

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

**August 16, 2021  
6:00 P.M.**

**PRESENT:** Dan Allen, Marty Barington, Kevin McCardle, Steve Rice,  
Dan Sabers, Jeffrey Smith, Susan Tjarks

**ABSENT:** John Doescher

**PRESIDING:** Mayor Bob Everson

**AGENDA:**

Moved by Tjarks, seconded by Rice, to approve the following items on the consent agenda:

- a. City Council Minutes
  1. City Council August 2, 2021.
- b. Committee Meeting Minutes
  1. Planning Commission July 26, 2021.
- c. Department Reports
  1. Sales Tax Collections (July),
  2. Finance (July),
  3. Building Permits (July),
  4. Code Enforcement (July),
  5. Palace Transit (June),
  6. Airport (July), and
  7. Water (July).
- d. Automatic Supplement to General Fund-Public Works in the amount of \$42,160.00 from grant funds.
- e. Raffle Permits
  1. Dakota Wesleyan University Football with the drawings to be held on August 28, September 25, October 9, October 23, November 6, and November 13, 2021 and
  2. VFW Post #2750 with the drawing to be held on December 13, 2021.
- f. Set date 1:30 p.m., August 26, 2021 for bid opening of SDDOT Sidewalk Project #2021-55.
- g. Set date 6:00 p.m., September 20, 2021 for collection hearing on Special Assessment Roll for 2020 Construction Projects and 2020 Nuisance Abatements.
- h. Set date of September 7, 2021 for hearing on the application of Palace City Lions for a Special Event Liquor License located at the DWU Sherman Center for September 24, 2021 for the DWU Alumni Blue & White Unite.

i. Approval of Gas and Fuel Quotes

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel #2	1,400	1,400	\$2.540	\$ 3,556.00*
Off Road Diesel #2	6,100	6,100	\$2.265	\$13,816.50*
<b>Total Bid:</b>				<b>\$17,372.50*</b>

j. Pay Estimates August 16, 2021

- Pay Estimate #9 in the amount of \$9,070.00 for Dry Run Creek Analysis #2019-33 contracted to Infrastructure Design Group, Inc.,
- Pay Estimate #45 in the amount of \$1,271.25 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
- Pay Estimate #46 in the amount of \$2,362.95 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
- Pay Estimate #2 in the amount of \$56,032.83 for East Central Drainage Phase II #2019-39 contracted to Infrastructure Design Group, Inc.,
- Pay Estimate #12 in the amount of \$16,082.55 for Dailey Drive Lift Station #2020-12 contracted to SPN & Associates,
- Pay Estimate #S-2 in the amount of \$1,076.90 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
- Pay Estimate #1 in the amount of \$1,387.50 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
- Pay Estimate #43 in the amount of \$1,058.25 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
- Pay Estimate #44 in the amount of \$856.21 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
- Pay Estimate #5 in the amount of \$1,075.00 for Foster Street Bridge Rehabilitation #2021-2 contracted to Brosz Engineering,
- Pay Estimate #2 in the amount of \$4,018.75 for West Side Water Tower #2021-3 contracted to SPN & Associates,
- Pay Estimate #4 in the amount of \$20,994.50 for 9<sup>th</sup>-Sanborn to Lawler and 5<sup>th</sup>-Sanborn to Main #2021-7 contracted to McLaury Engineering,
- Pay Estimate #7 in the amount of \$3,629.75 for Landfill Cell #4 #2021-8 contracted to Helms & Associates,
- Pay Estimate #1 in the amount of \$1,843.10 for Firesteel Creek NAWCA Grant #2021-14 contracted to Steve Donovan,
- Pay Estimate #4 in the amount of \$2,802.50 for West Harmon Utility Improvements #2021-16 contracted to Brosz Engineering,
- Pay Estimate #2 in the amount of \$14,800.60 for Livesay Lane Utility/Infrastructure Improvements #2021-25 contracted to Infrastructure Design Group,
- Pay Estimate #3 in the amount of \$60,000.00 for Skate Park Expansion #2021-35 contracted to American Ramp Company, and
- Pay Estimate #13 in the amount of \$13,018.70 for AIP '28 Airport ALP/Master Plan

contracted to Helms & Associates.

k. Approve Bills. Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer.

