

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

**JULY 6, 2009
7:30 P.M.**

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

ABSENT: Scott Houwman

PRESIDING: Mayor Lou Sebert

AGENDA:

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

MINUTES:

Moved by Beck, seconded by Allen, to approve the minutes of the regular City Council meeting held on June 15, 2009 as amended to reflect the Public Hearing which was advertised and held on June 15, 2009 as follows:

It is advised that this is the date and time, duly advertised, for a public hearing on the South Side Water Tower Project, Drinking Water State Revolving Loan Fund. Brian McGinnis, Planner, Planning and Development District III addressed the Council and Public. The City of Mitchell expects to apply for approximately \$2,360,000.00 of SRF loan funds to be used as financing for the proposed project. Public Input was invited. No Public Input was offered, either in written or oral form. There being no further discussion, the hearing was closed.

Motion carried.

CITIZEN'S INPUT:

Council Member Travis Carpenter asked if smoking is allowed at the Cadwell Park Complex. Mayor Lou Sebert noted that smoking is not allowed in the concessions building. Policies regarding smoking in outdoor areas of the complex will be reviewed at the next meeting.

COMMITTEE REPORTS:

Finance:

The Finance Committee met on July 6, 2009 at 7:20 p.m. in the Council Chambers of City Hall. Finance Officer Marilyn Wilson reported on the first and second penny sales tax revenues. The year to date sales tax revenues are down 6.17% (\$1,851,525.69) compared to last year (\$1,973,000.00). The entertainment tax revenues are down 4.5%. It was advised that the decreases are probably due to the

struggling economy. It was reported that a proactive approach has been taken by the department heads regarding capital expenses. Some top priority items have not been completed to date and only emergency second and third priority projects have been completed. The Supplemental Appropriations Ordinance #2307 was presented for discussion purposes.

Moved by Lepke, seconded by Beck, to approve the committee report. Motion carried.

AWARD BIDS:

Bids were opened and read on the Pleasant Valley Steel TIF Project #2009-6 on the 24th day of June, 2009 in the Mayor's Office of City Hall.

PLEASANT VALLEY STEEL TIF PROJECT #2009-6

Moved by Beck, seconded by Smith to award as follows:

Bid Schedule "1" to Site 2 Inc., Sioux Falls, SD

Total Bid - \$30,590.00

Bid Schedule "2" to Site 2 Inc., Sioux Falls, SD

Total Bid - \$31,409.00

Bid Schedule "3" to Rexwinkel Concrete, Corsica, SD

Total Bid - \$28,612.93

Motion carried.

ORDINANCES:

Moved by Barington, seconded by Beck, to place Ordinance #2305, Allowing Off-Sale Sunday Sales, on second reading. Council Members present voting aye: Backlund, Barington, Beck, Smith. Council Members present voting nay: Allen, Carpenter, Lepke. Motion carried. Moved by Smith, seconded by Barington to adopt Ordinance #2305, Allowing Off-Sale Sunday Sales, as follows:

ORDINANCE #2305

PREAMBLE: Whereas SDCL 35-4-81.1. provides in part

In addition, no off-sale licensee may sell, or allow to be sold, alcoholic beverages on Sunday unless the municipality or the county by ordinance allows such sales on Sunday;

And Whereas SDCL 35-4-81.1 provides that the municipality may allow off-sale licensees to sell alcoholic beverages on Sunday; and

Whereas the City of Mitchell wants to allow off-sale licensees to be able to sell on Sundays; now therefore,

Be it ordained that any licensed off-sale dealer of alcoholic beverages may sell or allow to be sold alcoholic beverages on Sunday, pursuant to SDCL 35-4-81.1.

Council Members present voting aye: Backlund, Barington, Beck, Smith. Council Members present voting nay: Allen, Carpenter, Lepke. Motion carried.

Moved by Allen, seconded by Carpenter, to place Ordinance #2306, Supplemental Appropriations, on second reading. Motion carried. Moved by Smith, seconded by Barington, to adopt Ordinance #2306, Supplemental Appropriations, as follows:

**ORDINANCE NO. 2306
SUPPLEMENTAL APPROPRIATION ORDINANCE
AMENDING ORDINANCE NO. 2288
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 2009 according to statute:

**GENERAL FUND
FINANCE**

101-41420-42900	Fabricator's Sales Tax Rebate	\$3,000.00
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The funding will come from the General Fund cash balance.

POLICE

101-42110-43413	In-car Video System	\$3,500.00
101-42160-43402	Minor Equipment	\$6,000.00

The funding will come from grant funds.

STREET & SIDEWALK

101-43120-43110	MTI Utility Acquisition	\$224,000.00
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The funding will come from the General Fund cash balance.

CULTURE & RECREATION

101-45000-42911	Middle School swimming pool	\$19,000.00
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The funding of 33.3% of operating expenses, not to exceed \$30,000, will come from the General Fund cash balance.

ENTERPRISE FUND
CORN PALACE

613-45620-43230	Shows – Advertising	\$38,300.00
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The funding will come from grant funds from the SD State Office of Tourism and from a donation from the Mitchell Convention Visitors Bureau.

Motion carried.

