PRESENT: Dan Allen, Mel Olson, Steve Rice, Bev Robinson, Jeffrey Smith, Susan Tjarks, Dave Tronnes

ABSENT: Marty Barington

PRESIDING: Mayor Jerry Toomey

AGENDA:

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

a. City Council Minutes from Prior Meeting.
b. Committee Minutes:
c. Raffle Permits:
   1. Abbot House with the drawing to be held within the first week in December 2017,
   2. Mitchell Lions Club with the drawing to be held on April 1, 2017, and
   3. Lake Mitchell Bass Masters with the drawing to be held on December 31, 2017.
d. Automatic Supplements
   1. to the General Fund-Traffic in the amount of $11,982.77 for Light Maintenance from an insurance reimbursement,
   2. to the Debt Service Fund-TID #5-Iverson in the amount of $2,500.00 for Bond Principal from property tax revenue receipts,
   3. to the Debt Service Fund-TID #7-Westwood in the amount of $27,250.00 for Bond Principal from property tax revenue receipts,
   4. to the Debt Service Fund-TID #10-MADC in the amount of $96,100.00 for Bond Principal from property tax revenue receipts,
   5. to the Debt Service Fund-TID #13-MTI in the amount of $31,100.00 for Bond Principal from property tax revenue receipts,
   6. to the Debt Service Fund-TID #14-Pepsi in the amount of $12,200.00 for Bond Principal from property tax revenue receipts,
   7. to the Debt Service Fund-TID #15-ProBuild in the amount of $7,600.00 for Bond Principal from property tax revenue receipts,
   8. to the Debt Service Fund-TID #17-Woods Addition in the amount of $15,800.00 for Bond Interest from property tax revenue receipts,
9. to the Debt Service Fund-TID #18-Starlite in the amount of $49,600.00 for Bond Interest from property tax revenue receipts,
10. to the Debt Service Fund-TID #19-Antach/MHA in the amount of $7,500.00 for Bond Interest from property tax revenue receipts,
11. to the Debt Service Fund-TID #20-Morris in the amount of $7,600.00 for Bond Interest from property tax revenue receipts,
12. to the Capital Project Fund-TID #17-Woods Addition in the amount of $43,438.14 for construction from the developer, and
13. to the Enterprise Fund-Airport in the amount of $161,473.91 for AIP #26 Hangar Road/Parking from grant funds.

e. Set Date of 12-19-16 for Hearings:
   1. Hearing on the application of Mitchell Elks Lodge to transfer Retail (On-Sale) Liquor License RL-5772 from Mitchell Elks Lodge, 112 East 5th Avenue, Mitchell, SD to Mitchell Elks Lodge, 112 East 5th Avenue, Mitchell, SD due to a change in configuration of the licensed premises to include the concrete pad,
   2. Hearing on the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center, 812 North Rowley, Mitchell on January 7, 2017 for a Christmas Party, and

f. 2017 Taxi Licenses Applications:
   1. Becky's Vans,
   2. E-Z ride Taxi/Shuttle,
   3. Palace Transit, and
   4. Granite Springs Lodge LLC.

g. Application for South Dakota Steps to Wellness Grant-Part II in the amount of $1,250.00.

h. Set Date of 12-19-16 for Hearing:
   1. Hearing on the application of Tokyo Japanese Cuisine LLC dba Tokyo Japanese Cuisine LLC for a new Retail (On-Off Sale) Wine License, located at 819 East Spruce Street, Mitchell, SD.

i. Change Order #3 for South Rowley City Project #2016-3 (Kimball St. Portion) contracted to Menning Backhoe LLC increasing the contract amount by $5,467.75 to adjust contract amount to $179,996.00.

j. Change Order #1 for Sidewalk Schedule B City Project #2016-4B contracted to Big O Concrete increasing the contract amount by $4,333.52 to adjust contract amount to $92,710.61.

k. Change Order #2 for Sidewalk Schedule D City Project 2016-4D Miscellaneous Projects contracted to Top Grade Concrete increasing the contract amount by $17,060.30 to adjust contract amount to $46,364.14.

