

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

**October 3, 2011
7:30 P.M.**

PRESENT: Dan Allen, Marty Barington, Philip Carlson, Travis Carpenter, Greg McCurry, Mel Olson, Jeffrey Smith, Ken Tracy

ABSENT: None

PRESIDING: Mayor Lou Sebert

AGENDA:

Moved by Carpenter, seconded by McCurry, to approve the agenda. Motion carried.

MINUTES:

Moved by Allen, seconded by Smith, to approve the minutes of the regular City Council meeting held on September 19, 2011 with a correction to the motion regarding Campaign Finance Law to change the tabled 1st reading date from October 3, 2011 to October 17, 2011. Motion carried.

CONSIDER APPROVAL:

Moved by Olson, seconded by Barington, to approve Mayor Sebert's recommendation for appointment of Billie Kelly as the Human Resources Director for the City of Mitchell effective October 11, 2011. Motion carried. Council Members Jeff Smith commended Ms. Kelly for her service to the Parks and Recreation Department and wished her well in her new position.

Mayor Sebert issued the Oath of Office to Human Resources Director Billie Kelly.

DISCUSSION:

City Planner Neil Putnam reviewed two proposed options for the redistricting of voting wards within the City of Mitchell. Both options change the North and South boundary lines on Main Street dividing Ward 3 and Ward 4. The East and West boundary line on 4th Avenue does not change. Council members discussed both options and recommended that Option 1 be presented in ordinance form for consideration and 1st reading at the next meeting of the City Council on October 17, 2011.

BOARD OF ADJUSTMENT:

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

Moved by Carpenter, seconded by Olson, that the 17th day of October, 2011 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Olawa Rae-Bruhjell for a Conditional Use Permit/Home Occupation to operate a Body Spa Salon and a massage school, located at 1111 South Miller Street, legally described as Lots 3 & 4, Block 8, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Allen, seconded by Carpenter, that the 17th day of October, 2011 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Steve McCullough for a Variance to construct an addition, located at 621 West 1st Avenue, legally described as the West 75' of Lot 8, Block 84, Lawler's 1st Addition to the City of Mitchell, Davison County, South Dakota, the request is being made because the front yard setback will not be met. Motion carried.

Moved by Barington, seconded by Allen, that the 17th day of October, 2011 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Scott Phillips for a Variance to construct a garage, located at 700 South Minnesota Street, legally described as Lot 16, Block 10, Van Eps 2nd Addition to the City of Mitchell, Davison County, South Dakota, request is being made because the garage size will not be met. Motion carried.

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

HEARING:

It was advised that this is the date and time set for hearing on the application of S & H Marketing LLC d.b.a. Signatures for a Special Event Malt Beverage and Wine License located at the Pepsi Cola Theatre on October 23, 2011 for the Sherwin Linton Concert. Notice of hearing has been given according to statute and affidavit of publication is on file. Moved by Tracy, seconded by Olson, to approve the application. Motion carried.

AWARD BIDS:

Bids were opened and read on the following project on October 3, 2011 at 1:30 p.m. in the council chambers of City Hall: Graceland Cemetery Columbarium Project #2011-42.

Moved by Olson, seconded by Barington, to reject the Graceland Cemetery Columbarium Project #2011-42 bids as recommended by Golf Course/Cemetery Director Kevin Thurman and negotiate with the apparent low bidder since the project amount is below the \$50,000.00 threshold requiring advertisement for bids. Motion carried.

RESOLUTIONS:

Council members discussed Resolution #2949, Moratorium on Residential Property located at Lake Mitchell. Moved by Carpenter, seconded by McCurry, to deny adoption of Resolution #2949, Moratorium on Residential Property located at Lake Mitchell. Motion carried.

ORDINANCES:

Moved by Olson, seconded by Barington, to table 1st reading of Ordinance #2376, Adopting Campaign Finance Law Disclosure Requirements to October 17, 2011. Motion carried.

Moved by McCurry, seconded by Allen, to place Ordinance #2377, Trimming of Trees Over all Sidewalks, on first reading. Motion carried.

Moved by Olson, seconded by Allen, to table Ordinance #2372, Rezoning real property described as the West 45 Feet of the East 90 Feet of Lots Seven and Eight, Block 14, Railroad Addition, City of Mitchell, Davison County, South Dakota from Public Lands District (PL) to Highway Oriented Business (HB) and amending the Official Zoning Map of the City of Mitchell, tabled from the September 19 and 26, 2011 meeting of the Planning Commission. Motion carried.