PAY ESTIMATES:

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

- pay estimate #1 in the amount of \$242,067.39 for Foster Street Forceman and LS Project #2008-2 contracted with Northern Plains Construction,
- pay estimate #2 in the amount of \$85,336.89 for Paving & Overlays Project #2009-15 contracted with Commercial Asphalt,
- pay estimate #3 in the amount of \$49,387.72 for Landfill Closure Project #2008-34 contracted with Schoenfelder Construction,
- pay estimate #1 in the amount of \$30,986.28 for Sanborn Curb & Gutter Project #2009-14A contracted with Robert Johnson Construction,
- pay estimate #3 in the amount of \$30,256.92 for Landfill Expansion Project #2009-12 contracted with Louiseau Construction,
- pay estimate #3 in the amount of \$10,093.18 for Hanson Sidewalk Project #2009-4B contracted with Colwell Concrete,
- pay estimate #2 in the amount of \$8,950.50 for Curb & Gutter Project #2009-14B contracted with Rexwinkle Concrete,
- pay estimate #1 in the amount of \$4,400.00 for Pepsi Soccer Field Phase II Project #2009-33 contracted with Design Arc,
- pay estimate #2 in the amount of \$2,973.77 for Old Landfill Monitoring Project #2009-28 contracted with Leggette, Brashears & Graham,
- pay estimate #4 in the amount of \$2,110.19 for New Landfill Monitoring Project #2009-29 contracted with Leggette, Brashears & Graham, and

- pay estimate #3 in the amount of \$1,500.00 for Pepsi Soccer Field Phase II Project #2009-33 contracted with Civil Design Inc.

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

ADJOURN:

There being no further business to come before this meeting, it was moved by Lepke, seconded by Beck, to adjourn the meeting sine die. Motion carried.

Marilyn Wilson, Finance Officer

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

**JULY 6, 2009
8:00 P.M.**

PRESENT: Dan Allen, Doug Backlund, Marty Barington, Geri Beck,
Travis Carpenter, Mel Olson, Jeffrey Smith

ABSENT: Scott Houwman

PRESIDING: Mayor Lou Sebert

RECONVENE:

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

OATHS OF OFFICE:

Honorable Judge Kiner issued the Oath of Office to Mayor Lou Sebert and to City Council members as follows: Ward 1-Mel Olson, Ward 2-Travis Carpenter, Ward 3-Marty Barington, and Ward 4-Jeffrey Smith.

DEPARTMENT HEAD AND CITY ATTORNEY APPOINTMENTS:

Mayor Sebert recommended appointments of the department heads as follows:

Finance Officer	Marilyn Wilson
Public Works Director	Tim McGannon
Human Resources Director	Teri Bertness
Parks & Recreation Director	Randy Ahrendt
Golf & Cemetery Director	Kevin Thurman
Senior Services Director	Brenda Paradis
City Attorney	Randolph Stiles
Deputy City Attorney	Douglas Papendick

Honorable Judge Kiner issued the Oath of Office to department heads Marilyn Wilson, Tim McGannon, Teri Bertness, Kevin Thurman and Brenda Paradis and City Attorney Randolph Stiles and Deputy City Attorney Douglas Papendick.

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF COUNCIL:

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

Moved by Allen, seconded by Backlund, that the 20th day of July, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Jamie Grosdidier for a variance to construct a house/garage at 3100 Canal Circle, legally described as Lot 8, Island Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Backlund, seconded by Carpenter, that the 20th day of July, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Rolyn Wiczorek for a conditional use permit to operate a construction business at 1100 West Havens Avenue, legally described as Lot 8A Exc. the E165' in Lot 8D Exc. the E 65' in SW ¼, 21-103-60 and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Smith, seconded by Allen, that the 20th day of July, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Winfred N. and Douglas Jelden for a conditional use permit to operate an automotive repair garage located at 1104 West Havens Avenue, legally described as IT6, EX Lot ROW 8, SW ¼-21-103-60 and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Carpenter, seconded by Allen, that the 3rd day of August, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Canndi Balsius for a conditional use permit to operate a dog grooming business at 809 East Hanson Avenue, legally described as Lot 4 & W ½ Lot 3, Block 5, Applegate Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Beck, seconded by Backlund, that the 20th day of July, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Val Fredrich for a conditional use permit to operate a day care center in her home at 809 East 12th Avenue, legally described as Lot 6, Block 1, Northridge Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Backlund, seconded by Smith, that the 20th day of July, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Maureen Koch for a conditional use permit to operate a day care center in her home at 1420 Ridge Road, legally described as Lot 1, Block 2, SE ¼, Crestview Hills Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Allen, seconded by Backlund, that the 20th day of July, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Lisa Shippy for a conditional use permit to operate a day care center in her home at 808 East 12th Avenue, legally described as W55' of Lot 16 & E35' of Lot 17, Block 2, Northridge Addition and to direct the

Finance Officer to give notice according to statute. Motion carried.

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

RESOLUTIONS:

Moved by Beck, seconded by Allen, to adopt Resolution #2754, Authorizing Resolution for the South Water Tower Project, as follows:

**RESOLUTION #2754
AUTHORIZING RESOLUTION**

BE IT RESOLVED that the **City of Mitchell** hereby authorizes Lou Sebert, Mayor, to sign an application to the South Dakota Department of Environment and Natural Resources for a South Dakota Drinking Water State Revolving Loan Fund Loan in the amount of \$2,360,000 (two million three hundred sixty three thousand dollars) at an interest rate of 3% and a term of 20 (twenty) years and of which a portion may be forgivable principal and 0% interest. Water enterprise fund revenues shall be pledged as security toward repayment of the loan.

