

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

**NOVEMBER 2, 2009
7:30 P.M.**

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

ABSENT: none

PRESIDING: Mayor Lou Sebert

AGENDA:

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

MINUTES:

Moved by Allen, seconded by Houwman, to approve the minutes of the regular City Council meeting held on October 19, 2009. Motion carried.

CITIZEN'S INPUT:

Teri Bertness, Director of Human Resources, presented two state library award certificates to Jackie Hess, Library Director.

Curt Hart, DWU Athletic Director, informed the council that DWU wanted to be involved in the Pepsi Soccer Complex project and noted they will be giving a \$150,000.00 donation to the complex. It was noted by council member Dan Allen that three years ago on October 30, 2006, Mayor Lou Sebert appointed members to the Soccer Task Force. The goal at that time was to raise \$700,000.00 in donations. With today's donation from DWU, the total amount of funds donated has reached \$722,000.00. Dale Ruden, the DWU Women's Soccer Coach, presented Mayor Sebert with a DWU soccer ball and scarves. Coach Ruden was congratulated on being the 2009 GPAC Soccer Champions.

BOARD OF ADJUSTMENT:

Moved by Houwman, seconded by Beck, 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 Ethan Lumber for a variance to construct a garage, located at the 1000 block of Carl Road, Lot 5A, Block 4, Crane'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 The applicant has withdrawn their application.

It was advised that this is the date and time set for hearing on the application of Rodger Kulm for a conditional use permit to operate a small engine repair, located at 1001 South Rowley Street, Lots 1 and

2, Block 13, University 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 recommended approval of said application with the condition of no outside storage and a review in six months. Moved by Carpenter, seconded by Allen, to approve said application with the recommended conditions. Motion carried.

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

COMMITTEE REPORTS:

Public Health and Safety:

The Public Health and Safety Committee met on November 2, 2009. There was a request from Chuck Mauszycki to have a street light placed on Commerce Street, which is a fairly new street just west of the Highway 37 bypass between 8th Street and 15th Street. Terry Johnson, Deputy Director of Public Works, said that he recommends placing lights on the seven existing poles along Commerce Street. Northwestern Energy provides the lights and the city's cost is approximately \$13.00 per month per pole for the utility costs. The committee approved placing lights on the existing poles.

Finance Committee:

The Finance Committee met on November 2, 2009. Finance Officer Marilyn Wilson reviewed the audit report from Gary Larson, CPA, for the year ended December 31, 2008. Wilson noted that there were no deficiencies in internal control, the city complied with all material respects, and Mr. Larson presented an unqualified opinion regarding the financial statements. Council member Mel Olson congratulated Marilyn Wilson and her staff for doing a good job with the audit. Marilyn Wilson noted that she had received a request from council member Doug Backlund regarding the Finance Office accepting credit and debit cards for payment of utility bills, fines, and other fees. Wilson had done a survey of other SD first-class municipalities a few years ago, and at that time, there were only a couple of cities that accepted payment cards. Wilson conducted another survey this week of the other first class municipalities and noted there are 5 cities that do not accept cards and 9 cities that do accept cards. Council member Jeff Smith noted that technology has advanced so much in the last few years and it is time to look at this issue more closely. City Attorney Randy Stiles stated that he had some concerns regarding charging a convenience fee to the customer, and whether there would be any issues with bonding companies. Council member Mel Olson stated that he thought it was a good idea to accept payment cards, but doesn't think the city should lose money by doing so. A motion was made to have the Finance Officer move forward with gathering more information so a final decision could be made in the near future.

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

REJECT BIDS:

Bids were opened and read on the Bike Path over Canal at Lake Mitchell POENH (49) Mitchell Project #2007-37 on the 13th day of October, 2009 in the council chambers of City Hall.

BIKE PATH OVER CANAL AT LAKE MITCHELL

**POENH (49) MITCHELL
PROJECT #2007-37**

The low bid was received from Nolz Dragline in the amount of \$129,392.34. However, the company did not meet the federal requirements of getting bids from disadvantaged businesses who are owned 50% by women or minorities. It was recommended by Tim McGannon, Public Works Director, to reject all bids. Moved by Carpenter, seconded by Olson, to reject the low bid from Nolz Dragline. Motion carried.

ORDINANCES:

Moved by Allen, seconded by Beck, to place Ordinance #2318, Supplemental Appropriations, on second reading. Motion carried. Moved by Smith, seconded by Houwman, to adopt Ordinance #2318, Supplemental Appropriations, as follows:

**ORDINANCE NO. 2318
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
STREET AND SIDEWALK**

101-43120-43310	Alley Paving	\$52,000.00
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The funding will come from General Fund cash balance.