CONSIDER APPROVAL:

Moved by Tracy, seconded by Olson, to approve the automatic supplement to the Special Revenue Fund - Parks & Recreation in the amount of \$26,594.00 for Cadwell Stadium Scoreboard from a donation of funds. Motion carried.

Moved by Allen, seconded by McCurry, to change the date of the City Council meeting scheduled for November 21, 2011 to November 22, 2011 to accommodate those individuals that would like to attend the Parade of Lights on November 21. Motion carried.

PAY ESTIMATES:

Moved by Smith, seconded by Barington, to approve the following pay estimates and change order:

- Pay Estimate #15 in the amount of \$33,712.00 for South Side Water Tower Project #2009-30 contracted to CB&I Inc.,
- Change Order #3 in the amount of \$2,467.67 adjusting final quantities which reduces the original contract amount to \$451,640.97 for Lawler Street Project #2010-2A contracted to Spencer Quarries Inc;
- Pay Estimate #3 in the amount of \$20,390.35 for Pebble Beach Sidewalk Project #2011-4A contracted to Big O Concrete,
- Pay Estimate #7 in the amount of \$3,792.75 for Sidewalk – Hazardous Project #2011-4C contracted to Big O Concrete,
- Pay Estimate #5 in the amount of \$2,179.98 for Curb & Gutter Project #2011-14A & B contracted to Rexwinkel Concrete, and
- Pay Estimate #9 in the amount of \$28,587.34 for Paving & Overlay Project #2011-15 contracted to Commercial Asphalt.

Members present voting aye: Allen, Barington, Carlson, Carpenter, McCurry, Olson, Smith, Tracy. Members present voting nay: none. Motion carried.

BILLS:

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

PAYROLL, SEPTEMBER 4, 2011 – SEPTEMBER 17, 2011: City Council-\$2,440.24, Mayor-\$885.54, Attorney-\$1,986.55, Finance-\$8,808.24, Human Resources-\$2,877.28, Information Technology-\$1,656.56, Police-\$55,343.46, Traffic-\$3,880.02, Fire-\$32,778.08, Street-\$23,212.33, Public Works-\$16,581.58, Cemetery-\$3,644.59, Animal Control-\$1,854.62, Emergency Medical Services-\$8,288.16, Library-\$9,820.65, Recreation & Aquatics-\$4,225.68, Recreation Center-\$10,155.21, Sports Complexes-\$5,867.02, Parks-\$13,479.71, Supervision-\$5,150.47, E911-\$17,757.30, RSVP-\$4,952.15, Palace Transit-\$14,790.61, Nutrition-\$640.00, Water-\$5,853.76, Water Distribution-\$7,302.01, Sewer-\$9,562.96, Airport-\$1,692.00, Waste Collection-\$8,148.03, Landfill-\$6,876.38, Corn Palace Maintenance-\$9,401.79, Corn Palace Decorating-\$4,551.07, Corn Palace Shows-\$3,774.39, Corn Palace Concessions-\$3,168.41, Golf Course-\$7,726.17

SALARY ADJUSTMENTS (per hour rate):

CORN PALACE DECORATOR: Randy Meinke-\$17.00

NEW HIRES: (per hour rate):

RECREATION: Jason, Wear-\$25.00, Tim Moon-\$20.00

RECREATION & AQUATICS: Kelsey Dice-\$8.50, Derrick Dunn-\$8.50, Jackson Feiner-\$8.50, Robert Hanson-\$13.50, Sarah Lazenby-\$8.50, Ross Leonhardt-\$8.50, Jose Lopez-\$9.00, Shalyn Masterson-\$8.50, Morgan Meyer-\$8.50, Kasha Roberts-\$10.50, Megan Roth-\$8.50, Natalie Roth-\$10.50, Nickolas Rousseau-\$8.50, Kristina Sanderson-\$8.50, Katie Stern-\$8.50, Jordan Werner-\$11.00, Cole Whitledge-\$8.50

SPORTS COMPLEXES: Nicholas Milstead-\$9.00, Kevin Nunn-\$9.00

WARRANTS:

