

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

**December 19, 2011  
7:30 P.M.**

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

**ABSENT:** Marty Barington

**PRESIDING:** Mayor Lou Sebert

**AGENDA:**

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

**MINUTES:**

Moved by Olson, seconded by Allen, to approve the minutes of the regular City Council meeting held on December 5, 2011. Motion carried.

**CITIZEN'S INPUT:**

Council member Philip Carlson expressed his disappointment about the gas prices within the City of Mitchell.

**DISCUSSION:**

Doug Dailey from the Tourism/Corn Palace Area Development Committee addressed the council regarding the next generation Corn Palace development plan. The committee recommends renovation of the existing Corn Palace based on public feedback and input with plans for improvements to seating and sightlines and the addition of seating. The committee was encouraged by the positive feedback and has requested that the public continue to provide comments to committee members by e-mail, telephone, or texting the members. The committee will hear recommendations from the project architect in the middle of January and will be present the proposal to the council and the public at scheduled public meetings.

Human Resource Director Billy Kelly recognized the volunteer RSVP drivers for the City of Mitchell and commended them for doing a great job. A listing of the volunteers will be available for inspection in the finance office.

**COMMITTEE MEETINGS:**

**Sidewalk:**

The Sidewalk Committee met on December 19, 2011 at 6:30 p.m. Terry Johnson was unable to locate a property owner for part of North Sanborn from West 15<sup>th</sup> Avenue to the bowling alley. The committee authorized the Public Works Department to start procedures for a Quiet Title and authorized the addition of the sidewalk to the sidewalk project plan. The sidewalk will be turned over to the adjacent property owners at a later date. The committee reviewed the 2012 plan for sidewalks. After discussion, the committee approved the plan on 1<sup>st</sup> Avenue from Hunter to Marshall, along with the pool, school and other sidewalks in the area. The committee rescinded authorization for sidewalk on Williams Street from the 2012 sidewalk plan to prevent going over budget.

**Traffic:**

The Traffic Commission met on December 19, 2011 at 7:00 p.m. to consider a request from Renee Cundy for a “No Parking” area 16 feet from the eastside of the driveway at 303 East 2<sup>nd</sup> Avenue. The committee denied the request.

**Finance:**

The Finance Committee met on December 19, 2011 at 7:05. Finance Officer Marilyn Wilson presented the council with information regarding utility write-offs for 2010. The amount of utilities being requested to write off is \$16,297.40, which is less than 1% of total billings on approximately 5,600 accounts. Wilson also presented information regarding delinquent EMS (Emergency Medical Services) accounts. The amount being requested to write off is \$71,248.53. The committee approved the write off \$16,297.40 in utility accounts and \$71,248.53 in EMS accounts.

**Lake Advisory:**

Mark Puetz, Chairman of the Lake Advisory Committee made a power point presentation to the City Council on December 19<sup>th</sup> which included the 2011 Lake Advisory Committee completed projects, ongoing projects and future projects with estimated costs.

Moved by Tracy, seconded by Carlson, to approve the committee reports. Motion carried.

**DEPARTMENT REPORTS:**

Moved by Carpenter, seconded by McCurry, to approve the following department and board reports: October 2011-Finance Department; November 2011-Police Department, Fire Department, Mitchell Regional Ambulance, Palace Transit, Building Permits, Water Department, Airport, Park, Lake Mitchell Advisory. Motion carried.

**AWARD BID:**

Bids were opened and read on the Sealant-Melter/Applicator #2011-44 on the 19<sup>th</sup> day of December, 2011 in the Council Chambers of City Hall. Moved by Carpenter, seconded by Allen to award as follows:

**SEALANT-MELTER/APPLICATOR  
CITY PROJECT #2011-44**

Bierschbach Equipment & Supply, PO Box 44, Sioux Falls, 57101-1444

1. One (1) new Crack Sealer Melter/Applicator as per specifications Model Matrix II-1500	\$35,295.00
2. Trade in of 1988 Cimline Model 105DM/A Melter	\$ 6,500.00
Total Bid	\$28,795.00

**SET DATE:**

Moved by Tracy, seconded by Smith, that the 3rd day of January 3, 2012 be the date and time set for hearing on the application to transfer Retail (On-Sale) Liquor License (RL-5761) to include Sunday sales and Package (Off-Sale) Liquor License (PL-4691) to include Sunday sales from Jason Bates dba Longhorn Bar 101 North Main to Jason Bates dba Longhorn Bar located at 108, 110, and 112 North Main Street, Mitchell. Motion carried.

**HEARING:**

On the application to transfer Retail (On-Sale) Liquor License (RL-5761) to include Sunday sales and Package (Off-Sale) Liquor License (PL-4691) to include Sunday sales from Jason Bates dba Longhorn Bar 101 North Main to Jason Bates dba Longhorn Bar located at 108 North Main Street, Mitchell, applicant withdrew application, no action was taken by the council.