l. Change Order #1 for Curb & Gutter City Project #2016-14B contracted to Big O Concrete increasing the contract amount by $3,692.25 to adjust contract amount to $90,940.70.
m. Change Order #3-Final for Mitchell Municipal Airport City Project #AIP ’26 contracted to VanderPol Dragline, Inc. increasing the contract amount by $756.60 to adjust contract amount to $184,075.45.

n. Pay Estimates:
   Pay Estimate #3 in the amount of $11,626.50 for 200-400 Blocks N. Rowley Project #2016-3 contracted to Menning Backhoe,
   Pay Estimate #7 in the amount of $4,333.52 for Sidewalk Project #2016-4B contracted to Big “O” Concrete,
   Pay Estimate #6 in the amount of $17,060.30 for Sidewalk Project #2016-4D contracted to Top Grade Concrete,
   Pay Estimate #6 in the amount of $14,315.09 for Paving & Overlay Project #2016-15 contracted to Commercial Asphalt,
   Pay Estimate #3 in the amount of $57,119.00 for Hitchcock Park New Tennis Courts #2016-24 contracted to Rexwinkel Concrete, and
   Pay Estimate #2-Final in the amount of $25,455.09 for AIP ’26 Airport Parking Lot & Access Road contracted to VanderPol Dragline.

o. 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 OCTOBER 23, 2016 - PAYROLL NOVEMBER 5, 2016: City Council $2,913.92, Mayor $1,212.24, City Council $2,913.92, Mayor $1,212.24, City Administrator $4,284.00, Attorney $3,636.72, Finance $11,765.80, Human Resources $3,031.28, Municipal Building $2,717.20, Information Technology $2,201.52, Police $63,315.47, Traffic $4,220.77, Fire $40,728.54, Street $29,679.36, Public Works $19,559.99, Cemetery $4,366.89, Animal Control $1,475.12, Emergency Medical Services $10,101.81, Library $11,516.18, Recreation & Aquatics $5,857.64, Recreation Center $10,448.26, Sports Complexes $10,673.98, Parks $8,668.42, Supervision $4,406.56, E911 $20,999.21, RSVP $5,645.35, Palace Transit $16,934.65, JVCC $590.80, Nutrition $1,638.23, Water $5,608.84, Water Distribution $7,991.72, Sewer $11,794.02, Airport $2,306.21, Waste Collection $8,468.07, Landfill $6,244.36, Corn Palace $15,135.73, Golf Course $6,128.55.

PAYROLL NOVEMBER 6, 2016 - PAYROLL NOVEMBER 19, 2016: City Council $2,913.92, Mayor $1,212.24, City Council $2,913.92, Mayor $1,212.24, City Administrator $4,434.00, Attorney $3,636.72, Finance $11,765.77, Human Resources $3,031.28, Municipal Building $2,744.86, Information Technology $2,201.52, Police $59,836.50, Traffic $3,738.78, Fire $40,779.39, Street $27,522.01, Public Works $19,541.84, Cemetery $3,790.84, Animal Control $1,475.13, Emergency Medical Services $10,089.52, Library $11,551.36, Recreation & Aquatics $5,986.64, Recreation...
Center $9,986.60, Sports Complexes $10,377.05, Parks $7,908.03, Supervision $4,406.56, E911 $21,302.98, RSVP $5,645.37, Palace Transit $17,142.24, JVCC $700.00, Nutrition $1,117.38, Water $5,642.98, Water Distribution $7,213.08, Sewer $12,038.92, Airport $3,008.88, Waste Collection $10,794.99, Landfill $8,579.20, Corn Palace $16,680.80, Golf Course $5,557.83.

NEW HIRES:


SPORTS COMPLEX: Sarah Zimmerman-$8.55.

RECREATION & ACQUATICS: Gayle Klein-$10.00, Sam Mock-$10.00, Bruce Mastel-$10.00, Madison Bohlen-$8.55.


PALACE TRANSIT: Jacque High-$13.897.

POLICE: Austin Buysse-$13.00.

SALARY ADJUSTMENTS:


CORN PALACE: Dan McCloud-$24.249.

PARK: Chad Colwell-$17.037.

SPORTS COMPLEX: Roger Prewett-17.037.