**PAYROLL JULY 25, 2021 – AUGUST 7, 2021:** City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,296.46, Attorney \$4,401.38, Finance \$12,572.09, Human Resources \$3,542.93, Municipal Building \$3,003.28, Information Technology \$2,721.28, Police \$70,074.11, Traffic \$6,108.51, Fire \$32,828.52, Street \$32,899.50, Public Works \$19,531.29, Cemetery \$4,495.50, Animal Control \$1,559.28, Library \$15,646.85, Recreation & Aquatics \$26,628.10, Recreation Center \$12,655.94, Sports Complexes \$20,225.81, Ballpark Concessions \$253.34, Parks \$16,595.84, Supervision \$5,696.46, E911 \$24,449.58, MVP \$777.55, Palace Transit \$21,175.57, JVCC \$1,086.28, Nutrition \$3,490.42, Water Distribution \$12,978.37, Sewer \$13,126.27, Airport \$2,556.64, Recycling Program \$6,178.47, Waste Collection \$6,491.16, Landfill \$9,029.30, Corn Palace \$26,228.75, Golf Course \$6,704.87, Campground \$2,007.60, Emergency Medical Services \$31,019.33.

**NEW HIRES:**

CORN PALACE: Becca Long-\$11.45

EMS: Madison Jones-\$22.604

NUTRITION: Alfred Jacklin-\$11.45

RECREATION CENTER: Macey Bohl-\$9.95, Savannah Schmidt-\$9.95

**SALARY ADJUSTMENTS:**

CEMETERY: Jonathon Thurman-\$20.478, Aaron Willis-\$27.557

CORN PALACE: Gavyn Degen-\$10.95, Kathy Hanks-\$19.509

LANDFILL: Clayton Moore-\$26.573

LIBRARY: Jean Patrick-\$26.549

PALACE TRANSIT: Jonathan Gamber-\$19.018, Wanda Graves-\$24.672, Jacquelyn High-\$18.784

PUBLIC WORKS: Debra Hanson-Sudbeck-\$22.914

STREET: Travis Giedd-\$21.255, Randall Hanten-\$26.905, Pamela Punt-\$22.914

## **TERMINATIONS:**

CEMETERY: William Pape, Hayden Schmidt

E911: Debbie Vaughn

GOLF COURSE: Grant London

RECREATION & AQUATICS: Ashlin Deboer, Stephanie Gabel, Kadee Vermeulen

RECREATION CENTER: Kortni Grubb, Patti Zimmerman

SPORTS COMPLEXES: Kelly Kidwiler

STREET: Jon Morgan

**WARRANTS:** A&B Business Solutions, Contract-\$3,823.65; A-Ox Welding Supply, Supplies-\$144.91; Adam Pope, Performance-\$750.00; AFSCME Council 65, Union Dues-\$453.02; Agronomy Plus, Supplies-\$46.10; Alignment X-Perts, Repair-\$1,005.00; AM Best, Book-\$205.25; Amazon Capital Services, Supplies-\$157.09; American Ramp, 2021-35 P.E. #3-\$60,000.00; Aqua-Pure, Supplies-\$3,233.75; Aramark Uniform Services, Service-\$353.35; AT&T Mobility, Utilities-\$1,363.91; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-\$2,438.13; Avera Occupational Medicine, Contract Services-\$1,301.00; Avera Queen of Peace Hospital, Supplies-\$266.65; B-Y Water District, July Usage-\$132,016.48; Baker & Taylor, Books-\$19.15; Bechen Electric, Repairs-\$490.49; Becky Livermore, Performance-\$1,700.00; Bender's Sewer Cleaning, Maintenance-\$335.00; Big Daddy D's, Contract Services-\$2,329.22; Billy Lurken, Entertainment-\$150.00; Blackburn Manufacturing, Supplies-\$536.23; Blackstone Publishing, Books-\$63.96; Brosz Engineering, 2021-16 P.E. #4-\$3,877.50; Builders First Source, Supplies-\$392.00; C & B Operations, Supplies-\$31,866.74; Carquest Auto Parts, Maintenance-\$56.99; CDW Government, Supplies-\$72.58; Cengage Learning INC/Gale, Book-\$28.49; Central Electric, Utilities-\$10,647.00; Century Link, Utilities-\$58.79; Chuck's Paint & Blinds, Supplies-\$31.99; City of Mitchell, Hydrant Meter Usage-\$23.83; City of Mitchell, Hotel Tax-\$70.50; Civicplus, Annual Fee-\$7,328.00; CK Bicycles & Locks, Supplies-\$24.00; Coborns, Contract Services-\$556.50; Coca Cola Bottling, Supplies-\$349.65; Commercial Asphalt/Spencer Quarries, Supplies-\$4,548.19; Cook Implement, Supplies-\$266.23; Core-Mark Midcontinent, Supplies-\$3,519.64; County Fair, Supplies-\$902.10; Dakota Fluid Power, Supplies-\$155.10; Dakota Supply Group, Supplies-\$438.33; Darrington Water Conditioning, Rental-\$70.40; Davison Rural Water Systems, August Fees-\$1,256.10; Demco, Supplies-\$348.47; Department of Social Services, Child Support-\$639.74; Diamond Vogel Paints, Supplies-\$1,782.00; Dick's Towing, Tow-\$485.00; DJ Sieffstyle Entertainment, Entertainment-\$2,660.00; Doug L Driggs, 2020-24 P.E. #43-\$1,914.46; Dr Hilary Rockwell, Contract Services-\$3,000.00; Dug Out, Contract Services-\$696.50; Farmers Alliance, Repair-\$119.12; Fedex, Professional Service-\$14.87; Gaylen's Homegrown Popcorn, Supplies-\$2,591.40; Grainger, Supplies-\$281.02; Hawkins, Supplies-\$3,855.56; Helms and Associates, 2021-8 P.E. #7-\$16,648.45; Henry Schein, Supplies-\$2,728.21; Howes Oil, Supplies-\$17,902.72; Ican, Publishing-\$750.00; Infrastructure