**RESOLUTIONS:**

Moved by Carpenter, seconded by Allen, to adopt Resolution #2960 as amended, Water Use Agreement with Poet Biorefining as follows:

**RESOLUTION #2960**

PREAMBLE: The City and Prairie Ethanol dba Poet Biorefining are currently operating under an old agreement for the delivery of water and the maintenance of the delivery system and the parties want to amend the provisions of the agreement

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MITCHELL:

That the Mayor be and he is authorized to execute the attached agreement with Prairie Ethanol dba Poet Biorefining for and on behalf of the City of Mitchell.

The water agreement will be available for inspection in the finance office.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Olson, to adopt Resolution #2961, 2012 Salary Resolution as follows:

**RESOLUTION #2961  
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, 2012 through December 31, 2012 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	\$69,442	\$86,800
Public Works Director		
Chief of Public Safety		
Park Director	\$61,866	\$77,331
Human Resources Director		
Golf/Cemetery Director	\$54,754	\$68,442
Senior Services Executive Director		
Corn Palace Director		
Street/Sanitation Superintendent	\$52,123	\$65,151
Assistant Fire Chief		
Assistant Police Chief		
Deputy Director of Public Works		
Field Operations Superintendent	\$48,159	\$60,200
Water Superintendent		
Wastewater Superintendent/Pretreatment Coordinator		
Detective Lieutenant		
Communications Supervisor		
City Planner	\$43,911	\$54,887
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:

<b>POSITION:</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
<u>Professional/Administrative Series:</u>						
Librarian	\$14.364	\$14.706	\$15.049	\$15.734	\$16.419	\$17.104
Engineer Tech I	\$14.870	\$15.227	\$15.585	\$16.296	\$16.996	\$17.707
Specialist	\$15.707	\$16.076	\$16.447	\$17.200	\$17.941	\$18.694
Airport Manager/Building Inspector/ Recreation Coordinator	\$18.119	\$18.557	\$18.982	\$19.846	\$20.709	\$21.573
Engineer Tech II	\$18.242	\$18.680	\$19.119	\$19.983	\$20.861	\$21.724
<u>Technical Series:</u>						
Operator I	\$14.281	\$14.611	\$14.953	\$15.637	\$16.310	\$16.996
Operator II	\$15.174	\$15.528	\$15.899	\$16.625	\$17.337	\$18.063
Operator III	\$17.160	\$17.557	\$17.969	\$18.790	\$19.599	\$20.421
Foreman	\$18.805	\$19.242	\$19.696	\$20.586	\$21.490	\$22.381
<u>Maintenance/Equipment Operation Series:</u>						
Labor I	\$12.376	\$12.678	\$12.965	\$13.555	\$14.144	\$14.734
Labor II	\$13.856	\$14.186	\$14.527	\$15.186	\$15.843	\$16.501
Equip Operator	\$14.527	\$14.870	\$15.227	\$15.913	\$16.611	\$17.296
Heavy Equip. Op	\$15.871	\$16.240	\$16.625	\$17.379	\$18.132	\$18.887
Supervisor	\$18.297	\$18.736	\$19.160	\$20.038	\$20.901	\$21.778
<u>Staff Support Series:</u>						
Secretary	\$13.568	\$13.898	\$14.226	\$14.870	\$15.515	\$16.160
Admin Clerk	\$13.994	\$14.323	\$14.651	\$15.323	\$15.982	\$16.651

**\*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.

<b>POSITION:</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Communications						
Specialist	\$15.725	\$16.041	\$16.358	\$17.025	\$17.705	\$18.417
Patrol Officer	\$18.277	\$18.713	\$19.148	\$20.018	\$20.890	\$21.761
Sergeant	\$21.724	\$22.244	\$22.766	\$23.792	\$24.836	\$25.863

**\*FIRE DEPARTMENT**

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

<b>POSITION:</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Firefighter-EMT	\$12.868	\$13.178	\$13.487	\$14.105	\$14.709	\$15.327
Firefighter-Medic	\$13.374	\$13.683	\$14.007	\$14.639	\$15.285	\$15.917
Fire Captain	\$15.187	\$15.552	\$15.917	\$16.634	\$17.364	\$18.081
Fire Marshall	\$18.615	\$19.042	\$19.489	\$20.381	\$21.259	\$22.150

**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 \$23,484

Attorney	\$51,650
City Council	\$ 8,089

**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, Deputy Director of Public Works, Wastewater Superintendent/Pretreatment Coordinator.

**SHIFT DIFFERENTIAL PAY:**

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 \$7.25 per hour to \$12.05 per hour and is determined by the supervisor based on job requirements, skill and experience.

Motion carried and resolution declared duly adopted.

