the plat of LOT 47 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 LOT 47 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 Allen, seconded by Lepke, to adopt Resolution #2698, Plat of Lots 6A and 7A, Block 1A and Lot 7, Block 1 of CJM Second Addition, as follows:

RESOLUTION #2698
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 24th day of November, 2008; and

WHEREAS, it appears from an examination of the plat of LOTS 6A AND 7A, BLOCK 1A AND LOT 7, BLOCK 1 OF CJM SECOND ADDITION, A PORTION OF PREVIOUSLY PLATTED BLOCKS 1 AND 1A OF CJM SECOND ADDITION IN THE NW ¼ OF SECTION 32, AND A PORTION OF PREVIOUSLY PLATTED IRREGULAR TRACT NO. 3 IN THE SW ¼ OF SECTION 32, ALL IN 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 6A AND 7A, BLOCK 1A AND LOT 7, BLOCK 1 OF CJM SECOND ADDITION, A PORTION OF PREVIOUSLY PLATTED BLOCKS 1 AND 1A OF CJM SECOND ADDITION IN THE NW ¼ OF SECTION 32, AND A PORTION OF PREVIOUSLY PLATTED IRREGULAR TRACT NO. 3 IN THE SW ¼ OF SECTION 32, ALL IN 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 Lepke, seconded by Carpenter, to place Ordinance #2293, Supplemental Appropriation on second reading. Motion carried. Moved by Allen, seconded by Barington, to adopt Ordinance #2293, Supplemental Appropriation, as follows:

**ORDINANCE NO. 2293
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
STREET & SIDEWALK**

101-43120-43305	Bike Path Construction	\$122,200.00
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The funding will come from grant funds in the amount of \$100,000.00 and from General Fund cash in the amount of \$22,200.00.

Motion carried and ordinance declared duly adopted.

Moved by Allen, seconded by Beck, to place Ordinance #2294, Amending Open Containers-Section 4.2.4 on second reading. Motion carried. Moved by Barington, seconded by Lepke, to adopt Ordinance #2294, Amending Open Containers-Section 4.2.4, as follows:

ORDINANCE NO. 2294

AN ORDINANCE AMENDING CITY CODE SECTION 4.2.4 OPEN CONTAINERS

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AS FOLLOWS:

Section 1. That Section 4-2-4: OPEN CONTAINERS subsections A. and B.1. be amended to read as follows:

4-2-4: OPEN CONTAINERS:

A. Liquor Establishments: It shall be unlawful for any licensee holding any on sale alcoholic beverage or malt beverage license of whatever nature to permit any person to leave the premises for which said license is issued with any open container containing an alcoholic beverage of whatever

nature on which the tap or seal has been broken, except as authorized by the City Council, pursuant to SDCL 35-1-5.3 and in connection with special events the City Council will approve the container that will be used for the special event. (1984 Code § 25-6)

B. Public Ways:

1. No alcoholic beverage shall be sold or served for consumption or consumed or possessed unless the seal of the original package remains unbroken upon any public street or public way, including any parking lot under private ownership to which the public has access or which is open or available to the public within the city, except as authorized by the City Council pursuant to SDCL 35-1-5.3 and in connection with special events the City Council will approve the container that will be used for the special event. (1984 Code § 25-2)

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. The City Finance Officer of the City of Mitchell SD, shall publish notice of adoption of this Ordinance in the official newspaper; and 20 days after the completed publication thereof, if no referendum shall be invoked, then this Ordinance shall become effective.

Motion carried and ordinance declared duly adopted.

Moved by Beck, seconded by Lepke, to place Ordinance #2295, Supplemental Appropriations, as amended, on first reading. Motion carried.

SET DATE:

Moved by Allen, seconded by Barington, that the 5th day of January, 2009 at 1:30 p.m. in the Council Chambers of City Hall be the date and time set to receive and consider bids for Concrete Pipe Project #2009-8 and Rock Chips Project #2009-10. Motion carried.

