

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

**SEPTEMBER 4, 2007
7:30 P.M.**

PRESENT: Dan Allen, Britt Bruner, Travis Carpenter, Doug Molumby,
Jeffrey Smith, Ken Tracy

ABSENT: Marty Barington, Allen Lepke

PRESIDING: Mayor Lou Sebert

AGENDA:

Moved by Smith, seconded by Bruner, to approve the agenda as prepared with an addendum. Motion carried.

MINUTES:

Moved by Molumby, seconded by Allen, to approve the minutes of the regular City Council meeting held on August 20, 2007. Motion carried.

EVENTS CENTER:

The Events Center Information Committee and several Council Members have been meeting with the local service groups.

BOARD OF ADJUSTMENT:

Moved by Carpenter, seconded by Tracy, for the City Council to adjourn and sit as the Board of Adjustment. Motion carried.

It was advised that this is the date and time set for continued hearing on the application of Joanna LaFortune for a conditional use permit to operate a daycare center in her home at 405 South Minnesota, legally described as Lot 2, Block 21, Railroad Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application with the conditions the permit is non-transferable, will expire if not operated in a six month period, and a fence be installed by November 1, 2007. Moved by Tracy, seconded by Bruner, to approve said application. Motion carried.

It was advised that this is the date and time set for continued hearing on the application of Amber Quinn for a conditional use permit to operate a daycare center in her home at 504 West 4th Avenue, legally described as Lot C, Block 105, Lawler's First Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application with the conditions the permit is non-transferable, will expire if not operated in a six month period, and a fence be installed by November

1, 2007. Moved by Smith, seconded by Molumby, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Henry and Patricia Flack for a conditional use permit to operate a business of limited manufacturing of products at 401 East Havens, legally described as Lot 2 of Lot X, Block 3, Weaver's Square Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application. Moved by Molumby, seconded by Allen, to approve said application. Motion carried.

Moved by Bruner, seconded by Allen, that the 17th day of September, 2007 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Mark VandenHoek for a Variance to construct an addition at 622 East 2nd Avenue, legally described as Lot 13 and 14, Block 37, Cooley & Guernsey Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

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

RESOLUTIONS:

Moved by Carpenter, seconded by Molumby, to adopt Resolution #2570, Ambulance Rates, as follows:

RESOLUTION #2570

Whereas certain fees have been heretofore established with reference to the Mitchell Regional Ambulance; and

Whereas said fees have been reviewed and to accommodate the increased costs of providing the services increases are necessary

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

That the fees for services shall include, but are not limited to the following:

Basic Life Support	\$550.00
Advanced Life Support	\$1,000.00
ALS Treatment no Trans	\$300.00
BLS Treatment no Trans	\$150.00
Loaded Mileage	\$12.00
ALS Intercepts	\$300.00
Fixed Wing Transport	

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Carpenter, seconded by Smith, to table Ordinance #2251, Rezoning Lots 1 and 2, Block 14, Van Eps First Addition until October 1, 2007. Motion carried.

Moved by Tracy, seconded by Molumby, to place Ordinance #2252, Supplemental Appropriations on second reading. Motion carried. Moved by Carpenter, seconded by Allen, to adopt Ordinance #2252, Supplemental Appropriations, as follows:

**ORDINANCE NO. 2252
SUPPLEMENTAL APPROPRIATION ORDINANCE
AMENDING ORDINANCE NO. 2221
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 2007 according to statute:

GENERAL FUND

MUNICIPAL STORAGE BUILDING

101-41920-43200	Building Renovation	\$9,000.00
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The funding will come from the General Fund cash balance.

SPECIAL REVENUE FUND

PARKS, RECREATION & FORESTRY

201-45160-43200	Cadwell Restroom	\$1,627.00
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The funding will come from the Park Fund cash balance.

Motion carried and ordinance declared duly adopted.

Moved by Bruner, seconded by Smith, to place Ordinance #2253, Supplemental Appropriations on first reading. Motion carried.

Moved by Carpenter, seconded by Allen, to place Ordinance #2254, 2008 Annual Appropriation Ordinance on first reading. Motion carried.

SET DATE:

Moved by Bruner, seconded by Carpenter, that the 17th day of September, 2007 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application to transfer Retail (On-sale) Wine License (RW-6553) from Boyd and Kay Reimnitz dba Los Sombreros to Los Sombreros LLC dba Los Sombreros located at 1522 West Havens. Motion carried.

CONSIDER APPROVAL:

Moved by Smith, seconded by Tracy, to authorize the Finance Officer to create the following Debt Service Funds for debt retirement of tax increment districts:

- 304-TID #8 Highland Way
- 305-TID #9 Vantage Point

Motion carried.

Moved by Molumby, seconded by Allen, to approve the Municipal Election Workers as listed for the Municipal Election to be held on September 18, 2007. Motion carried.