Design Group, 2019-33 P.E. #9-\$82,367.83; Ingram Library Services, Books-\$295.26; Innovative Office Solution, Supplies-\$534.99; Iverson Chrysler Center, Rental-\$59.95; James Valley Nursery, Supplies-\$1,248.74; JD Concrete Products, Service Charge-\$7.67; Jebro, Supplies-\$105,997.50; Johnson Controls. Supplies-\$18,851.64; Jon Wiederrich, Johnny Rivers 2021-\$159.00; Jones Supplies, Supplies-\$1,563.54; Kansas Pro Sound, Rental-\$10,000.00; Kimball-Midwest, Supplies-\$143.88; Kiplinger Letter, Renewal-\$132.06; Lakeview Veterinary Clinic, Supplies-\$1,078.26; Larry's I-90 Service, Maintenance-\$296.60; Lawson Products, Supplies-\$65.13; Leighton Family Farms, Supplies-\$787.00; M & T Fire and Safety, Equipment-\$1,545.22; McLaury Engineering, 2021-7 P.E. #4-\$20,994.50; Menard's, Supplies-\$2,183.29; Meyers Oil, Supplies-\$2,902.91; Midcontinent Communication, Utilities-\$173.33; Midcontinent Communication, Advertising-\$1,395.00; Midwest Turf & Irrigation, Supplies-\$367.37; Mitchell Concrete Product, Supplies-\$57.90; Mitchell Convention & Visitors Bureau, 2021 Funding August-\$20,800.00; Mitchell Iron & Supply, Supplies-\$94.72; Mitchell United Way, United Way Deductions-\$195.00; Mueller Lumber, Supplies-\$132.85; Muth Electric, Repair-\$13,567.19; Napa Auto Parts, Supplies-\$444.07; North Central Seed, Supplies-\$148.50; Northwestern Energy & Communications, Utilities-\$52,743.43; On line Computer Library, Cataloging Subscription-\$361.72; One Source the Background, Background Checks-\$223.00; Overtime Steak House and Sports bar, Contract Services-\$2,135.00; Parkeon, Supplies-\$60.00; Peace Light, Supplies-\$465.00; Pepsi Cola, Supplies-\$400.13; Peterbilt of Sioux Falls, Repairs-\$4,974.25; Pomp's Tire Service, Supplies-\$3,496.12; Porter Distributing, Supplies-\$171.50; Powell Brothers Production, Stage Performance-\$1,500.00; Powerphone, Training-\$129.00; Premier Pest Control, Contract Service-\$525.00; Prestige Flag, Supplies-\$1,837.03; Public Health Laboratory, Lab-\$507.00; Qualified Presort, Mailing Service-\$320.40; Rent-All, Supplies-\$3,128.70; Republic National Distribution, Supplies-\$256.25; Romeo Entertainment, Entertainment-\$6,650.00; Ron's Bicycle & Locksmith, Supplies-\$24.00; Rowman & Littlefield Publishing, Book-\$211.99; Runnings, Supplies-\$431.99; S & M Printing, Supplies-\$84.00; Saga Communications of South Dakota, Advertising-\$445.00; Santel Communications, Utilities-\$106.16; Sara Berscheid, Water Billing Refund-\$80.35; Schmucker Paul & Nohr, 2019-39 P.E. #45-\$24,544.30; South Dakota Department of Environment & Natural Resources, Garbage Fees-\$2,922.82; South Dakota Department of Public Safety, Service Contract-\$1,608.00; South Dakota Retirement System, Retirement Contributions-\$51,581.31; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,658.50; South Dakota Association of Rural Water System, Member-\$1,240.00; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,929.80; Shah Software, Software Renewal-\$22,424.00; Sharon Jensen, Johnny Rivers 2021-\$106.00; Sherwin-Williams, Supplies-\$194.24; Shi International, Supplies-\$396.00; Siteone Landscape Supply, Supplies-\$81.74; Standard Insurance, Life Insurance-\$418.65; Staples, Supplies-\$343.81; Steve Donovan, 2021-14 P.E. #1-\$1,843.10; Steve Gryb, Performance-\$1,800.00; Stitchtogether, Supplies-\$24.00; Sturdevants Mitchell, Supplies-\$1,640.30; Teamsters Local No. 120, Union Dues-\$946.00; Tessier's, Maintenance-\$21,049.50; Test America Laboratories, Lab-\$2,048.62; The Last Outlaws, Stage Performance-\$25,000.00; Thomson Reuters West, July Charges-\$827.49; Thune True Value Hardware, Supplies-\$168.91; Tim's Towing & Recovery, Supplies-\$135.00; TK Electric, Repair-\$131.36; TMA Stores, Supplies-\$112.72; Tractor Supply Credit Plan, Supplies-\$205.96; Transource, Supplies-\$762.43; Two Way Solutions, Supplies-\$25,450.00; United Laboratories, Supplies-\$937.42; United Parcel Service Store #4227, Shipping-\$274.17; Valora Herron, Water Billing Refund-\$37.93; Van Diest