CONSIDER APPROVAL:

Moved by Beck, seconded by Lepke, to approve an automatic supplement to the Parks, Recreation & Forestry Fund in the amount of \$1,000.00 from a donation of funds for soccer team jerseys. Motion carried.

Moved by Carpenter, seconded by Allen, to authorize the Mayor to sign the Right-of-Way Certificate for the Historic Bridge Project. Motion carried.

Moved by Allen, seconded by Beck, to authorize the Mayor to sign the Utility Certificate for the Historic Bridge Project. Motion carried.

Moved by Barington, seconded by Backlund, to table the amendment to the Historic Bridge Agreement with the South Dakota Department of Transportation until the next meeting. Motion carried.

Moved by Backlund, seconded by Beck, to approve the covenants for TIF #10 for the MADC Business Park. Motion carried.

Moved by Houwman, seconded by Carpenter, to approve the agreement for Professional Services for Mitchell Landfill Expansion-Cell #2 Project #2009-12 with Helms & Associates. Motion carried.

Moved by Lepke, seconded by Carpenter, to approve the request of Dakota Wesleyan University Biology Club to conduct a raffle with the drawings to be held November 2008 through March 2009. Motion carried.

Moved by Allen, seconded by Lepke, to approve the request of the Mitchell Athletic Booster Club to conduct a raffle with the drawing to be held on December 6, 2008. Motion carried.

Moved by Backlund, seconded by Houwman, to approve the request of the James River Gobblers to conduct a raffle with the drawing to be held on January 31, 2009. Motion carried.

Moved by Beck, seconded by Carpenter, to approve the request of Dakota Wesleyan University Multicultural Committee to conduct a raffle with the drawing to be held on December 6 and 12, 2008. Motion carried.

PAY ESTIMATES:

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

- pay estimate #34 in the amount of \$469.71 for New Landfill Monitoring Project #2003-17 contracted with Leggette, Brashears & Graham,
- pay estimate #51 in the amount of \$2,614.20 for Old Landfill Leachate Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #4-Final in the amount of \$8,451.83 and change order #2 in the amount of \$315.45 decreasing the contract amount to \$117,814.55 for Hanson Street & Utilities Project #2007-38 contracted with Schoenfelder Construction,
- pay estimate #1 in the amount of \$35,601.75 and change order #1 in the amount of \$1,131.50 increasing the contract amount to \$40,790.50 for Hanson Street & Utilities Project #2007-38 contracted with Rexwinkel Concrete and
- pay estimate #3-Final in the amount of \$58,607.91 and change order #1-Final in the amount of \$497.55 increasing the contract amount to \$305,207.95 for AIP '22 Hangar Taxilane Improvements Project 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, NOVEMBER 2, 2008 – NOVEMBER 15, 2008: CITY COUNCIL-\$2,331.32, MAYOR-\$885.54, ATTORNEY-\$1,807.69, FINANCE-\$9,579.70, HUMAN RESOURCES-\$2,555.92, INFORMATION TECHNOLOGY-\$1,227.92, POLICE-\$48,030.64, TRAFFIC-\$2,857.91, FIRE-\$32,202.07, STREET-\$21,178.26, PUBLIC WORKS-\$14,276.00, CEMETERY-\$2,813.93, ANIMAL CONTROL-\$1,232.00, EMERGENCY MEDICAL SERVICES-\$8,152.84, LIBRARY-\$9,456.54, PLAYGROUNDS & ATHLETICS-\$3,481.69, RECREATION CENTER-\$8,756.34, ICE ARENA-\$985.13, CADWELL SPORTS COMPLEX-\$3,646.97, PARK-\$6,512.87, SUPERVISION-\$4,920.71, FORESTRY-\$2,520.25, E911-\$15,977.20, RSVP-\$4,516.72, PALACE TRANSIT-\$15,735.89, NUTRITION-\$271.50, WATER-\$8,928.82, WATER DISTRIBUTION-\$7,701.08, SEWER-\$10,132.58, AIRPORT-\$1,610.57, WASTE COLLECTION-\$8,663.23, LANDFILL-\$6,819.07, CORN PALACE MAINTENANCE-\$9,663.24, CORN PALACE DECORATING-\$823.88, CORN PALACE SHOWS-\$3,357.68, CORN PALACE CONCESSIONS-\$2,201.38, GOLF COURSE-\$4,381.93.