Motion carried and ordinance declared duly adopted.

Moved by Houwman, seconded by Barington, to place Ordinance #2319, Rezoning Holy Spirit and Avera Queen of Peace Property, on first reading. Motion carried.

Moved by Carpenter, seconded by Beck, to place Ordinance #2320, Amending Section 7-5-2A of the City Code, on first reading. Motion carried.

SET DATE:

Moved by Smith, seconded by Beck, that the 10th day of November, 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 the Statuary Building Demolition Project. Discussion followed. Georgi Streetman asked the council if it was feasible to repair and use the lower area of this property which was formerly used by Rozum Motor Company. Her suggestion was to use it as a lower level parking garage or as a storage area. Mayor Lou Sebert and Public Works Director Tim McGannon both commented that the current condition of the lower area is

deteriorating and in poor shape. It would not be economically feasible to repair the structure. There are cracks in the supporting beams and ceiling posts and there are also several areas where rebar is showing. Ms. Streetman noted that there are several residents who do not want to see a parking lot on Main Street. Tim McGannon noted that all of the concrete will be removed and replaced with engineered fill so that the lot could possibly be used for constructing a building at some point in the future. In addition, there will also be a 10-foot wide area of sloped grass and trees planted to provide some green space in addition to the parking. Mayor Sebert called the question and the motion carried.

Moved by Carpenter, seconded by Allen, that the 23rd day of November, 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 the POENH (4) 424R Historic Bridge Relocation Project. Motion carried.

CONSIDER APPROVAL:

The City of Mitchell received an offer from the SD Department of Transportation to purchase surplus property, legally described as Lots 1-6 of Block 13, Railroad Addition to the City of Mitchell, except Lots H1 therein at the appraised value of \$45,500. The property is the site of the former Robo Car Wash. The city currently leases the property from the state for \$1.00 per year. A discussion followed regarding possible future uses for the property and the option of submitting a counter-offer or purchasing the property at auction. Moved by Backlund, seconded by Allen, to reject the state's offer to purchase the property for \$45,500. Motion carried.

Scott Houwman, council member, is proposing to build a water feature that would be located near the #11 tee box at Lakeview Golf Course. There would be pumps to circulate the water through the pond that sits partially on Houwman's personal property and partially on city property. The proposed water feature would be visible from the golf course and the road. He has already done improvements to the pond area by cleaning out the debris and stocking the pond with fish approved by the Game, Fish and Parks Department for algae control. Terry Kirby voiced concerns regarding liability issues and who would be responsible for future maintenance costs. Moved by Carpenter, seconded by Beck, to approve the construction of the water feature subject to a contractual agreement that will be written by City Attorney Randy Stiles. Houwman abstained. Motion carried.

Moved by Allen, seconded by Carpenter, to approve Change Order #2 to Muth Electric Inc. for AIP `23 Schedule "B" Electrical Runway 12/30 Reconstruction increasing the contract price by \$18,494.08 to \$595,384.08. Motion carried.

Moved by Carpenter, seconded by Beck, to approve a request of the Char Greenway Memorial to conduct a raffle with the drawing to be held on November 21, 2009. Barington abstained. Motion carried.

Moved by Beck, seconded by Barington, to approve a request of Resurrection Lutheran Church to conduct a raffle with the drawing to be held on December 5, 2009. Motion carried.

Moved by Backlund, seconded by Allen, to approve a request of the MTI ADBC Students to conduct a raffle with the drawing to be held on January 13, 2010. Motion carried.

Moved by Beck, seconded by Backlund, to approve a request of Mitchell High School Friend de Coup Show Choir to conduct a raffle with the drawing to be held on January 14, 2010. Motion carried.

PAY ESTIMATES:

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

- pay estimate #5 in the amount of \$73,780.72 for Foster Street Lift Station Project #2008-2 contracted with Northern Plains Construction,
- pay estimate #20 in the amount of \$4,920.51 for Foster Street Lift Station Project #2008-2 contracted with SPN & Associates,
- pay estimate #4 in the amount of \$225.00 for Police Gun Range Project #2008-35 contracted with Helms & Associates,
- pay estimate #3-Final in the amount of \$14,691.53 for Norway Sidewalk Project #2009-4-A contracted with Bartscher Cement & Masonry,
- pay estimate #7 in the amount of \$7,923.08 for Hazardous Sidewalk Project #2009-4C contracted with Colwell Concrete,
- pay estimate #5 in the amount of \$9,647.66 for Paving & Overlay Project #2009-15 contracted with Commercial Asphalt,
- pay estimate #3 in the amount of \$2,040.89 for Bike Path Project #2009-27 contracted with SDDOT,
- pay estimate #7 in the amount of \$1,890.55 for New Landfill Monitoring Project #2009-29 contracted with Leggette, Brashears & Graham,
- pay estimate #2 in the amount of \$60,000.00 for South Side Water Tower Project #2009-30 contracted with SPN & Associates,
- pay estimate #3 in the amount of \$312.53 for Pepsi Soccer Fields PH. II Project #2009-33 contracted with Design Arc,
- pay estimate #1 in the amount of \$35,500.00 for Pepsi Soccer Fields PH. II Project #2009-33 contracted with Mueller Lumber Company,
- pay estimate #4 in the amount of \$1,317.88 for West End Bridge Project #2011-2 contracted with SDDOT,
- pay estimate #5 in the amount of \$215,688.27 for AIP `23 Runway 12/30 Reconstruct contracted to Muth Electric, and
- pay estimate #5 in the amount of \$1,483,239.28 for AIP `23 Runway 12/30 Reconstruct contracted to Commercial Asphalt.

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

BILLS:

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

PAYROLL, OCTOBER 4, 2009 – OCTOBER 17, 2009: City Council-\$2,440.24, Mayor-\$885.54, Attorney-\$1,986.55, Finance-\$9,778.77, Human Resources-\$2,698.24, Information Technology-\$1,329.12, Police-\$54,308.01, Traffic-\$2,958.00, Fire-\$33,221.34, Street-\$23,014.96, Public Works-\$14,776.39, Cemetery-\$3,050.37, Animal Control-\$1,275.12, Emergency Medical Services-\$9,171.22, Library-\$9,833.66, Playground & Athletics-\$7,089.27, Campground-\$1,236.00, Recreation Center-\$9,882.78, Ice Arena-\$866.25, Cadwell-\$3,827.60, Soccer Complex-\$464.00, Park-\$6,690.64, Supervision-\$5,195.66, Forestry-\$2,636.07, E911-\$16,188.66, RSVP-\$3,252.48, Palace Transit-\$15,012.60, Nutrition-\$1,664.90, Water-\$7,266.36, Water Distribution-\$7,845.99, Sewer-\$9,545.10, Airport-\$1,666.97, Waste Collection-\$8,172.00, Landfill-\$7,263.95, Corn Palace Maintenance-\$9,084.57, Corn Palace Decorating-\$5,822.00, Corn Palace Shows-\$3,215.07, Corn Palace Concessions-\$1,903.65, Golf Course-\$5,716.11.

SALARY ADJUSTMENTS (per hour rate):

Fire/EMS: Brad Kobza-\$13.227

Police: John Badker-\$18.773

NEW HIRES (per hour rate):

Palace Transit: Scott Brookbank-\$10.393

Playground & Athletics: Vanessa Rodriquez-\$9.00, Jackson Lambert-\$7.50

TRANSFERS:

Ice Arena: Ed Geidel, John Titze

WARRANTS: A & B Business, Supplies-\$87.05; Advance Auto Parts, Parts-\$63.83; Aflac, Aflac Withholding-\$3,247.59; Aflac/Flex One, Flex One Payments-\$1,498.94; Al's Engraving, Name Badges-\$31.78; Anna Mae Spencer, Contract Services-\$550.00; Arctic Refrigeration, Repairs-\$85.32; Auto Body Specialties, Supplies-\$23.86; B & B Upholstery, Repairs-\$264.20; Bailey Metal Fabricators, Labor-\$16.26; Bartscher Cement, Contract Services-\$14,691.53; Boyer Trucks Sioux Falls, Parts-\$531.54; Brown Traffic Products, Supplies-\$750.00; Business Products, Supplies-\$702.34; Butler Machinery, Parts-\$22.03; Campbell Supply, Supplies-\$365.89; Carquest Auto Parts, Parts-\$38.85; Chad Colwell Concrete, Contract Services-\$7,923.08; Chuck's Paint & Blinds, Supplies-\$62.50; City of Emery, Payroll Reimbursement-\$2,013.60; City of Mitchell, Payroll Deduction-\$25.00; Coca Cola Bottling Company, Supplies-\$307.90; Commercial Asphalt, Contract Services-\$1,492,886.93; Corn Palace Concessions, Supplies-\$32.00; County Fair, Supplies-\$83.78;

