

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

March 5, 2018
 6:00 P.M.

PRESENT: Dan Allen, Marty Barington, John Doescher, Kevin McCardle, Mel Olson, Steve Rice, Susan Tjarks

ABSENT: Jeffrey Smith

PRESIDING Mayor Jerry Toomey

AGENDA:

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

- a. City Council Minutes
 - 1. City Council Minutes February 20, 2018.
- b. Committee Meeting Minutes
 - 1. Planning Commission January 22, 2018.
- c. 2017 Annual Report.
- d. Raffle Permit
 - 1. Davison County Democrats with the drawing to be held on May 15, 2018.
- e. Approve taxicab license of Robert Buchholz dba as LYFT.
- f. Action to authorize the application for Wellmark Foundation Grant.
- g. Set date for bid opening at 1:30 p.m., April 10, 2018 for Curb & Gutter Project #2018-14.
- h. Set date for bid opening at 1:30 p.m., March 26, 2018 for Paving & Overlay Project 2018-15.
- i. Set date for bid opening at 1:30 p.m., April 10, 2018 for Hanson /Wallace Watermain Project #2018-2 & 15th/Minnesota Valve Replacement #2018-23.
- j. Set date for bid opening at 1:30 p.m., April 10, 2018 for Compost Screener Project #2018-23.
- k. Change Order #2 for Corn Palace Plaza City Project #2016-18 decreasing contract amount by \$2,190.00 for a change in the light design of the sign at the entrance to the plaza contracted to Rexwinkel Concrete, adjust contract amount to \$654,444.31.

l. Gas & Fuel Quotation

<u>Country Pride Coop</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Gallons</u>	<u>Total Bid Per Product</u>
On Road Diesel #2	600	600	\$2.383	\$ 1,429.80*
On Road Diesel #1	600	600	\$2.635	\$ 1,581.00*
			Subtotal:	\$ 3,010.80*
Off Road Diesel #2	3,000	3,000	\$2.103	\$ 6,309.00*

Off Road Diesel #1	3,000	3,000	\$2.355	\$ 7,065.00*
			Subtotal:	\$13,374.00*
			Total:	\$16,384.80*

<u>Howes Oil Company</u>	<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	600	600	\$2.3425	\$ 1,405.50
On Road Diesel #1	600	600	\$2.6925	\$ 1,615.50
			Subtotal:	\$ 3,021.00
Off Road Diesel #2	3,000	3,000	\$2.0675	\$ 6,202.50
Off Road Diesel #1	3,000	3,000	\$2.4175	\$ 7,252.50
			Subtotal:	\$13,455.00
			Total:	\$16,476.00

Country Pride was the low bidder for items marked with asterisk.

- m. Pay Estimates March 5, 2018
 Pay Estimate #9 in the amount of \$2,889.60 for Mitchell Aquatic Center #2016-11 contracted to Core Engineering,
 Pay Estimate #6 in the amount of \$14,199.89 for Corn Palace Plaza #2016-18 contracted to Rexwinkel Concrete,
 Pay Estimate #1 in the amount of \$16,950.00 for Hanson-Wallace Watermain Emergency #2018-2 contracted to Schoenfelder Construction,
 Pay Estimate #1 in the amount of \$2,850.00 for 512 N Main Demo (Jitters) #2018-8 contracted to L. L. Jirsa, Architect,
 Pay Estimates #1-Final in the amount of \$235,000.00 for Dozer for Landfill #2018-19 contracted to North Central Rental & Lease,
 Pay Estimates #1 in the amount of \$1,450.00 for Rec Center Reroof-Phase II #2018-24 contracted to L.L.Jirsa, Architect, and
 Pay Estimates #1-Final in the amount of \$105,000.00 for Backhoe for Water Division #2018-26 contracted to Butler Machinery.
- n. 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 27, 2018 – FEBRUARY 10, 2018: City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,808.42, Attorney \$3,871.18, Finance \$12,483.91, Human Resources \$3,382.92, Municipal Building \$3,497.00, Information Technology \$2,363.92, Police \$65,661.43, Traffic \$4,016.59, Fire \$47,288.45, Street \$30,937.28, Public Works \$14,962.95, Cemetery \$3,675.80, Animal Control \$1,682.49, Emergency Medical Services \$11,896.64, Library \$13,561.95, Recreation & Aquatics \$7,547.58, Recreation Center \$9,890.96, Sports Complexes \$11,113.98, Parks \$8,694.48, Supervision \$5,010.23, E911 \$23,199.88, RSVP \$5,415.49, Palace Transit \$19,388.61, JVCC \$1,431.19, Nutrition \$1,208.94, Water \$5,875.88, Water Distribution \$5,965.17, Sewer \$13,327.58, Airport \$3,254.92, Waste Collection \$11,054.90, Landfill \$8,369.80, Corn Palace \$21,214.72, Golf Course \$5,478.06.