This loan will be secured to complete the following projects:

South Water Tower

The Mayor is hereby further authorized to sign all administrative forms to include payment requests for the Clean Water State Revolving Loan Fund Loan.

Motion carried and resolution declared duly adopted.

Moved by Carpenter, seconded by Beck, to adopt Resolution #2755, Contingency Transfer, as follows:

**RESOLUTION NO. 2755
CONTINGENCY TRANSFER**

WHEREAS, the City of Mitchell has included in the 2009 Annual Budget a contingency item which may be appropriated by resolution of the governing board to any other appropriation amount that is deemed insufficient during the year, and

WHEREAS, the budget item for the following is insufficient and it was deemed necessary that appropriation be transferred for the 2009 budget, as follows:

**GENERAL FUND
CEMETERY**

101-43700-43405	Irrigation System	\$12,000.00
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NOW THEREFORE, BE IT RESOLVED, that the transfer from contingency be approved.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Carpenter, to adopt Resolution #2756, City Attorney Contract, as follows:

**RESOLUTION NO. 2756
RESOLUTION APPROVING CONTRACT FOR THE CITY ATTORNEY**

Be it resolved by the City Council of the City of Mitchell, SD as follows:

1. That the Contract for the city attorney and deputy attached hereto as EXHIBIT 1 is hereby approved and adopted.
2. Notwithstanding the foregoing provisions of this resolution, the position of the city attorney and deputy shall remain subject to appointment as provided by law.

CITY ATTORNEY CONTRACT (Exhibit 1)

THIS AGREEMENT, made and entered into this 1st day of May, 2009, by and between City of Mitchell, South Dakota, hereinafter referred to as "City" and Randolph F. Stiles and Douglas N. Papendick, hereinafter referred to as "Law Firm", although transcribed at a later date.

WITNESSETH

WHEREAS, the City, by and through the Mayor and the City Council, has determined that a need exists for the appointment of legal counsel to act as City Attorney; and

WHEREAS, Law Firm has agreed to render their services as City Attorney for the City of Mitchell, South Dakota;

NOW, THEREFORE, in consideration of the compensation to be made by City, and the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. Term. The term of this City Attorney Contract shall be effective from the date herein beginning May 1, 2009 through June 30th, 2012, both dates inclusive.
2. Payments. As consideration for services rendered by Law Firm, the City hereby covenants and agrees to pay Law Firm in the following manner:
 - a. The sum of \$3,650.00 per year to Douglas N. Papendick as wages; and
 - b. The sum of \$48,000.00 per year to Randolph F. Stiles as wages.
3. Duties. Law Firm agrees to provide the following services to City, which services are considered as those to be rendered for the compensation as provided under Paragraph 2 above, to-wit:

- (a) Attend regular and special meetings of the City and attend meetings of other City business as requested and necessary, including department head meetings;
- (b) Provide general legal advice and legal services to Mayor, City Council and other Departments and Offices;
- (c) Furnish legal opinions when required upon any matter relating to the affairs of the City or the official duties of any municipal officer;
- (d) Provide legal services arising out of regular and normal business of the City as is necessary and appropriate;
- (e) Conduct the prosecution of all actions and proceedings arising out of violation of City ordinances;
- (f) Assist in preparation and review of all contract agreements, resolutions, ordinances, and other legal documents considered, adopted or endorsed by the City;
- (g) Maintain a working knowledge of Municipal Law on State and Federal levels;
- (h) Prepare written legal reports on current and on-going activities as well as monthly statements of legal services performed including description of service and time required to perform that service;
- (i) Amend ordinance codification as necessary;
- (j) Advise on union contract negotiations as requested;
- (k) Review proposed State legislation affecting the City and advise as necessary; and
- (l) Provide forty (40) hours of legal services at no additional charge with reference to public nuisance cases and any work performed in excess of the forty (40) hours will be billed at the rate hereinafter set forth.

Law Firm shall perform its services hereunder in a manner consistent with all applicable laws, rules of court and ethics of the legal profession.

4. Other Duties. Law Firm agrees to provide the following services to City for additional compensation at the rate of \$90.00 per hour, to-wit:

- (a) Litigation other than as specified above;

- (b) Special projects;
- (c) Municipal bonds;
- (d) Any services provided after an initial 40 hours annually (beginning May 1, 2003) rendered for public nuisance cases; and
- (e) Any continuation of previously on-going public nuisance cases begun prior to May 1, 2003, for and on behalf of City.

Said fees shall be made payable to Stiles Law Firm. Law Firm shall maintain records of the time spent on these matters and out-of-pocket expenses incurred and shall provide such records to the City. The City shall compensate Law Firm for such services as soon as practical thereafter.

5. Benefits. City agrees to provide employee retirement benefits to Randolph F. Stiles and employee health insurance benefits to Douglas N. Papendick, all of which are currently offered to other employees of the City.

6. Malpractice Insurance. Law Firm shall carry professional liability insurance with minimum limits of liability in the amount of \$500,000.00 per claim and \$1,500,000.00 aggregate and shall furnish proof of such coverage to the City.