WARRANTS: A & B Business Solutions, Contract-$485.93; A-OX Welding Supply, Rental-$76.05; Accounts Management, Garnishment-$282.20; Adam Fosness, Contract Services-$1,550.00; Advance Auto Parts, Supplies-$24.17; AFLAC, Aflac Withholding-$4,200.14; AFLAC Group, Aflac Critical Care-$780.10; Alignment X-Perts, Repair-$20.00; American Garage Door, Service-$45.00; Ameripride Services, Supplies-$165.42; Avera Occupational Medicine, Service-$591.22; Bailey Metal Fabricators, Repair-$129.22; Bender's Sewer Cleaning, Repairs-$950.00; Big Daddy D's, Contract Services-$3,950.00; Big O Concrete, 2016-4B P.E. #7-$143,333.52; Blackburn Manufacturing, Supplies-$139.30; Break Time Portables, Rental-$95.00; Brown & Saenger, Supplies-
$445.28; C & B Operations, Supplies-$231.15; Campbell Supply, Supplies-$798.21; Carquest Auto Parts, Supplies-$62.28; CDW Government, Software-$758.93; Central Electric, Utilities-$693.00; Century Link, Utilities-$1,249.79; CHR Solutions, Contract Services-$3,115.05; City of Mitchell, Utilities-$1,355.48; Clark Paving, Repairs-$127.50; Clean Sweep, Supplies-$398.00; Coca Cola Bottling, Supplies-$49.50; Commercial Asphalt, 2016-15 P.E. #6-$14,315.09; Commercial Asphalt/Spencer Quarries, Supplies-$6,423.23; Counsilman Hunsaker Operations, Professional Service-$6,000.00; Country Pride Coop, Supplies-$23,264.65; County Fair, Supplies-$9.99; Crystal Van Sickel, Reimbursement-$100.00; Dakota Green Landscaping, Repairs-$562.22; Dakota Pump, Repairs-$205.58; Daniel Fechner, Travel-$11.00; Danko Emergency Equipment, Supplies-$373.22; Davison County Register of Deeds, Copies-$90.00; Delta Dental Plano of South Dakota, Dental Insurance-$13,067.78; Dependable Sanitation, Contract Services-$19,880.00; Department of Social Services, Garnishment-$1,411.53; Doug's Custom Paint & Body, Repairs-$6,400.63; Emergency Education, Training-$80.00; Environmental Toxicity, Laboratory Fees-$325.00; Eric Hieb, Contract Services-$4,139.75; Farmers Alliance, Repairs-$1,642.25; Farner-Bocken, Supplies-$1,027.41; Fastenal, Supplies-$176.80; First Dakota National Bank, TIF #9-Vantage Point-$36,643.39; First National Bank Omaha, Loan Payment-$9,356.81; Framer, Supplies-$240.35; GER Tires & Service, Supplies-$3,603.75; Graham Tire, Supplies-$5,285.00; Great Lakes Higher Education, Garnishment-$202.44; Harve's Sport Shop, Supplies-$408.93; HD Supply Waterworks, Supplies-$2,711.11; Henry Schein, Supplies-$699.39; Honda of Mitchell, Supplies-$450.00; I-State Truck Center, Supplies-$1,521.51; Integrity Transcription, Transcribing Service-$491.40; Interstate Office Products, Supplies-$101.33; James Valley Nursery, Supplies-$6,375.44; Jones Supplies, Supplies-$1,001.39; Josh Russell. Deposit-$1,500.00; Kristiana Bishop, Refund-$400.00; Krohmer Plumbing, Supplies-$24.39; Light & Siren, Repair-$130.00; Make It Mine Designs, Supplies-$25.00; Marilee Johnson-Gearly, Service-$270.00; McFarland Supply, Supplies-$736.63; McLeod's