Moved by Olson, seconded by McCurry, to adopt Resolution #2962, Rent Municipal Campground at Lake Mitchell as follows:

**Resolution #2962**

Resolution pursuant to SDCL 9-12-5.2 fixing a time and place for public hearing on the adoption of a resolution to rent municipal property to a private person for a term and period exceeding 120 days and for a sum exceeding \$500.

That the City owns property described as:

Municipal Campground at Lake Mitchell, described as 2701 N Main Street, Mitchell, SD 57301 and located in portions of Section 9 and 10 Township 103 Range 60, West of the 5<sup>th</sup> PM, Davison County, South Dakota and located on the East side of Lake Mitchell, Mitchell, South Dakota

Now therefore be it resolved:

That the City intends to adopt a resolution authorizing the rental of the above described property to Loren Skinner and Loretta Swarhout who will be operating as an LLC known as Lake Mitchell Campground LLC for the sum of Seven Thousand Dollars (\$7,000) per year plus two and one half per cent (2 1/2%) of the gross proceeds over \$90,000 for a term and period of 5 years and will also be subject to all of the terms and conditions of the contract to be entered into by the tenants, a copy of which contract is on file with the Finance Department of the City of Mitchell.

The hearing will be had on January 3<sup>rd</sup> 2012 at the hour of 7:30 pm, or as soon thereafter as the matter may be heard, in the Chambers of the City Hall, 612 N Main Street, Mitchell, South Dakota and after the hearing the Council will proceed to authorize the lease upon the terms and conditions it determines appropriate and that notice of said hearing be published as required by statute.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Smith, seconded by Olson, to place Ordinance #2385, Amend the Water Rates with Prairie Ethanol, d/b/a/ Poet Biorefining f/k/a Prairie Ethanol as amended on seconded reading to be reviewed again at budget time. Motion carried. Moved by Allen, seconded by Carlson to adopt Ordinance #2385, as follows:

**ORDINANCE #2385**

An ordinance to amend the water rates with Prairie Ethanol, d/b/a Poet Biorefining LLC f/k/a Prairie Ethanol.

PREAMBLE: That the City and Prairie Ethanol d/b/a Poet Biorefining's LLC predecessor, entered into a water use agreement which set, among other things, water rates. That the rates were set taking into consideration a bond payment that was to be made for the construction of the water delivery system. That the bond will be paid by the end of December, 2011, and the rates may now be reduced to reflect that payoff;

Now, therefore, be it:

ORDAINED that all of the provisions of Ordinance 2207 will terminate as of December 31, 2011; and it is further

ORDAINED that commencing January 1, 2012, the water rate for water delivered to Prairie Ethanol, d/b/a Poet Biorefining LLC, will be as hereinafter set forth, to-wit:

- (a) Three thousand dollars (\$3,000.00) administrative fee payable January 15th of each year, commencing January 15th, 2012; and
- (b) For water received, user will pay \$1.13 per 1,000 gallon unit, with a required minimum purchase of 4000 units per month, for a total of \$4520; and
- (c) The City may modify the rates from time to time, at its discretion, provided that such modification shall become effective not earlier than thirty (30) days after the change shall be adopted by the City; and

(d) That Prairie Ethanol, d/b/a Poet Biorefining LLC, will also comply with all of the terms of the Water Use Agreement entered into by the City and Prairie Ethanol, d/b/a Poet Biorefining LLC for the year 2012 and following.

Motion carried and ordinance declared duly adopted.

Moved by Olson, seconded by Allen, to place Ordinance #2386, Supplemental Appropriations for Year End-2011 as amended, on second reading. Motion carried. Moved by Carpenter, seconded by Tracy, to adopt Ordinance #2386, Supplemental Appropriations for Year End-2011 as follows:

**ORDINANCE NO. 2386  
SUPPLEMENTAL APPROPRIATION ORDINANCE  
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 2011 according to statute:

**GENERAL FUND  
ATTORNEY**

101-41410-42200	Professional Services	\$3,500.00
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**TRAFFIC**

101-42130-42530	Traffic Light Maintenance	\$5,000.00
101-42130-42535	Light Maintenance	\$10,000.00
101-42130-43310	Cabela Drive Traffic Lights	\$1,700.00

**STREET**

101-43100-41700	Compensated Absenses-S&V	\$18,000.00
101-43100-42610	Gas	\$12,000.00

**PUBLIC WORKS ADMINISTRATION**

101-43110-42610	Gas	\$3,000.00
101-43110-42916	Nuisance Abatement	\$5,500.00

**CEMETERY**

101-43700-42610	Gas	\$4,000.00
101-43700-43450	Major Equipment	\$2,100.00

**ANIMAL CONTROL**

101-44120-42610	Gas	\$1,000.00
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**EMS**

101-44600-42200	Professional Services	\$3,145.00
101-44600-42693	Computer Software/Support	\$1,500.00
101-44600-42910	Refunds	\$2,500.00

**LIBRARY**

101-45500-42310	Newspapers	\$1,000.00
101-45500-43420	Books	\$1,500.00

The funding will come from General Fund cash balance.