7. Expenses. City shall reimburse Law Firm for all reasonable out-of-pocket expenses relating to this Contract to include, but not necessarily to be limited to, necessary mileage, long distance telephone charges, expert fees, deposition expenses, transcript expenses, sheriff's fees, subpoena or service of process costs and witness fees. City further agrees to maintain an annual budget and reimburse Law Firm for items including, but not limited to such professional services, contract services, supplies, travel, conferences, and dues, and specifically the City will: (1) maintain the West Publishing library, current cost \$518.00 per month; (2) pay for annual dues for membership in International Municipal Lawyers Association; (3) registration fee for annual convention and travel and lodging costs for attendance at the annual IMLA convention.

Law Firm understands that all out-of-town expenses for travel, lodging and conferences must be pre-approved by the City.

Law Firm is responsible for all of its own expenses of maintaining and operating a law office within the City of Mitchell including, but not limited to, expenses such as payroll, office furniture and equipment, building expenses and other office expenses.

Law Firm shall present an itemized list of its reasonable out-of-pocket expenses incurred during the term of this Contract, and City shall reimburse Law Firm for such expenses as soon as practical thereafter.

8. Severability. If any term or provision of this Contract or any application thereof shall be deemed invalid or unenforceable, then the remaining terms and provisions of this Contract shall not be affected thereby.

9. Amendment. This Contract represents the entire agreement of the parties hereto, and supersedes all prior negotiations or agreements between the parties whatever, written or oral. This Contract shall be amended only by written agreement executed by the parties hereto.

Motion carried and resolution declared duly adopted.

Moved by Carpenter, seconded by Barington, to adopt Resolution #2757, Authorizing Resolution for Purchase Contract of Waterworks System and System for Collection, Treatment and Disposal of Sewage, as follows:

RESOLUTION #2757
****AUTHORIZING RESOLUTION****

Whereas the City previously approved in principle the purchase from the Mitchell School District 17-2 certain waterworks systems and systems for the collection, treatment and disposal of sewage, now therefore, it is

Resolved that the Mayor may enter into and sign, on behalf of the City, the attached contract concerning the purchase by City of Mitchell the WATERWORKS SYSTEM AND SYSTEM FOR COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE from Mitchell School District 17-2 pursuant to the terms and conditions contained in said contract and subject to the approval of the Mitchell School District 17-2 of all of the terms and conditions of said agreement.

AGREEMENT FOR SALE AND PURCHASE OF WATERWORKS SYSTEM AND SYSTEM FOR COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE

That Mitchell School District 17-2, hereinafter referred to as District, wants to sell and the City of Mitchell, hereinafter referred to as City, will purchase the water system works noted below and the system for collection, treatment and disposal of sewage, noted below.

Property Description: The water works system and the system for collection, treatment and disposal of sewage noted on the attached exhibits, which are attached hereto and incorporated herein by reference.

Purchase price: The District will sell and the City will purchase the property described above for the sum of \$224,000.00 and subject to the terms hereinafter set forth, to-wit:

1. That the sale will be authorized by appropriate resolution of the District and the purchase will be authorized by appropriate resolution of the City.
2. That the District will comply with all statutory requirements to include, but not limited to SDCL 9-40-1 et seq, Chapter 9-47 and Chapter 9-48.
3. That the District will be responsible for the payment of all sewer and water charges as are now set by City or as hereinafter changed by resolution;
4. That the District will pay a capital improvement fee to the City on an annual basis, which will be computed on \$224,000 amortized over five years with an added interest rate of 2% per annum on the unpaid balance, with the first

payments of principal and interest to be due November 1st 2010; and on November 1st of each and every year thereafter, until said sum is paid in full. That the payment made will first be applied to interest and then principal.

5. That the City accepts normal maintenance of the water and sewer transmission lines lying within the R/O/W, or in easements immediately adjacent to R/O/W. District accepts maintenance of Water and Sewer Service lines serving District's property above described, including Sewer Lift Station(s) and force mains serving District's property.
6. That District's attorney will provide certification that there has been compliance with all necessary state laws and regulations with reference to the above proposed transfer.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Carpenter, seconded by Allen, to place Ordinance #2307, Supplemental Appropriations, on first reading. Motion carried.

Moved by Olson, seconded by Beck, to place Ordinance #2308, Amending Section 1-6-3 – Employment Disputes, on first reading. Motion carried.

Moved by Beck, seconded by Carpenter, to place Ordinance #2309, Amending Sections 6-1A-1, 6-1A-2, 6-1A-3 and 6-1A-5 – Dog Ordinance, with amendment, on first reading. Motion carried.

SET DATE:

Moved by Carpenter, seconded by Backlund, that the 20th day of July, 2009 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 Exchange Club for a Special Event Malt Beverage License at the rodeo grounds for the Miller Lite Bull Bash on August 19, 2009. Motion carried.

Moved by Allen, seconded by Backlund, that the 20th day of July, 2009 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 at Hitchcock Park for Tour de Corn on August 29, 2009. Motion carried.

Moved by Backlund, seconded by Allen, that the 20th day of July, 2009 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application to transfer Retail (On-Sale) Liquor License (RL-5546) from V.V. Inc. dba Steak 'N' More to Hay Company Partnership dba Steak 'N' More. Motion carried.