Moved by Molumby, seconded by Allen, to approve the request of the Mitchell Senior Citizens to conduct a raffle from September 17, 2007 through December 14, 2007. Motion carried.

Moved by Molumby, seconded by Smith, to approve the request of the Mitchell Skating & Hockey Association to conduct a raffle with the drawing to be held on February 16, 2008. Motion carried.

PAY ESTIMATES:

Moved by Tracy, seconded by Allen, to approve the following pay estimates:

- pay estimate #25 in the amount of \$400.61 for New Landfill Monitoring Project #2003-17 contracted with Leggette, Brashears & Graham,
- pay estimate #42 in the amount of \$519.48 for Old Landfill Leachate Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #10 in the amount of \$1,456.34 for Waste Water Treatment Plant Discharge Meter Project #2006-11 contracted with SEH,
- pay estimate #4 in the amount of \$68,036.50 for Paving & Overlay Project #2007-15 contracted with Commercial Asphalt,
- pay estimate #4 in the amount of \$5,130.00 for 23rd & Ohlman Drainage Project #2007-28 contracted with Scott Olson Digging,
- pay estimate #1-Final in the amount of \$34,979.00 for Cadwell Bathroom Remodel Project #2007-39 contracted with Mueller Lumber and
- pay estimate #1-Final in the amount of \$300,000.00 for Vantage Point Site Development Project #2007-33 contracted with Morgan Theeler Trust Account.

Members present voting aye: Allen, Bruner, Carpenter, Molumby, Smith, Tracy. Members present voting nay: None. Motion carried.

BILLS:

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

PAYROLL, AUGUST 12, 2007 – AUGUST 25, 2007: CITY COUNCIL-\$2,369.12, MAYOR-\$859.73, ATTORNEY-\$1,807.69, FINANCE-\$9,185.92, HUMAN RESOURCES-\$3,841.94, DATA PROCESSING-\$1,138.48, POLICE-\$54,075.93, TRAFFIC-\$3,262.47, FIRE-\$31,907.43, STREET-

\$23,475.93, PUBLIC WORKS-\$13,905.83, CEMETERY-\$3,353.80, HEALTH & WELFARE-\$1,021.13, ANIMAL CONTROL-\$1,313.82, EMERGENCY MEDICAL SERVICES-\$8,432.24, LIBRARY-\$9,909.75, PLAYGROUNDS & ATHLETICS-\$4,439.19, SWIM POOL-\$4,931.97, CAMPGROUND-\$1,968.20, RECREATION CENTER-\$10,045.53, ICE ARENA-\$225.06, CADWELL SPORTS COMPLEX-\$5,108.27, PARK-\$10,309.96, SUPERVISION-\$4,681.92, FORESTRY-\$2,786.00, E911-\$15,466.00, RSVP-\$4,289.32, PALACE TRANSIT-\$14,939.88, NUTRITION-\$60.00, WATER-\$8,422.32, WATER DISTRIBUTION-\$7,400.34, SEWER-\$11,146.87, AIRPORT-\$1,563.68, WASTE COLLECTION-\$9,178.84, LANDFILL-\$6,264.85, CORN PALACE MAINTENANCE-\$7,116.99, CORN PALACE DECORATING-\$1,417.50, CORN PALACE SHOWS-\$5,738.09, CORN PALACE CONCESSIONS-\$3,791.45, GOLF COURSE-\$7,293.56.

SALARY ADJUSTMENTS (per hour rate):

CORN PALACE DECORATING: Larry Degen-\$16.00

FIRE: Mark White-\$11.922

PALACE TRANSIT: Bob Folkerts-\$11.21, Kendall Hardina-\$11.21, James Mathis-\$10.09, Dennis Preston-\$10.09, John Robertson-\$11.21, Dennis Ruff-\$11.21, Stan Ruff-\$11.21

RECREATION CENTER: Harriet Baldwin-\$17.23, Jill Rust-\$9.04, Lisa Schulz-\$6.75

NEW HIRES (per hour rate):

CEMETERY: Harlan Phinney-\$6.50

CORN PALACE CONCESSIONS: Sandra Clelland-\$7.00, Deanna Heppler-\$7.00, Tammy Hohn-\$7.00, Barbara Lambert-\$7.00, Kimberly Nolz-\$7.00, Chelsey Prusha-\$6.00