NEW HIRES (per hour rate):

ICE ARENA: Kylie Nicolaus-\$7.50

PLAYGROUNDS & ATHLETICS: Sam Fosness-\$7.00, Sydney Hofer-\$7.00, Ty Krantz-\$7.00, Wes Morgan-\$10.00, Nick Young-\$7.00

RECREATION CENTER: Ryan Gaston-\$7.00, Kyle Peschong-\$10.00, Sarah Weidler-\$6.75

WARRANTS: A&B Business, Supplies-\$284.69; A-Ox Welding Supply, Supplies-\$549.95; AAA Collections, Payroll Deduction-\$75.00; Advantage Auto Glass, Windshield Repair-\$40.00; Aflac, Payroll Deductions-\$3,134.89; Aflac/Flex One, Claims-\$1,034.44; Ag Systems, Parts-\$2.24; Al's Engraving, Supplies-\$5.95; Allied Oil & Supply, Repairs-\$180.00; American Water Works Association, Dues-\$165.00; American Society of Civil Engineers, Membership Dues-\$215.00; Bailey Metal Fabricators, Supplies-\$117.84; BankWest, TID #8 Payment-\$12,996.48; Barnes Distribution, Supplies-\$86.73; Bender's Sewer & Drain, Pump Out Holding Tank-\$98.00; Best Western Ramkota, Travel-\$70.00; Brown Traffic Products, Parts-\$1,182.00; Business Products, Supplies-\$330.26; Butler Machinery, Parts-\$1,082.14; Cabela's, Winterize Boat-\$239.82; Campbell Supply, Parts-\$393.16; Carquest Auto Parts, Parts-\$18.69; Central Electric Cooperative, Utilities-\$489.83; Charlie's Shoe Repair, Repairs-\$7.50; Chris Weber, Concrete Ramp-\$421.08; Cindy Titze, Reimbursement-\$11.99; City of Emery, Senior Meals Payroll Reimbursement-\$1,701.00; City of Mitchell, Payroll Deduction-\$20.00; Coca Cola Bottling Company, Supplies-\$452.60; Commercial Asphalt, Hot Mix-\$1,909.85; Corn Palace Concessions, Meals-\$105.00; CorTrust Bank, Purchase CD-\$162,996.48; County Fair, Supplies-\$111.38; Credit Collection Services, Payroll Deduction-\$109.34; Daily Republic, Renewal-\$142.00; Dakota Pump, Repairs-\$2,932.49; Dakota Supply Group, Parts-\$25.48; Dale Steffen, CDL Test-\$80.00; Dan Sabers, Contract Services-\$4,402.34; Danko Emergency Equipment, Equipment-\$3,899.18; Dave Grosz, Travel-\$35.00; Davison County Clerk of Courts, Background Checks-\$30.00; Day-Timers, Supplies-\$55.93; Dell Marketing, Supplies-\$129.99; Delta Dental Plan of South Dakota, Dental Premiums-\$10,598.00; Denise Felix, Refund-\$20.00; Dependable Sanitation, Recycling-\$17,083.00; Department of Social Services, Payroll Deductions-\$1,019.08; Donna Wiczorek, Contract Services-\$325.00; Dorothy Cahoy, Contract Services-\$422.50; Dorothy Stahl, Contract Services-\$325.00; Ecolab Pest Elimination, Contract Services-\$159.00; EJohnson Technologies, Equipment-\$385.50; Electronic Security Equipment, Service Call-\$95.00; Emery Senior Citizens, Reimbursement-\$100.43; Eugene