Supply, Supplies-\$2,990.36; Verizon Wireless, Utilities-\$706.81; Vern Eide Ford Lincoln, Repair-\$69.09; Walmart, Supplies-\$196.59; Wayne Haines, Johnny Rivers 2021-\$424.00; Weston Frank Live, Stage Performance-\$1,200.00; Wheelco Brake & Supply, Supplies-\$983.95; Whiskey Myers, Stage Performance-\$30,000.00; Wholesale Electronics, Maintenance-\$45.02; Williams & Ree, Stage Performance-\$10,000.00; Wireless Links, Repairs-\$333.60; Zimco Supply, Supplies-\$1,428.00; Ellwein Brothers, Supplies-\$356.20.

Members present voting aye: Allen, Barington, McCardle, Rice, Sabers, Smith, Tjarks.  
Members present voting nay: none. Motion carried.

**CITIZENS INPUT:**

Sonja Vanerdewyk, Mitchell Township resident, informed City Council about a 5G court ruling regarding sickness due to wireless radiation.

Corn Palace Director Doug Greenway spoke regarding the upcoming Corn Palace Festival beginning Wednesday, August 25<sup>th</sup>.

Council Member Steve Rice had a call regarding the weeds near Dry Run Creek. Parks & Recreation Director Nate Powell stated they will be sprayed and taken care of in the near future.

**BOARD OF ADJUSTMENT:**

Moved by Allen, seconded by McCardle, for the City Council to recess and sit as the Board of Adjustment. Motion carried.

Moved by Allen, seconded by Barington, to set date for September 7, 2021 on the application of John and Lisa Mentele for a front yard variance of 21 feet vs 25 feet as required for construction of a house addition at 1206 West Hanson Avenue, legally described as Lot 9 of Western Heights Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Tjarks, seconded by Rice, to set date for September 7, 2021 on the application of Faith Missionary Church for the following variances:

1. West side yard variance of 0 feet vs 3 feet, legally described as Lot 3 and East 33 feet of Lot 4, Block 3, Gleeson's Addition, City of Mitchell, Davison County, South Dakota.
2. East side variance of 0 feet vs 3 feet, legally described as Lot 4, except the East 33 feet and Lot 5, Block 3, Gleeson's Addition, City of Mitchell, Davison County, South Dakota.
3. Rear yard variance of 20 feet vs 25 feet on both parcels listed above.

All for an addition of a 38' x 57' building crossing parcel lines located at 1025 East 6<sup>th</sup> Street. The said real property is zoned R4, High Density Residential District. Motion carried.