Moved by Smith, seconded by Backlund, that the 28th day of July, 2009 at 1:30 p.m. in the Mayor's Office of City Hall be the date and time set to receive and consider bids for Golf Cart Fleet City Project #2009-35. Motion carried.

Moved by Carpenter, seconded by Barington, that the 20th day of July, 2009 at 7:30 p.m. in the Council

Chambers of City Hall be the date and time set for hearing on the application of Mitchell Prehistoric Indian Village for a Special Event Malt Beverage License at the ampitheater for a concert on August 8, 2009. Motion carried.

CONSIDER APPROVAL:

Moved by Barington, seconded by Allen, to surplus forty (40) 2003 Golf Carts. Motion carried.

Moved by Carpenter, seconded by Beck, to approve an automatic supplement to the General Fund – Traffic Department in the amount of \$65,200.00 from grant funds for the LED Signalized Intersection Upgrade project. Motion carried.

Moved by Allen, seconded by Beck, to approve an automatic supplement to the Capital Project Fund – MADC Business Park TID #10 in the amount of \$128,496.00 from bond proceeds. Motion carried.

Moved by Beck, seconded by Backlund, to approve the Construction Change Order #5 for NH 0037(92)78 North Highway #37 Lighting in the amount of \$1,504.00, which will bring the adjusted contract amount to \$26,347.50. Motion carried.

Moved by Allen, seconded by Backlund, to approve a request of Davison County Democrats to conduct a raffle with the drawing to be held October 15, 2009. Motion carried.

Moved by Beck, seconded by Allen, to approve a request of James River Gobblers N.W.T.F. to conduct a raffle with the drawing to be held October 25, 2009. Motion carried.

Moved by Barington, seconded by Backlund, to approve a request of Mitchell Main Street & Beyond to conduct a raffle with the drawing to be held August 29, 2009. Motion carried.

BILLS:

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

PAYROLL, MAY 31, 2009 – JUNE 13, 2009: CITY COUNCIL-\$2,440.24, MAYOR-\$885.54, ATTORNEY-\$1,807.69, FINANCE-\$9,778.80, HUMANRESOURCES-\$2,698.24, INFORMATION TECHNOLOGY-\$1,329.12, POLICE-\$51,694.43, TRAFFIC-\$3,645.22, FIRE-\$32,975.78, STREET-\$24,110.18, PUBLIC WORKS-\$15,003.17, CEMETERY-\$4,331.64, MOSQUITO CONTROL-\$805.00, ANIMAL CONTROL-\$1,275.12, EMERGENCY MEDICAL SERVICES-\$10,057.46, LIBRARY-\$9,841.39, PLAYGROUND & ATHLETICS-\$12,846.71, SWIM POOL-\$12,736.86, CAMPGROUND-\$2,667.25, RECREATION CENTER-\$8,845.54, ICE ARENA-\$1,459.44, CADWELL-\$5,269.38, PARK-\$14,983.88, SUPERVISION-\$5,195.69, FORESTRY-\$2,608.48, E911-\$15,450.64, RSVP-\$3,233.40, PALACE TRANSIT-\$14,550.63, NUTRITION-\$1,621.10, WATER-\$8,483.48, WATER DISTRIBUTION-\$7,968.15, SEWER-\$9,426.48, AIRPORT-\$1,666.96, WASTE COLLECTION-\$8,845.20, LANDFILL-\$7,296.25, CORN PALACE MAINTENANCE-\$8,744.96, CORN PALACE DECORATING-\$7,077.38, CORN PALACE SHOWS-\$3,434.67, CORN PALACE CONCESSIONS-\$5,660.11, GOLF COURSE-\$8,972.21.

PAYROLL, JUNE 14, 2009 – JUNE 27, 2009: CITY COUNCIL-\$2,440.24, MAYOR-\$885.54, ATTORNEY-\$1,807.69, FINANCE-\$9,778.80, HUMAN RESOURCES-\$2,698.24, INFORMATION TECHNOLOGY-\$1,329.12, POLICE-\$51,026.64, TRAFFIC-\$3,619.51, FIRE-\$32,012.62, STREET-\$23,707.43, PUBLIC WORKS-\$14,977.68, CEMETERY-\$4,632.92, MOSQUITO CONTROL-\$885.50, ANIMAL CONTROL-\$1,275.12, EMERGENCY MEDICAL SERVICES-\$9,445.59, LIBRARY-\$9,845.78, PLAYGROUND & ATHLETICS-\$13,397.54, SWIM POOL-\$16,622.87, CAMPGROUND-\$2,699.25, RECREATION CENTER-\$8,970.22, ICE ARENA-\$1,459.44, CADWELL-\$5,318.13, PARK-\$16,643.55, SUPERVISION-\$5,195.69, FORESTRY-\$2,608.48, E911-\$15,327.52, RSVP-\$3,233.40, PALACE TRANSIT-\$15,196.36, NUTRITION-\$1,549.85, WATER-\$8,761.46, WATER DISTRIBUTION-\$8,634.72, SEWER-\$9,955.17, AIRPORT-\$1,666.96, WASTE COLLECTION-\$8,653.72, LANDFILL-\$7,798.09, CORN PALACE MAINTENANCE-\$8,744.96, CORN PALACE DECORATING-\$11,903.88, CORN PALACE SHOWS-\$3,862.46, CORN PALACE CONCESSIONS-\$5,657.80, GOLF COURSE-\$8,556.71.