NEW HIRES:

RECREATION CENTER: Darren Walker-\$9.35.

FIREFIGHTER/EMT: Daniel Esh-\$16.360.

LIBRARY: Micaiah Ben Yehudi-\$9.35.

SALARY ADJUSTMENTS:

RECREATION CENTER: Sarah Zimmerman-\$9.35.

CORN PALACE: Jason Aalbers-\$10.35.

SANITATION: Lloyd Morrison-\$23.664.

FIREFIGHTER/PARAMEDIC: Rober Parker-\$20.706.

COMMUNICATIONS SPECIALIST: Kyleena Dumas-\$22.531.

WARRANTS: A & B Business Solutions, Supplies-\$4,417.42; A & G Diesel, Supplies-\$259.22; A-Ox Welding Supply, Rental-\$70.12; AAA Collections, Contract Services-\$25.00; Accounts Management, Garnishment-\$265.66; Adam Fosness, Contract Services-\$1,665.00; AFSCME Council 65, Union Dues-\$495.18; AIA, Supplies-\$380.22; Altec Industries, Supplies-\$120.59; American Garage Door, Repair-\$122.96; Ameripride Services, Supplies-\$209.76; American Public Works Association, Renewal-\$660.00; Aramark, Supplies-\$254.93; Auto Body Specialties, Supplies-\$227.72; Avera Occupational Medicine, Contract Services-\$878.48; Bender's Sewer Cleaning, Supplies-\$175.00; Big Daddy D's, Contract Services-\$3,665.00; Bound Tree Medical, Supplies-\$2,764.36; Break Time Portables, Rental-\$95.00; Brown & Saenger, Supplies-\$125.98; Bryce Holter, Corn Palace Games-\$150.00; Butler Machinery, 2018-26 P.E. #1 Final-\$105,000.00; C & B Operations, Repair-\$269.44; Campbell Supply, Supplies-\$1,674.59; Carquest Auto Parts, Supplies-\$296.30; CDW Government, Supplies-\$897.00; Century Link, Utilities-\$1,345.71; CHR Solutions, Contract Services-\$3,003.16; Coca Cola Bottling, Supplies-\$1,823.35; Cook Implement, Supplies-\$291.13; Core & Main, Supplies-\$28,494.87; Core Engineering & Consulting, 2016-11 P.E. #9-\$2,889.60; Core-Mark Midcontinent, Supplies-\$937.15; Corn Palace Concessions, Supplies-\$9.00; Country Pride Coop, Supplies-\$16,394.28; County Fair, Supplies-\$374.04; Dakota Fluid Power, Repairs-\$6,672.73; Danko Emergency Equipment, Supplies-\$45,887.96; Davison County Treasurer, Refund-\$1,426.50; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$1,049.68; Design Solutions & Integration, Repair-\$260.00; Diesel Machinery, Supplies-\$574.59; DLT Solutions, Subscription-\$4,127.80; Dr.Martin Christensen, Contract Services-\$1,500.00; Eric Hieb, Contract Services-\$4,239.26; Ethan

