

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

February 20, 2018  
6:00 P.M.

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

**PRESIDING** Mayor Jerry Toomey

**WORK SESSION:**

The City Council met February 20, 2018 for a work session in the Council Chambers of City Hall with the following item for discussion:

- Discussion on Naming/Sponsorship Policy

**AGENDA:**

Council Member Tjarks removed Item “f” from the consent agenda to the formal agenda.

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

- a. City Council Minutes
  1. Special City Council Minutes January 31, 2018, and
  2. City Council Minutes February 5, 2018.
- b. Department Reports
  1. Sales Tax Collections (January),
  2. Building Permits (2017),
  3. Building Permit Reports (January 2018),
  4. Police (January),
  5. Fire (January),
  6. EMS (January),
  7. Fire & EMS Combined (January),
  8. Palace Transit Ridership (December 2017),
  9. Palace Transit Ridership (January 2018),
  10. Community Services Report (January 2018),
  11. Community Services Report (February 2018),
  12. Airport (January), and
  11. Water (January).
- c. Raffle Permits
  1. Mitchell High School/Friend de Coup with the drawing to be held on March 17, 2018.
- d. Approve applications for Department of Transportation Capital Grant Funds.
- e. Approve property tax abatements for 2017 taxes payable in 2018.

The property tax abatements will be on file for review in the Finance Office at City Hall.

- g. Set date of 03-05-2018 for hearings
  - 1. On the application to transfer Retail (On-Off Sale) Malt Beverage License RB-2169 from David D Backlund Jr. dba Par Tee Bar, 117 South Lawler Street, Mitchell, South Dakota to Keke Leiferman dba The Back 40 LLC, 511 North Main Street, Mitchell, South Dakota.
  - 2. On the application of KeKe Leiferman dba The Back 40 LLC, 511 North Main Street, Mitchell, South Dakota for a new Retail (On-Off) Sale Wine License
- h. Set date for bid opening at 1:30 p.m., March 13, 2018 for City Sidewalk Project #2018-4.
- i. Set date for bid opening at 1:30 p.m., March 26, 2018 for Rec Center Reroof-Phase II.
- j. Authorize the purchase of a 2017 Caterpillar Backhoe City Project #2018-26 off the NJPA used equipment contract 03215-CAT.
- k. Approve the application for Air Venture Grant and Event at Mitchell Municipal Airport July 21-22, 2018.
- l. Request for approval to apply for Homeland Security Grant – 1<sup>st</sup> Net Phones & Radios.

m. Gas & Fuel Quotation

<b><u>Howes Oil Company</u></b>	<u>Requested</u>	<u>Bid</u>	<u>Price per</u>	<u>Total Bid</u>
	<u>Gallons</u>	<u>Gallons</u>	<u>Gallons</u>	<u>Per Product</u>
On Road Diesel #2	1,200	1,200	\$2.390	<b>\$ 2,868.00*</b>
On Road Diesel #1	1,200	1,200	\$2.685	<b>\$ 3,222.00*</b>
		Total:		<b>\$ 6,090.00*</b>

**Howes Oil was the only bidder for items marked with asterisk.**

- n. Pay Estimates February 20, 2018
  - Pay Estimate #12 in the amount of \$340,488.99 for Mitchell Aquatic Center #2016-11 contracted to Puetz Corporation,
  - Pay Estimate #23A in the amount of \$9,411.24 for Mitchell Aquatics Center #2016-11 contracted to MSH Architects,
  - Pay Estimate #11 in the amount of \$4,500.00 for Sanborn Design/Construction Contract #2018- 22 contracted to SPN & Associates,
  - Pay Estimate #4 in the amount of \$2,355.00 for Water Tower Mixer Design #2017-36 contracted to Advanced Engineering & Environmental Services.
- 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 JANUARY 14, 2018 – JANUARY 27, 2018:** City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,658.42, Attorney \$3,871.18, Finance \$12,754.94, Human Resources \$3,382.92, Municipal Building \$3,597.68, Information Technology \$2,363.92, Police \$67,868.02, Traffic \$4,228.01, Fire \$51,713.22, Street \$29,922.43, Public Works \$14,962.94, Cemetery \$3,566.88, Animal Control \$1,591.92, Emergency Medical Services \$12,195.23, Library \$13,157.65, Recreation & Aquatics \$7,285.61, Recreation Center \$10,354.98,

Sports Complexes \$10,917.35, Parks \$8,935.47, Supervision \$5,010.24, E911 \$25,911.79, RSVP \$5,502.29, Palace Transit \$19,682.86, JVCC \$1,517.25, Nutrition \$1,072.89, Water \$5,871.86, Water Distribution \$9,312.52, Sewer \$13,612.67, Airport \$2,842.31, Waste Collection \$11,847.01, Landfill \$8,171.77, Corn Palace \$20,783.74, Golf Course \$5,478.06.