**SPECIAL REVENUE FUNDS**  
**PARK AND RECREATION**  
**SPORTS COMPLEXES**

201-45160-41100	Salaries	\$5,000.00
201-45160-41110	Overtime	\$5,000.00
201-45160-41120	Part Time	\$30,000.00
201-45160-41200	OASI	\$2,500.00

**PARKS**

201-45210-41700	Compensated Absences-S&V	\$13,400.00
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The funding will come from Park Fund cash balance.

**E-911**

214-43500-41120	Part-Time	\$7,000.00
214-43500-41130	Other Pay	\$7,000.00

The funding will come from E-911 cash balance.

**RSVP**  
**PALACE TRANSIT**

218-45150-41110	Overtime	\$1,500.00
218-45150-42610	Gas, Oil, Tires	\$10,000.00
218-45150-42920	Computer Software/Support	\$8,600.00
218-45150-43440	Office Equipment	\$6,000.00

The funding will come from RSVP grant funds.

**NUTRITION**

219-45140-42610	Gas, Oil, Tires	\$2,000.00
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The funding will come from Nutrition grant funds.

**DEBT SERVICE**

**TID #4-AKG**

301-41000-23100	Bond Principal	\$32,000.00
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The funding will come from property tax receipts.

**CAPITAL PROJECT FUND**

**COMMUNITY CENTER**

525-46500-43200	Study	\$5,000.00
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The funding will come from the Community Center Capital project fund.

**ENTERPRISE FUNDS**

**WATER FUND**

**WATER- DISTRIBUTION**

602-43340-42610	Gas	\$2,500.00
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The funding will come from the Water Fund cash balance.

**SEWER FUND**

**WASTE WATER COLLECTION**

604-43250-42500	Repairs	\$3,000.00
604-43250-42610	Gas	\$3,500.00
604-43250-42910	Billing Office Supply	\$1,500.00

The funding will come from the Sewer Fund cash balance.

**SANITATION FUND**

**WASTE COLLECITON**

612-43230-42610	Gas	\$13,000.00
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**LANDFILL**

612-43240-42999	Refunds	\$2,500.00
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The funding will come from the Sanitation Fund cash balance.

**CORN PALACE FUND  
CONCESSIONS**

613-45630-41120	Part-Time	\$12,500.00
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The funding will come from the Corn Palace Fund cash balance.

**GOLF COURSE FUND**

614-45250-41120	Part-Time	\$5,000.00
614-45250-42600	Supplies & Materials	\$6,000.00
614-45250-42603	Sand	\$1,500.00
614-45250-43400	Machinery & Equipment	\$1,500.00
614-45250-43303	Paths/Parking Paving	\$2,200.00
614-45250-43440	Computer Hardware	\$2,500.00

The funding will come from the Golf Course Fund cash balance.

Motion carried and ordinance declared duly adopted.

Moved by Carlson, seconded by Tracy, to place Ordinance #2387, Establishing Full-Service Restaurant On-Sale Licenses Pursuant to SDCL 35-4-110 on second reading. Motion carried. Olson and Carpenter voting nay. Moved by Allen, seconded by Carlson to adopt Ordinance #2387, as follows:

**Ordinance #2387**

**An ordinance establishing full-service restaurant  
on-sale licenses pursuant to SDCL 35-4-110**

**PREAMBLE:**

SDCL 35-4-110 permits the establishment of on-sale licenses for restaurants;

Now, therefore, be it:

ORDAINED that City may issue additional on-sale licenses for full-service restaurants pursuant to SDCL 35-4-110, et seq:

A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) “*Bar*” means any permanently installed counter within the restaurant area from which alcoholic beverages are regularly served to customers by a person who is tending bar or drawing or mixing alcoholic beverages.

(2) “*Full-service restaurant*” means any restaurant at which a waiter or waitress delivers food and drink offered from a printed food menu to patrons at tables, booths, or the bar. Any restaurant that only serves fry orders or foodstuffs such as sandwiches, hamburgers, or salads is not a full-service restaurant.

(3) “*Restaurant*” means any area in a building maintained, advertised, and held out to the public as a place where individually priced meals are prepared and served primarily for consumption in such area and where not more than forty percent (40%) of the gross revenue of the restaurant is derived from the sale of alcohol or alcoholic beverages. The restaurant shall have a dining room or rooms, a kitchen, and the number and kinds of employees necessary for the preparing, cooking, and serving of meals.