SALARY ADJUSTMENTS (per hour rate):

FIRE: Zach Dalrymple-\$13.227; Luke Ruml-\$12.648

GOLF: Tom Crockett-\$8.00; Chase Hetland-\$8.00; Tanner Hetland-\$8.00

POLICE: Dan Kopfmann-\$20.407; Mike Koster-\$23.989

NEW HIRES (per hour rate):

CADWELL: Tim McCain-\$9.00; Josh Wenande-\$8.00; Nick Wenande-\$8.00

CITY COUNCIL: Mel Olson-\$305.03 (two week salary)

CORN PALACE CONCESSIONS: Ashley Bahm-\$7.25; Jessica Clelland-\$7.25; Lindi Clelland-\$7.25

CORN PALACE DECORATING: Adam Aslesen-\$10.00; Kade Haley-\$10.00; Casey Hettinger-\$10.00; Shawn Hilton-\$10.00; Randy Kiewel-\$10.00; Rory Kolbeck-\$10.00; Walker Kurle-\$10.00; Wesley Liddeke-\$10.00; Jordan Long-\$10.00; Daniel McCloud-\$21.00; Randy Meinke-\$16.00; Jordan Miller-\$10.00; Elliot Nelson-\$10.00; Stephen Peschong-\$10.00; Benjamin Reichel-\$10.00

FIRE: Ben DeVries-\$12.067

NUTRITION: Marjori Novak-\$7.50

PLAYGROUND & ATHLETICS: Jason Babl-\$10.00; Jesse Elward-\$7.25; Rickey Nelson-\$8.00; Laura Osterloo-\$10.00; Megan Roth-\$7.50

RECREATION CENTER: Nicole Wittstruck-\$7.25

SEWER: Tyler Veurink-\$13.384

SWIMMING POOL: Brianna Hofer-\$7.50; Reid Determan-\$7.50

WARRANTS: A-Ox Welding Supply Company, Supplies-\$52.60; Accounts Management, Payroll Deduction-\$148.98; Advance Auto Parts, Parts-\$123.36; Aflac, Aflac Withholding-\$3,142.56; Aflac/Flex One, Flex One Checks-\$1,504.57; AIA Corporation, Supplies-\$692.35; Al's Engraving, Name Plates-\$15.73; All Star Removal, Lawn Care-\$255.00; Alltel, Utilities-\$2,580.55; American Garage Door Company, Labor-\$846.25; American Red Cross, Supplies-\$877.69; Auto Body Specialties, Supplies-\$271.25; B-Y Water, Water Usage-\$43,029.00; Bailey Metal Fabricators, Supplies-\$116.21; Baker Bros Electric, Labor-\$693.12; Becker Arena Products, Supplies-\$85.64; Ben DeVries, Reimbursement-\$100.00; Bender's Sewer & Drain, Pump-out Holding Tank-\$213.00; Best Western Ramkota Inn, Travel-\$405.00; Birch Communications, Utilities-\$46.93; Blue Cross Blue Shield, Insurance Refund-\$297.00; Brian Kelly, Supplies-\$674.30; Bruce Mastel, Contract Services-\$200.00; Bruce Sign Company, Golf Course Signs-\$2,141.00; Business Products, Supplies-\$2,070.52; Calibre Press, Registrations-\$430.00; Campbell Supply, Supplies-\$1,292.13; Card Services, Supplies-\$58.65; Central Electric Cooperative, Utilities-\$8,536.24; Chad Colwell Concrete, Contract Services-\$10,093.18; Chuck's Paint & Blinds, Supplies-\$460.67; City Beautification Committee, Allocation-\$21,000.00; City of Mitchell, Payroll Deduction-\$50.00; Civil Design, Contract Services-\$1,500.00; Coca Cola Bottling Company, Supplies-\$1,952.60; Commercial Asphalt, Hot Mix-\$15,295.19; Commercial Asphalt, Contract Services-\$85,336.89; Cook Implement, Supplies-\$732.00; Cook's Inn, Contract Services-\$1,049.75; Corn Palace Corn-Cessions, Supplies-\$45.00; County Fair, Supplies-\$16.87; Credit Collection Services, Payroll Deduction-\$368.89; CSI Forensic Supply, Supplies-\$72.19; Cues, Supplies-\$449.78; Daily Republic, Park Ads & Brochure-\$7,062.43; Dakota Fluid Power, Supplies-\$349.79; Dakota Landscaping & Irrigation, Repairs-\$400.00; Dakota Pump, Repairs-\$801.81; Dakota Supply Group, Supplies-\$1,119.35; Dakota Two-Way, Equipment-\$823.00; Dan Grigg Images, Supplies-\$179.20; Dan Sabers, Contract Services-\$7,347.70; Daniel Kopfmann, Boot Allowance-\$100.00; Davis Equipment, Supplies-\$88.36; Davison County Register of Deeds, Copies-\$15.00; Dean Knippling, Travel-\$104.61; Debbie Vaughn, Shoe Allowance-\$74.19; Dependable Sanitation, Recycling-\$17,083.00; Department of Social Services, Child Support-\$2,451.25; Design Arc, Contract Services-\$4,400.00; Design Solutions & Integration, Supplies-\$338.35; Dick's Towing, Police Tow-\$100.00; Dippin' Dots, Supplies-\$1,011.20; Don Everson, Travel-\$52.00; Donna Wieczorek, Contract Services-\$390.00; Dorothy Stahl, Contract Services-\$260.00; Dakota Wesleyan University Campus Bookstore, Book-\$71.00; Ellefson Implement, Parts-\$672.12; Emery Senior Citizens, Utilities Reimbursement-\$85.03; Emme Sand & Gravel, Wash Sand-\$1,083.95; Energy Laboratories, Lab-\$75.00; Engineering Unlimited, Supplies-\$82.63; Environmental Toxicity Control, Testing-\$325.00; Fabric Warehouse, Supplies-\$87.43; Farmers Alliance, Chemicals-\$1,975.23; Farner-Bocken Company, Supplies-\$13,398.02; Fastenal Company, Supplies-\$94.47; First Bankcard, Supplies-\$4,018.08; Florida Micro, Supplies-\$67.24; Frito-Lay, Supplies-\$268.86; Frontier Precision, Supplies-\$109.10; Gallus Thill, Contract Services-\$220.00; Garden of Eden, Repairs-\$45.99; Gaylen's Homegrown Popcorn, Supplies-\$195.00; Gehl Foods, Supplies-\$40.00; General Drivers & Helpers, Union Dues-\$179.00; Graham Tire Company, Tires-\$1,850.71; Grainger, Supplies-\$67.78; Great Western Tire Company, Tires-\$1,608.04; Harve's Pro Prints, Embroidered Logo-\$12.00; Harve's Sport Shop, Supplies-\$954.55; Hawkins, Pool Chemicals-\$3,680.29; HD Supply Waterworks, Supplies-\$1,114.30; Henry Schein, Supplies-\$42.00; Hillyard, Supplies-\$202.87; Honda of Mitchell, Supplies-\$25.98; Independent Viking Glass, Doors & Installation-\$8,981.00; Insurance Benefits, Airport Liability-\$5,087.50; Integrity Transcription, Supplies-\$183.75; Interstate Glass & Door, Repairs-\$97.96; International Public Management Association for Human Resources, Registration-\$187.48; Iverson Chrysler Center, Parts-\$1,221.50;