**NEW HIRES:**

RECREATION CENTER: Robin Pooley-\$9.35, Tyson Schulz-\$15.00, Desirae Busack-\$9.85.

RECREATION AND AQUATICS: Kyler Way-\$9.35.

**SALARY ADJUSTMENTS:**

SUPERVISION: Angel DeWaard-\$20.393.

SPORTS COMPLEXES: Jocelyn Prewett-\$8.85, Madalyn Andersen-\$8.85.

LIBRARY: Cynthia Meinen-\$24.540.

CORN PALACE: Diane Mutziger-\$18.486.

STREET: John Falk-\$19.405.

FIRE: Ben VandenHoek-\$23.423, Scott Tschetter-\$16.984.

**WARRANTS:** A-OX Welding Supply, Supplies-\$428.39; Accounts Management, Garnishment-\$265.66; Advance Auto Parts, Parts-\$50.47; Advanced Engineering and Environmental Services, 2017-36 P.E. #4-\$2,355.00; Aflac, Aflac Withholding-\$10,730.17; Aflac Group, Critical Care-\$1,506.10; AFSCME Council 65, Union Dues-\$518.76; Alcopro, Supplies-\$144.00; American Garage Door, Supplies-\$395.92; Ameripride Services, Supplies-\$204.81; Analytical Technology, Supplies-\$821.06; Athletica Sport Systems, Supplies-\$1,353.00; Avera Occupational Medicine, Contract Services-\$1,183.00; Avera Queen of Peace Hospital, Training-\$992.12; Axon Enterprise, Supplies-\$6,591.00; B-Y Water District, Utilities-\$41,706.10; Bailey Metal Fabricators, Supplies-\$80.33; Baker & Taylor, Books-\$686.92; Ben Franklin Crafts, Supplies-\$12.83; Bender's Sewer Cleaning, Repairs-\$5,350.00; Big Daddy D's, Contract Services-\$4,165.00; Blackstone Publishing, Supplies-\$204.92; Bridgewater Emery School District, Corn Palace Games-\$700.50; Brown & Saenger, Supplies-\$315.11; C & B Operations, Supplies-\$337.24; Campbell Supply, Supplies-\$612.60; Carquest Auto Parts, Supplies-\$49.42; Center Point Large Print, Books-\$89.28; Central Electric, Utilities-\$13,675.39; Century Link, Utilities-\$123.35; Cherrybee's, Supplies-\$46.00; City of Sioux Falls, Lab Fees-\$14.50; CNA Surety, Professional Services-\$50.00; Coborn's, Supplies-\$835.00; Coca Cola Bottling, Supplies-\$1,236.60; Core