- B. *License application requirements.* Documentation: An applicant for a full-service restaurant on-sale license shall provide sufficient documentation to the city with an application form provided by the municipality to prove that the primary source of revenue from the operation of the restaurant will be derived from the sale of prepared food and nonalcoholic beverages and not from the sale of alcoholic beverages. The renewal of an on-sale full-service restaurant license is conditioned upon the applicant satisfying all state requirements for renewal. The supporting documentation concerning the primary source of revenue submitted pursuant to this section is confidential.
- C. *Advertising restriction.* A restaurant that has a full-service restaurant on-sale license may only be advertised or held out to the public as primarily a food eating establishment.
- D. *Annual reports.* The full-service restaurant on-sale licensee shall submit an annual report and supporting documentation to the city on forms provided by the city of the annual sales of the full-service restaurant, which includes an oath verifying the validity of the information provided in the report. The report and the supporting documentation submitted pursuant to this section are confidential. The report shall contain the annual gross revenues of the licensee for the following two categories:
- (1) Food and nonalcoholic beverage sales; and
  - (2) Alcoholic beverages sales.
- E. *License renewals.* When renewing a full-service restaurant on-sale license, the city shall condition the license renewal upon receiving documentation that not more than forty percent (40%) of gross sales from the preceding twelve (12) months operation of the full-service restaurant is derived from the sale of alcohol or alcoholic beverages.
- F. *Only retail, on-sale service permitted.* A full-service restaurant on-sale licensee may only serve alcoholic beverages for on-premises consumption in the bar and dining room area of the restaurant.
- G. *Smoking prohibited.* No licensee that has a full-service restaurant on-sale license may allow smoking on the licensed premises.
- H. *Full-service restaurant license fees.*

(1) The license fee charged for full-service on-sale restaurant licenses shall be established by resolution of the city at or above the current fair market value of the license pursuant to SDCL 35-4-117.

(2) The license fee shall be initially established by resolution within 90 days of the initial adoption of this section. Subsequent changes in the license fee shall not be made for a period of ten years from the effective date of adoption of the ordinance from which this section is derived unless a population growth that is reported by the federal decennial census requires an increase in the fee.

- I. *Registry of full-service restaurant on-sale licensees.* The city will maintain a registry of each on-sale license that is being offered for sale. The burden of registering with the city a license being offered for sale rests on the licensee. The city will provide a copy of the registry to anyone who requests a new on-sale full-service restaurant license. Prior to the issuance of a new license, the applicant shall submit an affidavit showing that there is no on-sale license on the registry or that the applicant is unable to purchase the on-sale license at fair market value and on terms satisfactory to both the potential buyer and seller.
- J. *Issuance of new full-service restaurant licenses restricted.* The city may only issue a new license pursuant to this section if no on-sale license is on the registry or a person desiring to purchase an on-sale license listed on the registry provides documentation showing that the person is unable to purchase the on-sale license at the price established in subsection (h) of this section and on terms satisfactory to both the potential buyer and seller. The price of any on-sale license registered as for sale with the city shall be sold at the current fair market price set by the city pursuant to a resolution adopted in accordance with subsection (i) of this section.
- K. *Provision of pricing information.* Each licensee who owns an on-sale license as of January 1, 2008, and purchased or had the license transferred to such licensee at any time between January 1, 2003, and January 1, 2008, shall provide to the finance officer the information required by state law within thirty (30) days of request by the Finance Officer of the City of Mitchell.

Motion carried. Olson and Carpenter voting nay and ordinance declared duly adopted.

**RATIFICATION:**

Moved by Tracy, seconded by Allen to approve the ratification of union contracts which are on file with the Finance Officer. Motion carried.

**CONSIDER APPROVAL:**

Moved by Allen, seconded by Olson, to approve the Corn Palace decorating and product contracts. Motion carried.

Moved by Smith, seconded by Carpenter, to approve the surplus of the Corn Palace Stage curtains and authorize the transfer to Mitchell High School. Motion carried.

Moved by Carpenter, seconded by McCurry, to approve the surplus of City radios to recycling and disposal. The listing of radios is on file in the finance office. Motion carried.

Moved by Carpenter, seconded by McCurry, to approve the applications for renewal of wine license and package liquor license for Dakota Sunset. Motion carried with councilmember Carlson abstaining.

Moved by Olson, seconded by Carlson, to approve the following raffle requests:

- Heart & Sole Cancer Assistance Inc. dba Heart and Sole Cancer Walk/Run to conduct a raffle with the drawing to be held on January 28, 2012, and
- Servicemen's Memorial Cemetery Association to conduct a raffle with the drawing to be held on May 26, 2012.

Motion carried.