James Valley Community Center, Contract Services-\$520.00; James Valley Nursery, Supplies-\$2,360.34; Janice Peterson, Travel-\$23.00; JCL Solutions-Janitors Closet, Supplies-\$799.00; Jeff Spars, Tools-\$32.40; Johnstone Supply of Sioux Falls, Tank Exchange-\$47.50; Jones Supplies, Supplies-\$1,743.40; Joyce Star, Uniform Repairs-\$151.00; K-Mart, Supplies-\$83.48; Karen Heiser, Contract Services-\$390.00; Kay Park-Rec Corporation, Equipment-\$2,576.00; Kelly Knippling, Travel-\$52.00; Knology, Supplies-\$52.11; KORN/KQRN Radio, Advertising-\$2,000.00; Kris Murtha, Travel-\$92.80; Lakeview Sales, Supplies-\$345.76; Leggette Brashers & Graham, Contract Services-\$5,083.96; Leila Schamber, Contract Services-\$617.50; Locators and Supplies, Supplies-\$610.93; Lois E. Huber, Contract Services-\$777.00; Loiseau Construction, Contract Services-\$30,256.92; Lori Solberg, Refund-\$18.00; Marilyn Wilson, Reimbursement-\$45.00; Maurine R. Cahoy, Contract Services-\$455.00; Mcfarland Supply Company, Supplies-\$288.84; Mcleod's Printing, Supplies-\$1,626.84; Mebius Nursery & Landscaping, Trees-\$310.00; Medical Waste Transport, Contract Service-\$82.64; Menard's, Supplies-\$2,008.11; Meridian Grain, Road Salt-\$2,640.40; Meyers Oil, Supplies-\$1,719.72; Michael Todd & Company, Supplies-\$447.28; Midcontinent Communications, Utilities-\$152.35; Midwest Financial Processing, Equipment-\$3,000.00; Midwest Marketing, Services-\$884.60; Midwest Tire & Muffler, Tires-\$208.45; Midwest Turf & Irrigation, Supplies-\$41.37; Stephanie Norton, Refund-\$28.14; Mitchell Area Convention Visitors Bureau, Web Expenses-\$159.50; Mitchell Concrete Product, Supplies-\$757.70; Mitchell Iron & Supply, Repairs-\$166.64; Mitchell Lawn Care, Mowing-\$80.00; Mitchell School District, City Share-\$957.64; Mitchell United Way, United Way Deductions-\$352.54; Mr. Golf Car, Lease Cars-\$2,000.00; Mitchell Technical Institute Business & Industry Training, Training-\$1,000.00; Mueller Lumber Company, Supplies-\$246.69; Muth Electric, Supplies-\$612.26; Muth Technology, Supplies-\$107.51; National School Towel Sale, Supplies-\$153.57; Neenah Foundry, Parts-\$1,649.59; Neil Putnam, Travel-\$35.00; Neve's Uniforms, Supplies-\$131.31; New Deal Tire, Tire Disposal-\$1,859.55; Noridan Medicare, Insurance Refund-\$331.78; Northern Plains Construction, Contract Services-\$242,067.39; Northwestern Energy, Repairs-\$270.25; Northwestern Energy & Communications, Utilities-\$32,553.90; Office of Attorney General, Book-\$15.00; Olson Biochemistry Labs, Lab Fee-\$178.08; Oriental Trading Company, Supplies-\$232.86; Palace Cleaners, Supplies-\$514.70; Palace Motors, Parts-\$4.51; Palace Transit, Reimbursement-\$114.48; Papa Murphy's Pizza, Supplies-\$571.20; Pennington County Sheriff, Evaluation-\$300.00; Pepsi Cola Company, Water Cooler Rental-\$1,511.44; Petty Cash, Postage-\$22.09; Pony Creek Steakhouse, Contract Services-\$4,075.20; Porter Distributing, Supplies-\$162.50; Pratt Audio-Visuals & Video, Monitor-\$375.00; Premier Pest Control, Pest Control-\$130.00; Pristine Water Solutions, Generator Lease & Chemicals-\$901.40; Pro-Build, Supplies-\$594.11; Public Safety Center, Supplies-\$891.36; Qualified Presort, Mailing Service-\$1,224.19; Qwest, Utilities-\$2,494.53; Regarding Cards, Supplies-\$744.00; Reimnitz Construction, Labor-\$306.12; Rew's TV Service, Microwaves-\$358.00; Rexwinkel Concrete, Contract Services-\$9,400.50; Rick VanOverschelde, Travel-\$18.00; River Cities Public Transit, Registration-\$416.00; Robert Johnson Construction, Contract Services-\$30,986.28; Robert Koepke, Travel-\$93.00; Rob's Short Stop, Supplies-\$4.57; Rocs Transit, Directors Association Dues-\$25.00; Ron Tietz, Repairs-\$364.00; Ron's Bicycle Shop, Keys-\$34.00; Ryan Titze, Travel-\$57.00; S & M Printing Company, Supplies-\$218.00; S & S Willers, Sand-\$589.05; Sanitation Products, Garbage Containers-\$10,200.00; Santel Communications, Utilities-\$182.85; Schoenfelder Construction, Contract Services-\$49,387.72; Schuh Painting, Painting Services-\$1,561.23; Scott Supply Company, Supplies-\$61.56; Scott Walton, Travel-\$78.00; Scott's Vallet Cleaners, Cleaning-\$37.25; South Dakota Department of Health, Lab-\$2,093.00; South Dakota Department of Revenue, License Renewal-\$70.00; South Dakota Municipal League, Registration-\$20.00; South Dakota Retirement System, South Dakota Retirement System Payment-\$75,183.51; South Dakota State Treasurer, Sales Tax Payment-\$21,093.62; South Dakota-