Dakota Fluid Power, Parts-\$1,216.75; Dakota Pump, Repairs-\$7,208.46; Dakota Supply Group, Supplies-\$667.73; Dan Grigg Images, Supplies-\$2,758.70; Dan Sabers, Reimbursement-\$5,344.74; Danko Emergency Equipment, Supplies-\$52.54; Dave's Recovery, Police Tow-\$45.00; Davis Equipment, Parts-\$465.04; Davison Rural Water System, Water Usage-\$45.80; Deb Overseth, Reimbursement-\$28.00; Dependable Sanitation, Recycling-\$17,083.00; Department of Social Services, Child Support-\$1,049.55; Design Arc, Contract Services-\$761.53; Dick's Body Shop, Repairs-\$60.00; Ditch Witch of South Dakota, Supplies-\$44.73; Donna Wieczorek, Contract Services-\$300.00; Dr. Robert Snortum, Contract Services-\$1,500.00; Ellefson Implement, Parts-\$242.21; Emery Senior Citizens, Utility Reimbursement-\$159.48; Emily Grode, Reimbursement-\$388.00; Farmers Alliance, Labor & Parts-\$4,087.53; Farnams Genuine Parts, Parts-\$60.22; Fastenal Company, Supplies-\$2,101.95; First Bankcard, Supplies-\$1,646.79; Fisher Scientific, Supplies-\$62.78; Forestry Suppliers, Supplies-\$913.43; G & R Controls, Repairs-\$302.50; General Drivers & Helpers, Union Dues-\$179.00; Graham Tire, Tire Repairs-\$125.95; Grainger, Supplies-\$76.00; Hach Company, Supplies-\$406.56; Haroldson's A & B Business, Supplies-\$191.98; HD Supply Waterworks, Supplies-\$1,962.48; Health Communications, Manuals-\$2,443.52; Helms & Associates, Contract Services-\$225.00; Hillyard, Supplies-\$466.03; Honda of Mitchell, Supplies-\$29.90; Hydrologic Water Management, Supplies-\$3,334.58; Integrity Transcription, Transcribing Service-\$281.25; Interstate Office Products, Supplies-\$351.04; Intoximeters, Supplies-\$1,626.00; Iverson Chrysler Center, Parts-\$639.99; James Valley Nursery, Supplies-\$227.50; Janet Jazz Moser, King Canopy Tent-\$400.00; JCL Solutions-Janitors Closet, Supplies-\$1,519.83; Jones Repair, Supplies-\$590.00; Jones Supplies, Supplies-\$784.60; Josh's Mowing Service, Mowing Service-\$100.00; Joyce Star, Uniform Repairs-\$80.00; Karen Heiser, Contract Services-\$200.00; Kathy Kaye Foods, Supplies-\$1,800.00; Katie Buschbach, Personal Training Fees-\$190.00; Knology, Supplies-\$52.11; Kustom Signals, Parts-\$84.00; Lakeview Sales, Supplies-\$287.60; Leggette Brashers & Graham, Contract Services-\$1,890.55; Leila Schamber, Contract Services-\$450.00; Lois E. Huber, Contract Services-\$814.00; Louis Sebert, Travel-\$188.13; M & T Fire & Safety, Portable Generator-\$1,377.63; MC&R Pools, Pool Chemicals-\$683.32; Mcfarland Supply Company, Supplies-\$356.06; Mebius Nursery & Landscaping, Winterize Irrigation System-\$75.00; Menard's, Supplies-\$1,122.18; Meyers Oil Company, Oil-\$1,508.36; Michaels Fence & Supply, Supplies-\$3,484.17; Midcontinent Communication, Utilities-\$56.65; Midwest Fire & Safety, Fire Extinguisher Recharge-\$35.00; Midwest Tire & Muffler, Repairs-\$11.73; Travis Kasuske, Refund-\$165.56; Mitchell Community Scholarship, Round-Up-\$727.94; Mitchell Ford, Parts-\$38.73; Mitchell Iron & Supply, Supplies-\$3.15; Mitchell School District, City Share-\$1,087.69; Mitchell United Way, United Way Deductions-\$156.75; Mueller Lumber Company, Supplies-\$35,815.44; Muth Electric, Repairs-\$216,338.91; Neve's Uniforms, Supplies-\$362.00; North Central Seed, Lawn Mixture-\$102.50; Northern Plains Construction, Contract Services-\$73,780.72; Northwestern Energy & Communications, Utilities-\$34,356.46; O'Reilly Auto Parts, Motor Oil-\$51.96; Palace City Pawn, Property-\$22.00; Palace Cleaners, Mats-\$397.40; Palace Motosports, Oil-\$12.00; Parts World, Parts-\$35.00; Paulson Sheet Metal, Repairs-\$235.16; Pepsi Cola Company, Rental-\$251.44; Perfect Touch Auto Detailing, Detailed Vehicles-\$450.00; Pheasantland Industries, Supplies-\$63.04; Pony Creek Steakhouse, Contract Services-\$2,668.80; Premier Pest Control, Contract Service-\$130.00; Pristine Water Solutions, Generator Lease & Chemicals-\$834.29; Qualified Presort, Mailing Service-\$1,139.26; Quartermaster, Supplies-\$35.96; Qwest, Utilities-\$794.23; Rock Valley Tractor Parts, Supplies-\$391.14; Romeo Entertainment Group, Email Marketing-\$1,695.00; Ron's Bicycle Shop, Repairs-\$40.00; Ron's Saw Shop, Parts-\$257.90; Roslyn Stevenson, Reimbursement-\$84.75; Rural Office of Community Service, Refund-\$200.00; S & M Printing Company, Business Cards-\$59.00; S & S Willers, Golf Sand-\$1,174.47; Sae Warehouse, Freight-\$72.00; Safety Benefits, Registration-\$165.00; Sam's Club, Supplies-\$132.40; Saul Mineroff Electronics,