### **PAY ESTIMATES:**

Moved by Smith, seconded by Carlson, to approve the following pay estimate:

- Pay Estimate #25 in the amount of \$590.00 for South Side Water Tower Project #2009-30 contracted to SPN & Associates,
- Pay Estimate #16 in the amount of \$38,484.20, Pay Estimate #17-Final in the amount of \$87,000.00, and Change Order #2 in the amount of \$590.00 and adjusting quantities which increases the original contract amount \$1,762,490.00 for South Side Water Tower Project #2009-30 contracted to CB&I Inc., and
- Pay Estimate #3 in the amount of \$3,835.30 for Miscellaneous Concrete Area Project #2011-14C contracted to Rexwinkel Concrete.

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

### **BILLS:**

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

**PAYROLL, NOVEMBER 13, 2011 – NOVEMBER 26, 2011:** City Council-\$2,440.24, Mayor-\$885.54, Attorney-\$1,986.55, Finance-\$14,732.55, Human Resources-\$4,140.70, Information Technology-\$1,656.57, Police-\$69,735.33, Traffic-\$5,271.81, Fire-\$44,817.18,

Street-\$36,287.30, Public Works-\$22,081.57, Cemetery-\$4,626.87, Animal Control-\$1,943.11, Emergency Medical Services-\$10,988.41, Library-\$16,747.39, Recreation & Aquatics-\$4,710.64, Recreation Center-\$12,998.99, Sports Complexes-\$4,843.45, Parks-\$11,456.97, Supervision-\$4,583.03, E911-\$23,354.22, RSVP-\$6,252.14, Palace Transit-\$18,565.94, Nutrition-\$ 645.00, Water-\$9,693.86, Water Distribution-\$11,227.88, Sewer-\$11,962.97, Airport-\$2,292.00, Waste Collection-\$11,424.17, Landfill-\$10,980.53, Corn Palace Maintenance-\$13,092.26, Corn Palace Decorating-\$1,889.00, Corn Palace Shows-\$4,722.05, Corn Palace Concessions-\$2,434.34, Golf Course-\$6,338.88.

**PAYROLL, NOVEMBER 27, 2011 – DECEMBER 10, 2011:** City Council-\$2,440.24, Mayor-\$885.54, Attorney-\$1,986.55, Finance-\$10,114.24, Human Resources-\$2,332.80, Information Technology-\$1,656.56, Police-\$55,630.97, Traffic-\$3,183.38, Fire-\$37,045.28, Street-\$21,720.21, Public Works-\$16,581.61, Cemetery-\$3,064.65, Animal Control-\$1,582.92, Emergency Medical Services-\$8,814.86, Library-\$9,898.77, Recreation & Aquatics-\$4,244.97, Recreation Center-\$11,135.49, Sports Complexes-\$4,295.52, Parks-\$8,329.90, Supervision-\$3,883.04, E911-\$17,818.67, RSVP-\$4,952.16, Palace Transit-\$15,402.73, Nutrition-\$ 685.00, Water-\$5,883.79, Water Distribution-\$7,679.92, Sewer-\$9,562.96, Airport-\$1,692.00, Waste Collection-\$8,402.02, Landfill-\$6,581.05, Corn Palace Maintenance-\$8,998.57, Corn Palace Decorating-\$ 0.00, Corn Palace Shows-\$3,692.76, Corn Palace Concessions-\$2,389.09, Golf Course-\$4,288.881.

**SALARY ADJUSTMENTS (per hour rate):**

PALACE TRANSIT: Wanda Zard-\$15.211

PARK: Matthew Hayes-\$14.929

**NEW HIRES: (per hour rate):**

AIRPORT: Tom Case-\$14.00, Roger Gebel-\$14.00, Scott Gerlach-\$15.00

CORN PALACE CONCESSIONS: Jean VanDriel-\$7.25

E-911 COMMUNICATIONS: Nicole Peterson-\$16.038

PARKS & RECREATION: Phillip Millar-\$7.25

RECREATION: Brandon Vilhauer-\$7.50

SPORTS COMPLEXES: Ben Hogen-\$7.25

**WARRANTS:**

A & B Business, Supplies-\$1,029.79; A-Ox Welding Supply, Supplies-\$362.62; Advance Auto Parts, Parts-\$34.87; Aflac, Aflac Withholding-\$4,267.89; AFSCME Council 59, Union Dues-\$1,135.20; AIA, Supplies-\$222.01; Al's Engraving, Supplies-\$109.80; American Garage Door, Repairs-\$698.81; Andy Mentele, Reimbursement-\$134.99; Apple, Computer Hardware-\$1,619.00; Aqua-Pure, Chemicals-\$625.00; Arcadia Publishing, Supplies-\$773.83; Art by Rich,