Supplemental Retirement, Supplemental Retirement Payment-\$2,882.00; Sertoma Butterfly House, Field Trip-\$30.00; Sharon Rehorst, Travel-\$195.00; Sheehan Mack Sales & Service, Parts-\$731.71; Sherwin-Williams Company, Supplies-\$107.50; Shoemaker Computing, Repairs-\$120.00; Shopko, Supplies-\$201.06; Sign Pro, Sign Repairs-\$436.82; Sioux Equipment, Parts-\$261.12; Southeast South Dakota Tourism, Dues-\$195.00; Stan Houston Equipment, Supplies-\$158.16; Steamway Cleaning, Cleaning-\$50.00; Sterling Codifiers, Supplies-\$158.00; Sturdevant's Auto Parts, Parts-\$3,052.07; Sun Gold Trophies, Supplies-\$5,842.78; Sun Life Financial, Life Insurance Deduct-\$1,063.97; Superior Lamp, Supplies-\$943.26; Tennant Sales & Service, Supplies-\$24.45; Teresa Gebel, Refund-\$22.00; Teri Bertness, Travel-\$57.00; Test America Laboratories, Lab-\$5,515.37; Thune True Value Hardware, Supplies-\$410.52; TK Electric, Repairs-\$1,031.88; Tractor Supply Credit Plan, Supplies-\$202.12; United Energy, Supplies-\$21,646.59; United Health Care, Insurance Refund-\$82.94; UPS Store, Shipping Charges-\$256.72; United States Postal Service, Postage-\$484.00; United States Postmaster, Stamps-\$396.00; Van Diest Supply Company, Chemicals-\$910.00; Variety Foods, Supplies-\$1,044.59; Velvet Uniforms, Supplies-\$90.17; Vermeer High Plains, Supplies-\$600.07; Virginia Limberg, Personal Training-\$1,247.00; Visiontron, Supplies-\$758.60; Walmart, Supplies-\$1,479.80; Wells Fargo Bank, TID Payment-\$1,603.60; West River Beverage, Supplies-\$668.00; West Sioux Ceramics & Dakota Potters Supply, Classes-\$113.96; Wheelco Brake & Supply, Supplies-\$748.81; Wholesale Electronics, Supplies-\$147.09; Williams Musical & Office Equipment, Retune Piano-\$45.00; Zimco Supply, Chemicals-\$1,372.50.

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

EXECUTIVE SESSION:

Moved by Beck, seconded by Backlund, to go into executive session as permitted by SDCL 1-25-2 (3) and SDCL 1-25-2 (4.) Motion carried. Moved by Smith, 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

Published once at the approximate cost of _____.