Wagaman, Travel-\$35.00; Farmers Alliance, Repairs-\$486.00; Farnams Genuine Parts, Parts-\$43.76; Farner-Bocken Company, Supplies-\$1,663.40; Fastenal Company, Supplies-\$249.94; Fedex, Transportation Charges-\$9.85; First Bankcard, Supplies-\$1,851.73; First Dakota National Bank, TID #9 Payment-\$33,084.07; First National Bank, Certificate of Deposit-\$375,000.00; First National Bank of South Dakota, TID #8 Payment-\$12,996.48; Foreman Sales & Service, Parts-\$8.96; Formulations, Supplies-\$160.97; Franklin Covey Products, Supplies-\$172.56; Frito-Lay, Supplies-\$154.14; Fulton State Bank, TID #8 Payment-\$12,996.48; General Drivers & Helpers, Union Dues-\$173.00; Global Traffic Technologies, Supplies-\$95.00; Governing, Contribution-\$16.00; Grainger, Supplies-\$458.87; Hard Drive Central, Keyboards-\$59.85; Harlow's Bus Sales, Vehicle-\$6,782.40; Harriet Baldwin, Reimbursement-\$27.56; Hartford Steam Boiler, Maintenance-\$50.00; Harve's Pro Prints, Embroidery-\$11.00; Harve's Sport Shop, Supplies-\$75.90; HD Supply Waterworks, Parts-\$2,835.60; Headsets Direct, Supplies-\$371.39; Henry Schein, Supplies-\$1,269.93; Hildi, Contract Services-\$1,050.00; Hillyard, Supplies-\$275.26; Home Federal Bank, TID #8 Payment-\$12,996.48; Integrity Transcription, Supplies-\$238.75; International Association, Membership Dues-\$395.00; Interstate Glass & Door, Door Installation-\$5,858.00; Interstate Office Products, Supplies-\$186.53; Ipromoteu, Supplies-\$48.14; Iverson Chrysler Center, Parts-\$117.32; JC Penney, Uniform Allowance-\$100.74; Jack's Campers, Parts-\$14.85; JCL Solutions-Janitors Closet, Supplies-\$301.44; Jim Zard, Travel-\$35.00; JJ Bankdraft, Supplies-\$24.05; Jones Supplies, Supplies-\$346.34; Joyce Star, Uniform Repairs-\$5.25; Julie McCord, Refund-\$30.00; Julie Pearson, Refund-\$500.00; Justice Fire & Safety, Repairs-\$547.50; K-Mart, Supplies-\$35.94; Karen Heiser, Contract Services-\$325.00; Kerry Plooster, Travel-\$35.00; Kimball-Midwest, Supplies-\$292.14; Kings Inn Hotel & Conference Center, Travel-\$209.85; Knology, Supplies-\$52.98; Krohmer Plumbing, Repairs-\$56.30; Kustom Signals, Repairs-\$75.00; Larry's I-90 Service, Equipment-\$5,120.00; Leggette Brashers & Graham, Contract Services-\$3,083.91; Leila Schamber, Contract Services-\$357.50; Lois E. Huber, Contract Services-\$629.00; Lyle Signs, Supplies-\$955.30; Lyndon Overweg, Travel-\$24.01; MC&R Pools, Pool Chemicals-\$555.25; Maurine R. Cahoy, Contract Services-\$325.00; McFarland Supply Company, Supplies-\$242.74; McLeod's Printing, Supplies-\$1,007.93; Mebius Nursery & Landscaping, Repairs-\$340.00; Meierhenry Sargent, Contract Services-\$16,250.00; Menard's, Supplies-\$394.76; Meyers Oil Company, Oil-\$574.59; Michaels Fence & Supply, Equipment-\$4,091.09; Midcontinent Communications, Utilities-\$50.56; Midwest Tire & Muffler, Repairs-\$15.00; Mitchell Concrete Product, Supplies-\$953.14; Mitchell Iron & Supply, Parts-\$397.78; Mitchell Recreation Center, Membership-\$3,600.00; Mitchell United Way, Payroll Deductions-\$194.79; MKT Equipment, Supplies-\$1,059.39; Modern Marketing, Supplies-\$161.88; Mueller Lumber Company, Supplies-\$167.66; Muth Electric, Repairs-\$1,657.82; Naeir, Supplies-\$84.60; Neenah Foundry, Supplies-\$2,773.35; Northern Balance & Scale, Repairs-\$152.00; Northland Chemical, Supplies-\$79.14; Northwestern Energy & Communications, Utilities-\$13,072.60; Old Dominion Brush, Supplies-\$1,401.12; Ortivus, Billing Software-\$1,100.00; Palace Cleaners, Mats-\$159.25; Paulson Sheet Metal, Repairs-\$302.52; Pepsi Cola, Supplies-\$565.99; Photography Unlimited, Supplies-\$245.52; Pirogues Catering, Parade of Lights-\$1,400.00; Polly Huber, Uniform Allowance-\$21.99; Pony Creek Steakhouse, Contract Services-\$2,759.75; Porter Distributing, Supplies-\$97.50; Prairieland Awning Canvas, Supplies-\$28.00; Pristine Water Solutions, Generator Lease and Chemicals-\$737.85; Pro Line Marketing, Repairs-\$87.00; Pro-Build, Supplies-\$98.02; Qualified Presort, Mailing-\$2,765.16; Qwest, Utilities-\$2,731.91; Rexwinkel Concrete, Contract Services-\$35,601.75; Rick VanOvershelde, Travel-\$35.00; Robert Johnson Construction, Contract Services-\$58,607.91; R&R Construction, Repairs-\$204.00; Santel Communications, Labor-\$80.00; Schoenfelder Construction, Contract Services-\$8,451.83; Scott Walton, Boot Allowance-\$100.00; South Dakota Department of Health, Lab-\$180.00; South Dakota Retirement System, Retirement Contributions-\$36,444.19; South Dakota State Treasurer, Sales Tax Payment-\$11,433.76; South