Supplies-\$300.00; Auto Body Specialties, Parts-\$66.95; Avera Queen of Peace Hospital, Contract Services-\$1,308.95; Avera Queen of Peace Hospital, Training-\$1,023.50; B & B Upholstery, Repairs-\$170.00; Bailey Metal Fabricators, Repairs-\$149.58; BBBB's of South Dakota, Supplies-\$507.24; Becker Arena Products, Supplies-\$141.20; Bender's Sewer & Drain, Contract Services-\$750.00; Birch Communications, Utilities-\$10.81; Blackburn Manufacturing, Supplies-22.82; Blue Cross Blue Shield, Refund-\$11.48; Boyer Trucks Sioux Falls, Parts-\$382.76; Break Time Portables, Rental-\$80.00; Brenda F Reinfeld, Contract Services-\$175.00; Brenda Schroeder, Repairs-\$71.00; Business Products, Supplies-\$2,070.64; Butler Machinery, Supplies-\$683.41; Campbell Supply, Supplies-\$1,197.77; Card Services, Supplies-\$41.49; Carquest Auto Parts, Parts-\$84.67; CB&I, Contract Services-\$87,800.00; CB&I, Contract Services-\$38,484.20; Cedar Shore Resort, Travel-\$81.95; Central Electric Cooperative, Utilities-\$6,942.45; Century Link, Utilities-\$478.26; Chuck Jones, Travel-\$73.50; Chuck's Paint & Blinds, Supplies-\$302.03; City of Emery, Reimbursement-\$2,218.50; CO2 Systems, Repairs-\$1,000.00; Coca Cola Bottling, Supplies-\$631.50; Commercial Asphalt Spencer-Quarries, Supplies-\$1,030.40; Corn Palace Concessions, Supplies-\$45.00; County Fair, Supplies-\$15.78; Daily Republic, Legals-\$1,792.23; Dakota Diesel Service, Parts-\$1,285.00; Dakota Fluid Power, Parts-\$528.45; Dakota Pump, Parts-\$165.70; Dakota Salvage, Steel Out-\$62.30; Dakota Supply Group, Supplies-\$107.34; Dale's A-1 Transmission, Police Tow-\$120.00; Darrington Water Conditioning, Rental-\$41.00; Davison Rural Water System, Water usage -\$87.70; Department of Social Services, Child Support-\$1,087.48; Dick's Towing, Police Tow-\$270.00; Dive Rescue International, Supplies-\$238.65; Dr. Robert Snortum, Contract services-\$1,500.00; Ellefson Implement, Parts-\$47.34; Evident Crime Scene Products, Supplies-\$396.00; Farmers Alliance, Repairs,-\$2,219.00; Farnams Genuine Parts, Parts-\$183.37; Farner Bocken,Supplies-\$3,312.52; Fastenal, Supplies-\$282.83; Floor to Ceiling Store, Supplies-\$911.21; Frito-Lay, Supplies-\$164.64; Frontier Precision, Supplies-\$6,925.00; G & R Controls, Repairs-\$210.71; Gale, Books-\$206.21; GF Advertising Services, Supplies-\$3.30; Globe Ticket and Label, Supplies-\$1,148.92; Graham Tire, Supplies-\$401.25; Grainger, Supplies-\$46.81; Great Western Tire, Tires-\$1,449.08; Hard Drive Outlet, Supplies-\$21.00; Harve's Pro Prints, Supplies-\$372.97; HD Supply Waterworks, Parts-\$2,603.80; Henry Schein, Supplies-\$135.00; Heritage Archives, Contract Services-\$248.75; Hohn's Carpet Cleaning, Labor-\$96.45; Honda of Mitchell, Supplies-\$1,246.99; Ingram Library Services, Books-\$1,508.96; Institutions Services, Supplies-\$46.69; Integrity Transcription, Transcribing Service-\$562.50; Interstate Glass & Door, Supplies-\$423.40; Interstate Office Products, Supplies-\$52.90; Iverson Chrysler Center, Rental-\$49.95; James Valley Nursery, Supplies-\$36,367.56; Jamie Henkel, Reimbursement-\$9.00; JD Concrete Products, Supplies-\$1,105.50; Jerome Bork, Refund-\$88.21; Jones Supplies, Supplies-\$1,070.04; K-Mart, Supplies-\$663.51; Kelly Knippling, Reimbursement-\$100.00; KMIT/KOOL 98, Advertising-\$300.00; Lakeland Engineering Equipment, Parts-\$992.70; Lakeview Veterinary Clinic, Dog Impound-\$648.46; Larry Jirsa, Contract Services-\$187.50; Larry's I-90 Service, Repairs-\$4,961.41; Laurie D. Ruby, Contract Services-\$150.00; Maloney & Maloney, Legal Services-\$937.50; Mark Schilling, Travel-\$315.00; McFarland Supply, Supplies-\$21.26; McLeod's Printing, Supplies-\$1,522.50; Menard's, Supplies-\$1,988.82; Meyers Oil, Supplies-\$6,724.56; Mid-American Research Chemicals, Supplies-\$348.27; Midcontinent Communications, Utilities-\$493.37; Midwest Tire & Muffler, Supplies-\$885.66; Midwest Turf & Irrigation, Supplies-\$817.18; Joseph Neubauer, Refund-\$44.61; Mitch Reid, Workstudy-\$125.00; Mitchell Concrete Product, Supplies-\$99.59; Mitchell Iron & Supply, Supplies-\$418.11; Mitchell Senior Center, Supplies-\$62.68; Mitchell Telecom, Utilities-\$97.38; Mitchell United Way, United Way Deductions-\$185.64; Morgan Theeler, Payroll Deduction-\$225.96;