Equipment-\$361.00; Schmucker Paul & Nohr, Contract Services-\$64,920.51; Scott Supply Company, Parts-\$570.51; South Dakota Department of Health, Lab Fee-\$1,601.00; South Dakota Department of Transportation, Contract Services-\$3,358.77; South Dakota Retirement System, South Dakota Retirement System Payments-\$37,826.06; South Dakota Unemployment Insurance Division, Payment-\$2,826.46; South Dakota-Supplemental Retirement, Supplemental Retirement Payment-\$1,403.50; South Dakota Department of Transportation-LTP, Refund-\$1,104.84; Sharon Barkema, Refund-\$68.36; Sharon Rehorst, Contract Services-\$150.00; Sheehan Mack Sales & Service, Parts-\$2,425.59; Shi International, Software-\$180.41; Shoemaker Computing, Consulting-\$60.00; Shopko, Supplies-\$494.41; Sign Pro, Labor-\$2,053.54; Sioux Falls Two-Way Radio, Radio-\$368.47; Sleepy Eye Industrial Knife, Re grind Knife-\$35.00; Special Promotions, November Show-\$4,500.00; Sport Supply Group, Fence Guard-\$441.72; Stearns Promotions, Supplies-\$122.78; Streicher's, Supplies-\$25.98; Sturdevant's Auto Parts, Supplies-\$2,678.14; Sun Gold Trophies, Supplies-\$171.95; Sun Life Financial, Life Insurance Deductions-\$1,051.14; Superior Lamp, Supplies-\$288.89; Superior Tech Products, Supplies-\$421.86; Tailored Solutions, Annual Software Maintenance-\$706.00; Tech Solutions, Computer Repairs-\$275.57; Tee's Plus, Supplies-\$191.16; Teri Bertness, Reimbursement-\$24.00; Tessier's, Labor & Equipment-\$3,320.44; Thune True Value Hardware, Parts-\$145.16; Tigerdirect, Keyboard-\$58.98; Tim McGannon, Travel-\$92.68; Titze Electric & Remodeling, Repairs-\$332.21; TK Electric, Labor-\$667.00; Toby Russell, Travel-\$9.00; Tractor Supply Credit Plan, Supplies-\$129.99; Traf-O-Teria System, Supplies-\$223.49; Turfwerks, Supplies-\$60.89; United Energy, Propane-\$24,311.50; UPS Store, Shipping Charges-\$94.92; US Bank, Loan Payment-\$36,676.25; USA Blue Book, Supplies-\$2,296.41; Variety Foods, Supplies-\$1,310.69; Velvet Uniforms, Uniform Supplies-\$357.00; Virginia Limberg, Personal Training Fees-\$1,935.03; Wade Strand, Contract Services-\$10,625.00; Walmart Community, Supplies-\$211.50; Watertown Public Opinion, Help Wanted Ad-\$55.04; Wells Fargo Bank, Fee-\$550.00; Wheelco Brake & Supply, Supplies-\$286.60; Wholesale Electronics, Supplies-\$32.78; Williams & Ree, Performance-\$7,500.00.

Members present voting aye: Allen, Backlund, Barington, Beck, Carpenter, Houwman, Olson, Smith.
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 Houwman to adjourn the meeting. Motion carried.

Marilyn Wilson
Finance Officer

Published once at the approximate cost of _____.