Moved by McCardle, seconded by Rice, to set date for September 7, 2021 on the application of Timaysha Enfield for a conditional use permit to operate a family residential daycare center in her home located at 1318 West Ash Avenue, legally described as Lots 7 & 8, Block 6, Potter's Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

**HEARINGS:**

It was advised that this is the date and time set for hearing on the application to transfer RB-3124 Retail (On-off sale) Malt Beverage & SD Farm Wine License from XTREME Golf Inc. dba XTREME Golf Inc. to Jeremy Jensen dba Jensen Capital & Development, LLC located at 968 North Ohlman. This license will be inactive. Notice of hearing has been given and affidavit of publication is on file. Moved by Barington, seconded by McCardle, to approve said application. Motion carried.

**CONSIDER APPROVAL:**

Moved by Tjarks, seconded by Sabers, to approve a Special Event Application for Tour de Corn on August 21, 2021. Motion carried.

Moved by McCardle, seconded by Rice, to approve Agreement #A2021-43, Asbestos Remediation at 223 North Main Street with Horsley Specialties, Inc. in an amount of \$36,293.00. Motion carried.

Moved by Allen, seconded by Rice, to approve Agreement #A2021-45, ARPA Grant from the SD State Library in the amount of \$15,000.00. Motion carried.

**RESOLUTIONS:**

Moved by Rice, seconded by Smith, to approve Resolution #R2021-56, A Resolution Declaring Support for, and Adoption of, The Davison County Multi-Jurisdiction Pre-Disaster Mitigation Plan, as follows:

**RESOLUTION R2021-56**

**A resolution of the City Council of Mitchell declaring its support for, and adoption of, the Davison County Multi-Jurisdiction Pre-Disaster Mitigation Plan.**

**WHEREAS** a Pre-Disaster Mitigation Plan for Davison County (the Plan) has been developed; and

**WHEREAS** the City of Mitchell participated in the development of the Plan; and

**WHEREAS** the Plan will be used as a disaster mitigation planning tool as deemed appropriate by the Mitchell City Council.

**NOW THEREFORE BE IT RESOLVED** that the Mitchell City Council hereby adopts and supports the Plan, and will take action to ensure that the Plan is implemented successfully.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Smith, seconded by Barington, to place Ordinance #O2021-11, Amending Department Head Titles and Departmental Organization on second reading. Sabers voting nay. Motion carried. Moved by Rice, seconded by McCardle, to adopt Ordinance #O2021-11, Amending Department Head Titles and Departmental Organization, as follows:

**ORDINANCE #O2021-11**

**AN ORDINANCE AMENDING DEPARTMENT HEAD TITLES AND DEPARTMENTAL ORGANIZATION.**

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

Section 1.

That Mitchell City Code Section 1-6-1(A), "Appointive Officers and Positions", be AMENDED to read as follows:

"A. Appointive Officers and Positions: The following named offices and positions in the city shall be appointed positions, pursuant to South Dakota Codified Laws 9-14-1: city attorney, finance officer, director of public works, chief of police, chief of fire and EMS, director of park and recreation, director of human resources, director of community services, and director of the Corn Palace."

Section 2.

That Mitchell City Code Section 1-7-6, "Golf and Cemetery Department", be RE-TITLED and AMENDED to read as follows:

"1-7-6: GOLF AND CEMETERY DIVISION:

A. Having previously been established as an independent department, the golf and cemetery department is hereby re-organized to be a subdivision of the park and recreation department. Whenever reference is made in any city ordinance, state statute, or other official document to the term "director of golf and cemetery," "golf course superintendent," or "cemetery sexton" or the equivalent thereof, the term shall be deemed to mean the director of park and recreation.

B. The operations of the golf and cemetery division shall be subject to oversight by the golf and cemetery board. The park and recreation board shall have no authority over the golf and cemetery division."



Section 3.

That Mitchell City Code subsection 8-6-2(A), be AMENDED so as to remove the sentence below, with all other subsections of Section 8-6-2 to remain in full force and effect:

“The cemetery is a division of the department of public works and shall be administered and managed within that department.”

Section 4.

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

Section 5.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Members present voting aye: Allen, Barington, McCardle, Rice, Smith, Tjarks. Members present voting nay: Sabers. Motion carried.


Councilman Smith proposed that, for now and in the future, the golf fund not be used to cover any portion of the department head salary. The rest of the council agreed in principal but no formal motion was made or vote taken.

**CONSIDER APPROVAL:**

Moved by Tjarks, seconded by Allen, to approve Agreement #A2021-44, Real Estate Transfer Agreement with Mitchell Area Development Corporation for 223 North Main. Motion carried.

**ADJOURN:**

There being no further business to come before the meeting, Mayor Everson adjourned the meeting.

  
Michelle Bathke  
Finance Officer

Published once at the approximate cost of \_\_\_\_\_.