Motorola Solutions, Supplies-\$140.25; Mount Vernon School District, Nutrition-\$126.50; Mueller Lumber, Supplies-\$142.14; Muth Electric, Supplies-\$112.00; Nepstads Flower Shop, Supplies-\$57.45; Neve's Uniforms, Supplies-\$183.68; Newman Traffic Signs, Supplies-\$8,198.48; Northwestern Energy & Communications, Utilities-\$33,767.50; NPC International, Pizza-\$21.25; Page, Wolfberg & Wirth, Registration-\$1,515.00; Palace Cleaners, Supplies-\$221.25; Palace Transit RSVP, Volunteer Transportation-\$8,100.00; Pepsi Cola, Supplies-\$292.78; Plastow & Associates, Repairs-\$687.60; Pony Creek Steakhouse, Contract Services-\$1,838.15; Porter Distributing, Supplies-\$650.00; Powerplan-OIB, Parts-\$4,314.50; Pro-Build, Supplies-\$776.65; Professional Mailing & Marketing, Mailing Service-\$2,815.71; Public Safety Center, Supplies-\$261.19; Qualified Presort, Mailing Service-\$519.85; Quartermaster, Supplies-\$54.94; Reader's Den, Books-\$166.22; Recorded Books, Books-\$239.30; Rexwinkel Concrete, Contract Services-\$4,335.30 ; River Cities Public Transit, Phone Lines-\$56.00; Ron's Saw Shop, Supplies-\$283.50; S & M Printing, Supplies-\$307.00; SAE Warehouse, Freight-\$25.00; Santel Communications, Utilities-\$165.06; Satcom Global, Contract Services-\$960.00; Schmucker Paul & Nohr, Contract Services-\$590.00; Scott Supply, Parts-\$193.90; South Dakota Association of Fairs, Registration-\$250.00; South Dakota Department of Environment & Natural Resources, Fees-\$2091.41; South Dakota Department of Health, Lab-\$120.00; South Dakota Department of Revenue, Replacement Plates-\$9.00; South Dakota One Call, Supplies-\$248.85; South Dakota Retirement System, South Dakota Retirement Systems-\$38,506.87; South Dakota State Treasurer, Sales Tax-\$9,928.75; South Dakota Retirement System-Special Pay Plan, Supplemental Retirement-\$19,402.93; Sheehan Mack Sales & Services, Parts-\$937.04; Sherwin-Williams, Supplies-\$178.69; Shopko, Supplies-\$205.96; Sign Pro, Supplies-\$198.48; Sioux Empire Lighting, Supplies-\$330.00; Sioux Equipment, Fuel-\$356.76; Sioux Falls, Two-Way Radio, Parts-\$39.97; Sportsmith, Supplies-\$390.17; Standard Insurance, Life Insurance-\$1,236.66; State of South Dakota, Utilities-\$259.00; Steamway Cleaning, Maintenance-\$3,200.00; Sturdevant's Auto Parts, Parts-\$2,432.73; Sun Gold Trophies, Supplies-\$145.25; Superior Lamp, Parts-\$392.10; Tessier's, Supplies-\$16.56; Test America Laboratories, Lab-\$485.60; Three-D Specialties, Supplies-\$2,234.44; Thune True Value Hardware, Supplies-\$258.60; TK Electric, Repairs-\$456.51; Tractor Supply Credit Plan, Supplies-\$191.14; Triotel Communications, Monthly Services-\$43.36; True North Steel, Parts-\$1,099.65; United Way & Volunteer Services, Reimbursement-\$13.60; United Parcel Services, Shipping-\$142.06; Variety Foods, Supplies-\$1,094.72; Verizon Wireless, Supplies-\$7,093.76; Vern Eide Ford, Parts-\$127.02; Vern Eide of Mitchell, Police Tow-\$110.00; Walmart Community, Supplies-\$1,053.30; Wells Fargo Bank, Supplies-\$350.00; West Payment Center, Supplies-\$644.64; Wheelco Brake & Supply, Parts-\$570.56; Wholesale Electronics, Supplies-\$31.63; Wright Brothers Aviation, Airport Administration-\$500.001.

Members present voting aye: Allen, 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 Allen to adjourn the meeting. Motion carried.

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Marilyn Wilson  
Finance Officer

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