A & B Business, Supplies-\$162.67; AAA Travel Agency, Travel-\$406.29; Adam Frerichs, Travel-\$18.00; Advance Auto Parts, Parts-\$186.07; Affordable Geothermal, Deposit Refund-\$1,000.00; Aflac, Aflac Withholding-\$4,225.07; AFSCME Council 59, Union Dues-\$1,100.80; Al's Engraving, Supplies-\$49.10; American Planning Association, Membership-\$320.00; April Geist, Contract Service-\$150.00; AT&T Mobility, Utilities-\$3,580.18; Avera Queen of Peace Hospital, Supplies-\$103.05; AVG Technologies, Anti-Virus Renewal-\$167.99; B-Y Water, Water Usage-\$57,352.50; Bailey Metal Fabricators, Repairs-\$165.83; Big O Concrete, Contract Services-\$24,183.10; Bill Wittstruck, Reimbursement-\$22.50; Break Time Portables, Rental-\$80.00; Brenda F. Reinfeld, Contract Services-\$250.00; Brenda Schroeder, Uniform Repairs-\$107.00; Burnison Heating & Cooling, Curb Box Repairs-\$1,821.60; Business Products, Supplies-\$3,175.16; Campbell Supply, Supplies-\$1,478.34; Carrot-Top Industries, Supplies-\$427.88; CB&I, Contract Services-\$33,712.00; Central Electric Cooperative, Supplies-\$430.75; Century Link, Utilities-\$6,617.67; Chuck's Paint & Blinds, Supplies-\$764.57; City of Mitchell, Police Program-\$600.00; City of Parkston, Reimbursement-\$38.00; Claims Associates, Liability

Claims-\$2,329.11; Coca Cola Bottling, Supplies-\$22.50; Commercial Asphalt, Contract Services-\$28,587.34; Corey Beyer, Reimbursement-\$45.00; Corn Palace Concessions, Meals-\$65.00; County Fair, Supplies-\$119.85; CP Distribution, Supplies-\$625.00; Crossroads Hotel & Event Center, Travel-\$140.00; Daily Republic, Legals-\$2,590.65; Dakota Fluid Power, Parts-\$105.95; Dakota Pump, Repairs-\$745.92; Dakota Salvage, Steel Out-\$36.05; Dakota Supply Group, Parts-\$496.61; Daktronics, Scoreboard-\$24,911.00; Dan Grigg Images, Supplies-\$5,191.67; Dan Sabers, Contract Services-\$6,450.18; Danko Emergency Equipment, Supplies-\$477.73; Darl Allen, Reimbursement-\$45.00; Darlene Pierson, Contract Services-\$370.15; Davison Conservation District, Supplies-\$708.00; Davison County Register of Deed, Copies-\$2.00; Delta Dental Plan of South Dakota, Dental Insurance-\$11,362.38; Dennis Bruske, Reimbursement-\$45.00; Dennis Geidel, Reimbursement-\$45.00; Dependable Sanitation, Recycling Contract-\$17,083.00; Department of Social Services, Child Support-\$1,087.48; Devin Alfson, Travel-\$27.00; Dick's Body Shop, Repairs-\$495.00; Domino's Pizza, Pizza-\$41.45; Doug Degen, Reimbursement-\$45.00; Dug Out, Contract Services-\$1,653.85; Dusty Rodiek, Reimbursement-\$45.00; Emergency Education Association, Registration-\$15.00; Engineering Unlimited, Supplies-\$76.75; ENSZ Heating & Air Conditioning, Repairs-\$111.01; Farmers Alliance, Fuel-\$172.95; Farner-Bocken Company, Supplies-\$9,631.15; Fastenal Company, Supplies-\$809.72; First National Bank Omaha, Payment-\$8,451.34; Fischer Rounds & Associates, Notary Bond-\$80.00; Flack Signs, Supplies-\$260.00; Flexible Pipe Tool Company, Parts-\$43.70; Gary Walton, Reimbursement-\$45.00; GF Advertising Services, Supplies-\$3.00; Graham Tire, Tires-\$2,627.93; Grainger, Supplies-\$140.82; Great Plains Fire, Supplies-\$829.99; Hard Drive Outlet, Parts-\$42.00; Harlow's Bus Sales, Parts-\$201.11; Harve's Pro Prints, Supplies-\$87.50; Henry Schein, Supplies-\$614.96; Holly Swallow, Refund-\$26.00; Innovative Wall Design, Repairs-\$750.00; Integrity Transcription, Transcribing Service-\$677.50; Interstate Office Products, Supplies-\$41.73; James Valley Nursery, Supplies-\$2,908.56; JCL Solutions-Janitors Closet, Supplies-\$1,152.44; Joan Northrup, Refund-\$179.20; Joel Reinesch, Travel-\$9.00; Jones Supplies, Supplies-\$658.07; K-Mart, Supplies-\$62.97; Kathy Kaye Foods, Supplies-\$1,800.00; Kevin DeVries, Reimbursement-\$45.00; Knology, Supplies-\$63.08; Krohmer Plumbing, Curb Box Repairs-\$945.73; Kurth Lawn Care, Lawn Mowing-\$115.00; Kustom Signals, Repairs-\$469.08; Kyleena Roe, Travel-\$113.96; Laurie D. Ruby, Contract Services-\$150.00; Lawless Electronics, Repairs-\$165.10; LCM Pathologists, Registration-\$45.00; Leila Schamber, Contract Services-\$225.00; Lelia Guilbert, Contract Services-\$735.00; Lois E. Huber, Contract Services-\$777.00; Lutheran Social Services, Contract Services-\$180.00; M & L Repair, Repairs-\$80.00; Marlene Haines, Travel-\$50.25; McFarland Supply, Supplies-\$367.80; McLeod's Printing, Supplies-\$228.00; Mebius Nursery & Landscaping, Repairs-\$1,908.00; Medicine Shoppe, Supplies-\$1,335.57; Menard's, Supplies-\$554.45; Meyers Oil, Supplies-\$23,757.35; Midwest Fire & Safety, Supplies-\$27.00; Midwest Tire & Muffler, Repairs-\$35.16; Nathaniel Gruenwald, Refund-\$35.47; Mitchell Concrete Products, Supplies-\$1,018.75; Mitchell Iron & Supply, Parts-\$109.62; Mitchell Recreation Center, Supplies-\$10.50; Mitchell United Way, United Way Deductions-\$185.64; Mr. Golf Car, Parts-\$61.00; Mueller Lumber, Supplies-\$25.25; Muth Electric, Repairs-\$1,229.09; Naeir, Supplies-\$94.18; Nepstads Flower Shop, Sympathy Arrangement-\$126.67; Neve's Uniforms, Supplies-\$1,948.86; Nicole Solomon, Refund-\$30.00; Northwestern Energy & Communications, Utilities-\$12,627.29; NPC International, Pizza-\$32.25; Palace Cleaners, Supplies-\$186.00; Parts World, Supplies-\$50.00; Pepsi Cola Company, Rental-\$139.90; Pioneer Research Corporative, Supplies-\$283.53; Pony Creek Steakhouse, Contract Services-\$1,891.50; Premier Pest Control, Contract Services-\$130.00; Preston Skinner, City Share-\$230.00; Pro-Build, Supplies-\$12.00; Qualified Presort, Mailing Service-\$529.17; Randy Wittstruck, Reimbursement-\$22.50; Red Door Creations,