& Main, Training-\$4,300.00; Core-Mark Midcontinent, Supplies-\$3,523.98; Corn Palace Concessions, Supplies-\$60.00; Corporate Translation Service, Translation Service-\$17.66; County Fair, Supplies-\$100.97; County Fair, Contract Services-\$260.00; Dakota Tech, Supplies-\$1,558.00; Dakota Fluid Power, Supplies-\$254.99; Danko Emergency Equipment, Supplies-\$172.23; Darrington Water Conditioning, Rental-\$72.30; Davison County Register of Deeds, Copies-\$1.00; Davison Rural Water Systems, Utilities-\$101.37; Delta Dental Plan of South Dakota, Delta Dental Plan of South Dakota-\$14,223.16; Demco, Supplies-\$157.40; Department of Social Services, Child Support-\$1,147.99; DH Wireless Solutions, Supplies-\$128.00; Dick's Towing, Police Tow-\$746.00; Dug Out, Contract Services-\$672.00; Emergency Education, Training-\$180.00; Farmers Alliance, Supplies-\$898.98; Fastenal, Supplies-\$5.80; Fedex, Transportation Charges-\$16.00; Fischer, Rounds, Notary Bond-\$50.00; Forum Communications, Advertising-\$2,103.12; Gale, Books-\$518.05; Galls, Supplies-\$112.50; Governor's Inn, Travel-\$76.00; Happy Memories Band, Contract Services-\$150.00; Heartland Paper, Supplies-\$197.26; Henry Schein, Supplies-\$892.50; Honda of Mitchell, Supplies-\$11.50; Howes Oil, Supplies-\$16,635.52; Identisys, Supplies-\$328.03; Ingram Library Services, Books-\$454.59; Integrity Transcription, Transcribing Service-\$578.55; International Municipal, Renewal-\$625.00; Interstate Glass & Door, Supplies-\$437.29; Interstate Office Products, Supplies-\$81.05; JCL Solutions, Supplies-\$1,249.39; Jessica Pickett, Travel-\$306.72; Joel Reinesch, Reimbursement-\$89.98; Lakeview Veterinary Clinic, Service Dog Tommy-\$1,246.97; Lewis Drug, Supplies-\$280.70; Lockton Affinity, Supplies-\$1,398.00; Long Rider Books, Books-\$1,608.39; Lori Schmidt, Contract Services-\$160.00; Marilee Johnson-Geary, Contract Services-\$270.00; Mark Eliason, Travel-\$111.00; Mason Dynamics, Supplies-\$519.43; McFarland Supply, Supplies-\$529.01; McKenzy Young, Reimbursement-\$84.99; McLeod's Printing, Supplies-\$1,570.66; Menard's, Supplies-\$4,346.14; Meyers Oil, Supplies-\$2,260.60; Midwest Alarm Company, Maintenance-\$873.00; Midwest Turf & Irrigation, Supplies-\$912.08; Mitchell Aquatic Club, 2018 Allocation-\$5,000.00; Mitchell Area Chamber of Commerce, 2018 Funding-\$5,417.00; Mitchell Area Convention Visitors Bureau, 2018 Funding-\$17,333.00; Mitchell Area Human Resources, Dues-\$60.00; Mitchell Iron & Supply, Supplies-\$187.21; Mitchell Plumbing & Heating, Repairs-\$75.00; Mitchell Power Equipment, Repairs-\$87.93; Mitchell Telecom, Utilities-\$2,462.12; Mitchell United Way, United Way Deductions-\$171.67; MSH Architects, 2016-11 P.E. #23A-\$9,411.24; Mount Vernon School District, Contract Services-\$42.90; Mueller Lumber, Supplies-\$3.14; Napa Auto Parts, Parts-\$1,174.06; National Pen, Supplies-\$182.39; Northwestern Energy & Communications, Utilities-\$44,906.07; Online Computer Library Center, Cataloging-\$658.90; Palace Cleaners, Supplies-\$30.75; Parkston Boom's Restaurant, Contract Services-\$2,814.00; Pat Dockendorf, Contract Services-\$100.00; Paul's Towing, Police Tow-\$396.00; Paulson Air, Supplies-\$79.56; Penguin Random House, Supplies-\$67.50; Pepsi Cola, Supplies-\$455.61; Puetz, 2016-11 P.E. #12-\$340,488.99; Qualified Presort, Contract Services-\$476.17; Reader's Den, Books-\$59.39; Recorded Books, Books-\$5,138.02; Riverside Technologies, Supplies-\$10,977.00; Rodney Bollock, Reimbursement-\$33.00; Rolyan Buoy, Supplies-\$191.00; Rowman & Littlefield