School District, Corn Palace Games-\$1,648.45; Farmers Alliance, Supplies-\$1,853.29; Fastenal, Supplies-\$225.81; First National Bank Omaha, Loan Payment-\$11,201.76; Fisher Scientific, Supplies-\$342.40; Forum Communications, Advertising-\$2,107.20; Frito-Lay, Supplies-\$280.08; Graham Advertising, Publishing-\$1,500.00; Grainger, Supplies-\$57.18; Headsets Direct, Supplies-\$271.73; Heartland Paper, Supplies-\$152.44; Henry Schein, Supplies-\$2,537.30; Integrity Transcription, Transcribing Service-\$450.95; Interstate Office Products, Supplies-\$43.44; Iverson Chrysler Center, Supplies-\$20.30; James Valley Nursery, Supplies-\$1,599.60; JCL Solutions, Supplies-\$282.29; Kay Park Recreation, Supplies-\$1,758.00; Kimball-Midwest, Supplies-\$234.43; Kimball/White Lake School, Corn Palace Games-\$1,256.00; KORN/KQRN Radio, Advertising-\$735.42; Larry Jirsa, 2018-24 P.E. #1-\$4,300.00; Lawson Products, Supplies-\$1,912.51; Lori Schmidt, Contract Services-\$120.00; Lyman School District, Corn Palace Games-\$69.20; Make It Mine Designs, Supplies-\$10.00; Marilee Johnson-Geary, Contract Services-\$90.00; MC&R Pools, Supplies-\$989.10; McFarland Supply, Supplies-\$53.99; McLeod's Printing, Supplies-\$167.30; Menard's, Supplies-\$494.33; Menning Backhoe, Service-\$3,571.44; Meyers Oil, Supplies-\$1,852.50; Midcontinent Communication, Publishing-\$503.00; Midwest Fire & Safety, Inspection-\$153.50; Midwest Turf & Irrigation, Supplies-\$2,227.78; Mitchell Iron & Supply, Supplies-\$150.00; Mitchell Plumbing & Heating, Supplies-\$1,518.00; Mitchell Recreation Center, Start-Up Change-\$2,000.00; Mitchell Telecom, Utilities-\$74.37; Mitchell United Way, United Way Deductions-\$171.67; Mueller Lumber, Supplies-\$15.44; Muth Electric, Supplies-\$87.32; Napa Auto Parts, Supplies-\$70.70; North Central Rental & Lease, 2018-19 P.E. #1 Final-\$235,000.00; Northwestern Energy & Communications, Utilities-\$22,456.55; Pat Dockendorf, Contract Services-\$315.00; Pepsi Cola, Supplies-\$1,174.48; Qualified Presort, Contract Services-\$471.62; Rexwinkel Concrete, 2016-18 P.E. #6-\$14,199.89; Ron's Bicycle and Locksmith, Supplies-\$38.50; S & M Printing, Supplies-\$358.00; Saga Communications of South Dakota, Advertising-\$354.00; Sanford Health, Supplies-\$170.00; Schoenfelder Construction, Maintenance-\$18,174.49; Schumacher Elevator, Maintenance Contract-\$162.50; Scott Supply, Supplies-\$285.55; South Dakota Association of Code Enforcement, Registration-\$50.00; South Dakota City Management, Registration-\$100.00; South Dakota Department of Health, Lab-\$30.00; South Dakota Department of Revenue, Title Fee-\$10.00; South Dakota Federal Property, Supplies-\$50.00; South Dakota Public Assurance Alliance, Insurance-\$319,450.77; South Dakota Retirement System, Retirement Contributions-\$50,543.02; South Dakota Retirement System, Supplemental Retirement-\$2,862.66; South Dakota Retirement System, Roth 457 Contributions-\$400.00; Sherwin-Williams, Supplies-\$6,279.17; Sign Pro, Supplies-\$113.05; Sioux Falls Two-Way Radio, Repairs-\$525.00; Standard Insurance Company, Life Insurance-\$415.64; Sturdevant's Auto Parts, Supplies-\$493.61; Subway, Meals-\$31.25; Sun Gold Sports, Supplies-\$27.00; Teamsters Local No. 120, Union Dues-\$754.00; Thune True Value Hardware, Supplies-\$329.20; TMA Stores, Repair-\$18.54; Tractor Supply Credit Plan, Contract Services-\$66.40; Transource, Supplies-\$1,316.75; Tylor Peterson, Travel-\$69.50; Verizon Wireless,