Supplies-\$144.30; Rexwinkel Concrete, Contract Services-\$2,179.98; Richard Pollreisz, Travel-\$23.00; River Cities Public Transit, Phone Lines-\$56.00; Ron Olson, Travel-\$77.50; Ron's Bicycle Shop, Service Call-\$40.00; Sandra Krage, Contract Services-\$730.40; South Dakota Department of Health, Lab-\$627.00; South Dakota Federal Property Agency, Supplies-\$3,308.00; South Dakota Municipal League, Registration-\$20.00; South Dakota Retirement System, South Dakota Retirement System Payment\$38,028.21; South Dakota Retirement System-Special Pay Plan, Supplemental Retirement-\$1,583.50; Sheehan Mack Sales & Service, Parts-\$424.94; Sherwin-Williams, Supplies-\$515.54; Shopko, Supplies-\$57.55; Sign Pro, Supplies-\$266.28; Standard Insurance Company, Life Insurance Deductions-\$1,964.75; Sturdevant's Auto Parts, Parts-\$1,925.38; Tee's Plus, Supplies-\$179.00; Teri Bertness, Reimbursement-\$45.00; Thomas Gullledge, Reimbursement-\$47.69; Thune True Value Hardware, Supplies-\$274.77; Tigerdirect, Parts-\$374.17; TK Electric, Labor-\$1,683.00; Tripp Fire Department, Rental-\$1,013.75; Ultramax, Supplies-\$268.00; United Laboratories, Supplies-\$606.40; United States Postal Service, Postage-\$220.00; Variety Foods, Supplies-\$796.66; Verena Rickett, Contract Services-\$327.50; Verizon Wireless, Supplies-\$423.78; Vern Eide Ford, Repairs-\$130.90; Vidacare Corporation, Supplies-\$523.89; Virginia Ann Devine, Personal Training Fees-\$516.00; Walmart Community, Supplies-\$579.51; Wheelco Brake & Supply, Parts-\$252.87; Wholesale Electronics, Parts-\$9.81; Zimco Supply, Chemicals-\$481.00

Members present voting aye: Allen, Barington, Carlson, Carpenter, McCurry, Olson, Smith, Tracy. Members present voting nay: none. Motion carried

ADJOURN:

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

Marilyn Wilson
Finance Officer

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