Publishing Group, Book-\$41.26; Santel Communications, Utilities-\$1,794.16; Satcom Global, Utilities-\$42.75; Schmucker Paul & Nohr, 2018-22 P.E. #11-\$4,500.00; Scholastic Library Publish, Books-\$126.75; Schuh Painting, Supplies-\$224.49; Scott Supply, Supplies-\$2,676.94; South Dakota Chapter American Public Works, Registration-\$50.00; South Dakota Department of Environment & Natural Resources, January Fees-\$2,006.61; South Dakota Newspaper Services, Advertising-\$596.54; South Dakota One Call, Professional Service-\$28.35; South Dakota Police Chiefs, Registration-\$170.00; South Dakota Retirement System, Retirement Contributions-\$49,185.62; South Dakota-Supplemental Retirement, Supplemental Contributions-\$2,912.66; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$400.00; South Dakota Municipal League, 2018 Renewal-\$245,634.00; South Dakota Waste Water, Registration-\$75.00; Secretary of State, Notary Fee-\$30.00; Sioux Falls Two-Way Radio, Supplies-\$430.85; Sirchie Finger Print Labor, Supplies-\$94.61; Spencer Quarries, Supplies-\$385.19; Springer Customer Service, Book-\$465.36; Standard Insurance Company, Standard Insurance Company-\$2,355.15; Stitchtogether, Repairs-\$7.00; Sturdevant's Auto Parts, Supplies-\$2,027.52; Sun Gold Sports, Supplies-\$64.25; Target Solutions, Membership-\$2,747.00; Terry Johnson, Travel-\$28.00; Tessier's, Repairs-\$715.72; Thomson Reuters-West, January Charges-\$612.15; Thune True Value Hardware, Supplies-\$107.40; Ticketforce, Usage Fees-\$150.30; TK Electric, Repairs-\$2,500.34; TMA Stores, Repairs-\$716.20; Tractor Supply Credit Plan, Supplies-\$189.99; Traditions Meal Solutions, Contract Services-\$1,916.00; Transource, Supplies-\$1,428.10; Trizetto Provider Solution, Service Contract-\$84.27; Troy Kokesh, Supplies-\$94.99; True North Steel, Supplies-\$1,165.00; Ugatestore Com, Supplies-\$3,845.00; United Rotary Brush, Supplies-\$1,138.85; United Parcel Services Store #4227, Shipping-\$163.15; United States Postal Service, Postage-\$75.33; USA Blue Book, Supplies-\$316.08; Vander Haag's, Supplies-\$593.00; Verizon Wireless, Utilities-\$2,696.02; Vern Eide Chevrolet Buick, Police Tow-\$150.00; Wheelco Brake & Supply, Supplies-\$497.60; Woelfel Jewelry Store, Supplies-\$150.00; Wright Brothers Aviation, Maintenance Contract-\$500.00; Ellwein Brothers, Supply \$2,505.20; South Dakota Retirement, Special Pay Plan Contribution-\$25,324.35; South Dakota Retirement, Supplies-\$45.00; South Dakota Retirement, Special Pay Plan Contribution-\$14,158.71; South Dakota Retirement, Supplies-\$45.00.

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

**CONSIDER APPROVAL:**

Consent Agenda Item f. Moved by Tjarks, seconded by Allen, to approve the taxicab licenses of Derek Davis dba LYFT, Joseph Novak dba LYFT and Robert Unruh dba as LYFT. Motion carried.

**CITIZENS INPUT:**

Council Member Mel Olson commended Council Member Kevin McCardle's work on determining how many storm sewers drain into Lake Mitchell. Olson also spoke regarding banning phosphorous fertilizer draining into Lake Mitchell.

Council Member Jeff Smith spoke in regards about a letter his neighbor had received about snow removal on bike paths. Smith said he did not know anything about the letter and in the future would like a copy of any correspondence that would have their name on it.

**BOARD OF ADJUSTMENT:**

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

**SET DATE:**

Moved by Allen, seconded by Olson, to set date for March 5, 2018 on the application of Valor Investment Properties LLC for backyard variances of 10 feet instead of the 25 feet as required to accommodate the construction of a multi-family property located at 111 & 113 East Juniper Avenue, legally described as Lot X-1 & Lot X-2, Square 19, A Subdivision of Portions of Lot X of Square 19, The North ½ of Vacated East Kay Avenue and the West ½ of vacated South Lawler Street, All in Weaver's Squares, City of Mitchell, South Dakota. The said real property is zoned (R4) High Density Residential District. Motion carried.

Moved by Tjarks, seconded by Barington, to set date for March 5, 2018 on the application of Roger & Tami Hartley for an oversize variance of 2,448 square feet vs 2,000 square feet for construction of an accessory garage located at 504 West 13<sup>th</sup> Avenue, legally described as Lots 11, Block 18, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned (R2) Single Family Residential District. Motion carried.

Moved by Allen, seconded by McCardle, to set date for March 5, 2018 on the application of Jeffrey & Mary Lanning for a conditional use permit to construct an accessory building on a non-contiguous lot located at 76 South Harmon Drive, legally described as Lots 1 thru 4, Block 17, Indianhead 3<sup>rd</sup> Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned (RL) Lake Residential District. Motion carried.

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

**AWARD BID:**

Bids were opened and read on the Asphalt/Concrete Crushing City Project #2018-9 on the 13th day of February 2018 in the Council Chambers of City Hall. Moved by Olson, seconded by Tjarks, to award the project, as follows:

**ASPHALT/CONCRETE CRUSHING  
CITY PROJECT #2018-9**

Intex Corporation, P.O. Box 260, Albertville, Minnesota 55301.