Dakota-Supplemental Retirement, Payroll Deductions-\$1,286.00; Sharon Rehorst, Contract Services-\$130.00; Sheehan Mack Sales & Service, Parts-\$3,410.56; Sherwin-Williams, Supplies-\$242.31; Shoemaker Computing, Computer Repairs-\$180.00; Shopko, Supplies-\$45.23; Sioux Empire Lighting, Supplies-\$125.00; Sleepy Eye Industrial Knife, Re grind Knife-\$35.00; Steamway Cleaning, Carpet Cleaning-\$60.00; Steve Clarke, Boot Reimbursement-\$100.00; Sturdevant's Auto Parts, Parts-\$1,371.22; Sun Gold Trophies, Supplies-\$174.54; Sun Life Financial, Payroll Deductions-\$1,645.67; Tessier's, Repairs-\$4,520.00; Thune True Value Hardware, Supplies-\$173.71; Titze Electric & Remodeling, Labor-\$209.36; Top-USA Corporation, Supplies-\$5.00; Tractor Supply, Supplies-\$176.37; Tri Air Testing, Supplies-\$129.00; Twirl Jet Spas, Supplies-\$40.64; Tylor Peterson, Travel-\$35.00; United States Postal Service, Postage-\$81.00; Ultramax, Ammunition-\$438.00; United Energy, LP Gas-\$22,684.38; United Energy, LP Gas-\$473.60; US Bank, TID #8 Payment-\$12,996.48; Vander Haag's, Parts-\$2,663.26; Variety Foods, Supplies-\$1,229.67; Velvet Uniforms, Jackets-\$1,148.19; Virginia Limberg, Contract Services-\$230.00; Wal-Mart, Supplies-\$570.69; Water Environment Federation, Membership Dues-\$92.00; Wells Fargo, TID #8 Payment-\$12,996.48; Wheelco Brake & Supply, Supplies-\$134.13; Wholesale Electronics, Supplies-\$89.08.

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

EXECUTIVE SESSION:

Moved by Allen, seconded by Backlund, to go into executive session as permitted by SDCL 1-25-2 (4). Motion carried. Moved by Carpenter, seconded by Beck, to come out of executive session. Motion carried.

ADJOURN:

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

Marilyn Wilson
Finance Officer