Printing, Supplies-$8.99; Medica, Refund-$61.37; Menard's, Supplies-$1,777.36; Menning Backhoe, 2016-3 P.E. #3-$11,626.50; Meridian Grain, Supplies-$3,332.03; Mettler Implement, Repairs-$514.14; Meyers Oil, Supplies-$1,263.19; Microsoft, Software-$1,381.00; Midwest Financial Processing, Supplies-$670.77; Mitchell Concrete Product, Supplies-$1,098.30; Mitchell Park & Recreation, Art Revenue-$3,780.00; Mitchell Plumbing & Heating, Repairs-$3,098.25; Mitchell Recreation Center, Memberships-$3,600.00; Mitchell Soccer, Officials-$740.00; Mitchell Telecom, Utilities-$68.37; Mitchell United Way, United Way Deductions-$218.67; Mobotrex, Maintenance-$1,280.00; Mueller Lumber, Supplies-$1,461.35; Muth Electric, Repairs-$4,715.40; Napa Auto Parts, Supplies-$124.51; NBG Enterprises, Deposit-$1,500.00; Newman Traffic Signs, Supplies-$430.12; Noridian Medicare JF Part B Refunds, $770.68; Northwestern Energy & Communications, Utilities-$15,180.81; Office of Weights & Measures, Test Report-$103.00; On Sight 24/7, Supplies-$342.47; Pro-Build, Supplies-$2,441.25; Qualified Presort, Contract Services-$488.08; Rausch, Sturm, Israel, Enerson & Hornik Attorney at Law, Garnishment-$237.81; Reliance Foundry,
Supplies-$7,222.00; Rev Ambulance Group Orland, Supplies-$419.39; Rexwinkel Concrete, 2016-24 P.E. #3-$57,119.00; Richard Pollreisz, Reimbursement-$24.99; S & M Printing, Supplies-$230.00; Santel Communications, Utilities-$1,700.00; Scott Supply, Parts-$229.91; South Dakota Department of Health, Lab-$838.00; South Dakota Retirement System, South Dakota Retirement Systems-$44,476.31; South Dakota-Supplemental Retirement, Supplemental Retirement-$3,416.66; South Dakota-Supplemental Roth 457, Roth 457 Contributions-$300.00; Shane Taylor Construction, Supplies-$304.98; Sherwin-Williams, Supplies-$155.16; Sign Pro, Supplies-$50.40; Standard Insurance, Life Insurance-$1,536.48; State Disbursement Unit, Child Support-$200.00; Sturdevant's Auto Parts, Supplies-$1,436.43; Subway, Meals-$42.00; Sun Gold Sports, Supplies-$328.81; Teamsters, Union Dues-$764.00; Tessier's, Repairs-$1,484.96; Test America Laboratories, Lab-$1,745.71; Three-D Specialties, Supplies-$200.90; Thune True Value Hardware, Supplies-$334.87; TK Electric, Supplies-$409.36; TMA Stores, Supplies-$399.18; Top Grade Concrete, 2016-4D P.E. #6-$17,060.30; Tractor Supply Credit Plan, Supplies-$29.97; Traffic Control, Supplies-$347.83; Tyler Technologies, Software-$2,718.75; Vallen Distribution, Supplies-$292.47; Vanderpol Dragline, AIP'26 P.E. #2 Final-$25,455.09; Vast Broadband, Utilities-$55.43; Verizon Wireless, Utilities-$520.15; Vern Eide Chevrolet Buick, Police Tow-$300.00; Wade Strand, Contract Services-$35,000.00; Walmart, Supplies-$158.02; Wells Fargo Bank, TID #13-MTI-$36,139.38; Wells Fargo Bank, TID #14-Pepsi-$24,095.42; Wells Fargo Bank, TID #18-Starlite Estates-$34,192.31; Wheelco Brake & Supply, Supplies-$815.88; Wholesale Electronics, Supplies-$194.72.