Crush Asphalt and Concrete as per specs:      35,000 ton      \$4.69      \$164,150.00

Motion carried.

**CONSIDER APPROVAL:**

Moved by Allen, seconded by McCardle, to approve and authorize the Chief of Public Safety to sign Agreement #A2018-08 Axon Storage and Support Agreement for four (4) years of storage and support in the amount of \$8,603.41 for 2018. Motion carried.

Moved by Olson, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2018-09 Asbestos Remediation for Jitters Building City Project #2018-8 contracted to Geotek Engineering & Testing Services, Inc. for an estimated amount not to exceed \$3,080.00. Motion carried.

Moved by Smith, seconded by Tjarks, to approve and authorize the Mayor to sign Agreement #A2018-10 Purchase of a new Ambulance for the Mitchell Fire/EMS Division through Premier Specialty Vehicles (PSV) in the amount of \$169,871.00. Motion carried.

Moved by McCardle, seconded by Olson, to approve and authorize the Mayor to sign Agreement #A2018-11 Jitters Building Demo City Project #2018-8 contracted to L.L. Jirsa Architect in the estimated amount of \$2,850.00 and \$180.00 per hour for contract administration during the demolition period, which is estimated between 10-12 hours. Motion carried.

Moved by Allen, seconded by Olson, to approve and authorize the Mayor to sign Agreement #A2018-12 Recreation Center Reroof Phase II City Project #2018-24 contracted to L.L. Jirsa Architect in the estimated amount of \$1,450.00 and \$180.00 per hour for contract administration to include assistance during the bidding period, which is estimated between 10-12 hours. Motion carried.

**ORDINANCES:**

Moved by Olson, seconded by Allen to place Ordinance #O2017-17, Amending Sidewalk Snow and Ice Removal Ordinance on second reading. Motion carried. Moved by Smith, seconded by Barington, to adopt Ordinance #O2017-17 as follows:

**ORDINANCE NO. O2017-17**

AN ORDINANCE AMENDING MITCHELL CITY CODE SECTION 8-1-7 RELATING TO REMOVAL OF SIDEWALK SNOW AND ICE.

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

Section 1.

That Section 8-1-7(A) of the Mitchell City Code be AMENDED to read as follows:

“A. Responsibility For Removal: The occupant or owner of any premises in the city shall remove all snow and ice from the entire width of all adjacent public sidewalks within forty eight (48) hours after the fall of snow or the formation of ice on such sidewalk. Adjacent sidewalk shall be deemed to refer to any sidewalk located within public right of way and where any portion of such sidewalk is within forty (40’) feet of the boundary between the public right of way and the nearest property line.”

Section 2.

That from the time this ordinance shall go into effect until July 1, 2019, all sidewalks in the Burr Street right of way area between Kay Avenue and Spruce Street shall be cleared of snow and ice by the City and an accounting shall be kept of costs associated therewith.

Section 3.

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

Section 4.

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.

Mayor Toomey called a point of order as to Council Member Tjarks’ conduct. City Council President Rice called the question; no objections.

Members present voting aye: Allen, Barington, McCardle, Olson, Rice, Smith, Tjarks.

Members present voting nay: none. Motion carried and ordinance declared duly adopted.

Moved by Smith, seconded by Allen, to place Ordinance #O2018-02, An Ordinance Amending Section 7-8-3 (C) of the Mitchell City Code Regarding the Riding of Bicycles, Skateboards or Inline Skates on Sidewalks on second reading. Motion carried. Moved by Rice, seconded by Olson, to adopt Ordinance #O2018-02 as follows:

**ORDINANCE NO. O2018-02**

AN ORDINANCE AMENDING SECTION 7-8-3(C) OF THE MITCHELL CITY CODE REGARDING THE RIDING OF BICYCLES, SKATEBOARDS OR INLINE SKATES ON SIDEWALKS.

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



Section 1.

That Section 7-8-3(C) of the Mitchell City Code be AMENDED to read as follows:

C. Riding Of Bicycles, Skateboards Or Inline Skates On Sidewalks:

No person shall ride or propel any bicycle, skateboard or inline skates (rollerblades) upon the sidewalks of Main Street in the city between the area of Seventh Street and First Street. Such area shall include the entire premises of the Veterans Park located at the intersection of First Street and Main Street. Crossing Main Street upon the sidewalks at any intersection of Main Street shall not be a violation of this subsection.

Section 2.

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

Section 3.

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

**ADJOURN:**

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

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Michelle Bathke  
Finance Officer

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