Utilities-\$26.02; Wheelco Brake & Supply, Supplies-\$137.52; Wholesale Electronics, Supplies-\$18.34.

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

CITIZENS INPUT:

Council Member Kevin McCardle asked for an update on the construction of Third Avenue. City Attorney Justin Johnson said that the City of Mitchell has contacted structural engineers regarding Third Avenue, but the property owner is not cooperating with the City to keep the project moving.

Council Member Steve Rice congratulated Mitchell Park and Recreation staff on a great job with hosting the JV State Hockey tournament this last weekend.

COMMITTEE REPORT:

The Public Health & Safety Committee met at 6:00 p.m. on March 5, 2018. A request for the Hairball Pyrotechnics on Saturday, April 7, 2018 for the Hairball Concert at the Corn Palace was approved.

Moved by Olson, seconded by Tjarks, to approve the Public Health and Safety Committee report. Motion carried.

HEARINGS:

It was advised that this is the date and time set for hearing 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. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing 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. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Olson, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Barington, to approve the application of Mitchell Main Street & Beyond for a Special Event Permit\Consumption Permit\Noise Permit located on Main Street for the following Friday's, May 4, June 1, July 6, August 3, and September 7 of 2018 for 1st Fridays on Main.

BOARD OF ADJUSTMENT:

Moved by Allen, seconded by Barington, 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 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 109, 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. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application. Moved by Allen, seconded by Tjarks, to approve said application. Motion carried.

Moved by Rice, seconded by Barington, to table the hearing to March 19, 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 13th Avenue, legally described as Lot 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.

It was advised that this is the date and time set for hearing on the application of Jeffrey & Mary Lanning of 76 South Harmon Drive for a conditional use permit to construct an accessory building on a non-contiguous lot, legally described as Lots 1 thru 4, Block 17, Indianhead 3rd Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned (RL) Lake Residential District. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application. Moved by Allen, seconded by McCardle, to approve said application. 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.

CONSIDER APPROVAL:

Moved by Olson, seconded by Allen, to approve and authorize the Mayor to sign Agreement #A2018-13 An Agreement for Retail Recruitment & Visitor Insights Solution between the City of Mitchell and Buxton in the amount of \$25,000.00 with local partnership of organizations contributing \$25,000.00 towards a retail retention and growth initiative for the City of Mitchell. The Convention Visitor Bureau has agreed to fund an additional \$15,000.00 to fund the cost for the “tourism insights” portion of the proposal. This brings the total contributions identified to \$65,000.00. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Barington, to approve Resolution #R2018-09, A Plat of Lot 2 of Tech Center Addition in the SW 1/4 of Section 26, T 103 N, R 60 W of the 5th PM, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2018-09

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 26th day of February, 2018, and

WHEREAS, it appears from an examination of the plat of LOT 2 OF TECH CENTER ADDITION IN THE SW ¼ OF SECTION 26, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 2 OF TECH CENTER ADDITION IN THE SW ¼ OF SECTION 26, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by McCardle, to approve Resolution #R2018-10, Survey Plat of Schmig Tract 1 in the South Half of the South Half of the Southeast Quarter of Section 11, Township 103 North, Range 60 West of the 5th PM, Davison County, South Dakota, as follows:

RESOLUTION #R2018-10

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 26th day of February, 2018, and

WHEREAS, it appears from an examination of the plat of SURVEY PLAT OF SCHMIG TRACT 1 IN THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Kim LaRue McLaury, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of SURVEY PLA OF SCHMIG TRACT 1 IN THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Kim LaRue McLaury, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Olson, seconded by Allen, to approve Resolution #R2018-11, SDDOT Bridge Reinspection, as follows:

**RESOLUTION #R2018-11
BRIDGE REINSPECTION**

WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650 Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are to be reinspected at intervals not to exceed four years.

THEREFORE, the City of Mitchell is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City of Mitchell requests SDDOT to hire Broz Engineering, Inc. Consulting Engineers for the inspection work. SDDOT will secure federal approvals, make payment to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City of Mitchell will be responsible for the required 20% matching funds.

Motion carried and resolution declared duly adopted.

Moved by Olson, seconded by Allen, to approve Resolution #R2018-12, A Resolution Establishing a Naming Policy for the City of Mitchell, as follows:

**RESOLUTION #R2018-12
A RESOLUTION ADOPTING A NAMING POLICY FOR THE CITY OF MITCHELL**

WHEREAS, the City of Mitchell, South Dakota may have occasion to name City land, facilities, and amenities;

WHEREAS, it is appropriate to establish criteria and procedures for the official naming of City land, facilities, and amenities;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota adopts Policy #P2018-01, establishing a policy regarding naming of City land, facilities, and amenities.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Barington, to approve Resolution #R2018-13, Establishing Boundaries for Proposed BID 3 and Setting Terms for Initial Board Members, as follows:

**RESOLUTION NO. R2018-13
A RESOLUTION ESTABLISHING BOUNDARIES FOR A PROPOSED**

**BUSINESS IMPROVEMENT DISTRICT AND SETTING INITIAL TERMS
FOR BID BOARD MEMBERS**

WHEREAS, the City Council for the City of Mitchell, SD considers it appropriate that a plan be developed for the improvement of certain facilities and activities in the Historic Main Street area within Mitchell; and

WHEREAS, one method of providing that plan is the creation of a Business Improvement District; and

WHEREAS, the boundaries of a proposed Business Improvement District must be established before a district can be created; and

WHEREAS, a Business Improvement District Board must be appointed and the initial terms of such board must be established by resolution; and

WHEREAS, the method of raising revenue shall be fair and equitable;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Mitchell, SD that:

1. The boundaries of a proposed Business Improvement District are hereby established as shown on the table attached hereto as Exhibit A.
2. There is hereby created a Business Improvement Board which shall have the powers established in SDCL 9-55-5 and 9-55-6. The Board shall be appointed by the Mayor with the approval of the City Council.
3. The Board shall consist of 5 members whose initial terms shall be staggered so that 2 members serve for 1 year, 2 members serve for 2 years, and 1 member serves for 3 years. After the expiration of such initial terms, all subsequent appointments shall be for 3 years. Initial terms shall begin on January 1, 2019. The first Board members appointed shall serve from the date of appointment to December 31, 2018 in addition to their initial term.
4. The initial appointments to the board shall be as follows:

Jeff Logan, <i>Logan Luxury Theatres-</i>	3 year initial term
Mark VandenHoek, <i>Hard Drive Central-</i>	2 year initial term
Brad Jamison, <i>Woelfel Jewelry-</i>	2 year initial term
Connie Henning, <i>The Framer-</i>	1 year initial term
Megan Sabers, <i>Tickled Pink Boutique-</i>	1 year initial term

Motion carried and resolution declared duly adopted.

ADJOURN:

There being no further business to come before the meeting, it was moved by Allen and seconded by

Barrington to adjourn the meeting. Motion carried.

Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.