Members present voting aye: Allen, Olson, Rice, Robinson, Smith, Tjarks, Tronnes. Motion carried.

**COMMITTEE MEETING:**

**Public Properties:**

The Public Properties Committee met at 5:00 p.m. on December 5, 2016. The committee approved to table the request for street lights at Wild Oak Development.

Moved by Rice, seconded by Smith, to approve the Committee Report. Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-Off Sale) Wine License RW-6530 and Package (Off-Sale) Liquor License PL-4695 from TEAM Haus Inc. dba Dakota Sunset, 1524 West Havens Avenue, Mitchell to Meyers Oil Company Inc., dba Dakota Sunset Shell, 1524 West Havens Avenue, Mitchell. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Robinson, to approve said application. Motion carried.
CONSIDER APPROVAL

Moved by Robinson, seconded by Rice, to approve the applications for renewal of Liquor and Wine Licenses. Motion carried.

BOARD OF ADJUSTMENT:

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

HEARINGS:

It was advised that this is the date and time set for hearing on the application of Brianna Blom (applicant), Curtis and Sandra Melor (owners) for a conditional use permit to operate a family residential child care center in the residence located at 912 E 7th Ave, legally described as Lot 14, Block 1, F.M. Greene Addition, City of Mitchell, Davison County, SD. The Planning Commission recommended approval of said application with the following conditions: the permit is nontransferable and if the operation ceases for a period of six months or longer then a new application would be required. Moved by Robinson, seconded by Tjarks, to approve said application with the following conditions: the permit is nontransferable and if the operation ceases for a period of six months or longer then a new application would be required. Motion carried.

It was advised that this is the date and time set for hearing on the application of West Havens Storage LLC for a conditional use permit for construction of self-service facilities at 1522 West Havens Avenue, legally described as the East 140’ of Irregular Tract 4A located in the Southwest ¼, Section 21, Township 103 North, Range 60 West of the 5th P.M., Less PE-1, Platted Various, City of Mitchell, Davison County, South Dakota. The property is zoned HB-Highway Oriented Business District. Planning Commission tabled said application. Moved by Allen, seconded by Rice, to table said application to December 19, 2016. Motion carried.

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

CONSIDER APPROVAL

Moved by Tjarks, seconded by Robinson, to approve and authorize the Mayor to sign the agreement for 2016 Capital Grant Funds for Palace Transit for Computer Hardware in the amount of $14,053.00 of which $3,513.25 is the City’s match. Motion carried.

Moved by Tjarks, seconded by Allen, to approve and authorize the Mayor to sign the South Dakota Department of Health Workplace Wellness Grant Part I in the amount of $750.00. Motion carried.
Moved by Tjarks, seconded by Allen, to approve the 2017 Insurance Committee Recommendations with Delta Dental, The Standard Life Insurance and Wage Works. Motion carried.

**ORDINANCES:**

Moved by Robinson, seconded by Olson, to place Ordinance #2556, An Ordinance Revising Corn Palace Entertainment Board on second reading. Motion carried. Moved by Robinson, seconded by Olson, to adopt Ordinance #2556 as follows:

**ORDINANCE NO. 2556**

AN ORDINANCE AMENDING certain Sections of Mitchell City Code Title 3, Chapter 9 CORN PALACE ENTERTAINMENT BOARD as such relate to the number of members thereto.

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

Section 1.

That Section 3-9-1 of the Mitchell City Code be amended by REMOVING the language:
“shall consist of seven (7) members”
and replacing said language with:
“shall consist of ten (10) members”

Section 2.

That Section 3-9-2 of the Mitchell City Code be amended by REMOVING the language:
“four (4) citizens of the city nominated by the mayor”
and replacing said language with:
“seven (7) citizens of the city nominated by the mayor”

Section 3.

That Section 3-9-2 of the Mitchell City Code be amended by Removing the language:
“one member nominated by the Mitchell Chamber of Commerce executive board who shall then be serving on said executive board, and who shall, subject to the approval of the mayor and city council, serve up to two (2) consecutive terms of one year each”
And replacing said language with:
“one member nominated by the Mitchell Chamber of Commerce executive board who shall then be serving on said executive board, and who shall, subject to the approval of the mayor and city council, serve up to two (2) consecutive terms of three (3) years each”

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, Olson, Rice, Robinson, Smith, Tjarks, Tronnes. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

Moved by Olson, seconded by Allen, to place Alternate version of Ordinance #2557, An Ordinance Repealing and Replacing Chapter 5-3 NUISANCES of the Mitchell City Code Regarding Nuisances on first reading in lieu of 2nd reading & adoption of original ordinance #2557. Motion carried with Rice voting nay.

Moved by Allen, seconded by Olson, to place Ordinance #2558, Supplemental Appropriations Ordinance on first reading. Motion carried.

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

Michelle Bathke
Finance Officer

Published once at the approximate cost of ____________.