CORN PALACE SHOWS: Ashley Finkenbiner-\$7.50

RECREATION CENTER: Helen Eimers-\$7.00

WARRANTS: 3-D Specialties, Supplies-\$1,299.49; A&B Business Equipment, Supplies-\$65.50; A-1 Portable Toilets, Rentals-\$2,485.00; A-Ox Welding Supply, Rental Fees-\$445.56; AAA Collections, Payroll Deduction-\$75.00; Abbas Sewer & Drain, Maintenance-\$129.74; Accounts Management, Payroll Deduction-\$115.31; Action Professionals, Payroll Deduction-\$203.69; Advance Auto Parts, Parts-\$23.80; Aflac, Payroll Deductions-\$2,983.72; Aflac/Flex One, Claims-\$367.80; Ag Systems, Supplies-\$60.06; Al's Engraving, Supplies-\$34.36; Alice Claggett, Contract Services-\$292.50; All American Sports, Supplies-\$979.78; All Star Removal, Lawn Care-\$295.00; Amec Earth & Environmental, City Share-\$10,400.00; American Planning Association, Supplies-\$75.00; American Red Cross, Supplies-\$468.50; Andrew Kunis, Garbage Collection-\$150.00; Arctic Refrigeration, Repairs-\$68.80; Artisans Screen Printing & Supplies, Supplies-\$1,121.52; A.S.C.A.P, License Fees-\$286.67; Avera Queen of Peace Hospital, Contract Services-\$1,401.51; Barnes Distribution, Supplies-\$143.05; Blackburn Manufacturing, Supplies-\$95.14; Boyer Trucks Sioux Falls, Parts-\$396.89; Brandon Hansen, Uniform Allowance-\$100.00; Brenda Paradis, Travel-\$1,188.45; Business Products, Supplies-\$755.54; Campbell Supply, Supplies-\$539.57; C.C.C, Certification Fee-\$46.00; CDW Government, Supplies-\$89.95; Cenex Credit Card, Supplies-

\$172.42; Charlie's Shoe Repair, Supplies-\$165.00; City of Emery, Senior Meals-\$1,868.83; City of Mitchell, Payroll Deduction-\$40.00; Coca-Cola Bottling, Supplies-\$1,898.30; Comdata Corporation, Supplies-\$212.89; Commercial Asphalt, Supplies-\$74,174.81; Daily Republic, Advertising-\$97.00; Dakota Fluid Power, Parts-\$526.51; Dakota Pump, Parts-\$721.66; Dakota Supply Group, Supplies-\$7,824.79; Dakota Transit, Registration Fees-\$295.00; Dale Uecker, Performance-\$50.00; Davison Conservation District, Animal Feeding Operation-\$870.90; Davison County Clerk of Courts, Background Checks-\$90.00; Debbie Perman, Overpayment Refund-\$87.50; Delta Dental Plan of South Dakota, Dental Insurance-\$10,502.50; Dennis Malorey, Contract Service-\$100.00; Dependable Sanitation, Contract Services-\$13,781.25; Department of Social Services, Payroll Deductions-\$474.93; Don's Pest Control, Contract Services-\$60.00; Dorothy Cahoy, Contract Services-\$585.00; Dorothy Stahl, Contract Services-\$487.50; Dugout Lounge, Contract Services-\$657.80; DWU Baseball Association, Ushers-\$1,500.00; Ed M Feld Equipment, Supplies-\$1,949.00; Ellwein Brothers, Supplies-\$64.00; Eric D Anderson, Tools-\$187.00; Farmers Alliance, Tire Repair-\$135.68; Farnam's Genuine Parts, Parts-\$131.25; Farner-Bocken Company, Supplies-\$988.31; Fastenal Company, Supplies-\$9.83; Flex O Lite, Supplies-\$1,540.00; Franklin Covey, Supplies-\$90.32; Galls, Supplies-\$61.99; Gary Larson, Audit-\$1,500.00; Gempler's, Supplies-\$78.30; General Drivers & Helpers, Payroll Deductions-\$280.00; Graham Tire, Tires-\$264.08; Harve's Sport Shop, Supplies-\$34.85; Harvey's One-Man Variety, Senior Day Performance-\$50.00; Hawkins, Supplies-\$1,240.00; HD Supply Waterworks, Supplies-\$991.37; Heartland Manufacturing, Supplies-\$1,741.33; Hydrologic Water Management, Parts-\$409.25; International Crime Free America, Membership Fee-\$105.00; Interstate Glass & Door, Repairs-\$297.75; Irv Kruse, Mowing-\$90.00; Jackie Hess, Reimbursement-\$263.00; Jacob Johnson, Garbage Collection-\$150.00; James Valley Community Center, 2007 Allocation-\$5,000.00; Janitor's Closet, Supplies-\$519.62; Janitors Express, Supplies-\$3.68; Jones Supplies, Supplies-\$1,275.91; Julie Ternes, Performance-\$3,300.00; K-Mart, Supplies-\$11.00; Katie Gambell, Refund-\$15.00; Kentucky Fried Chicken, Meals-\$64.46; KORN/KQRN Radio, Advertising Spots-\$463.44; Kustom Signals, Supplies-\$111.00; Lacey's Chemical Restrooms, Supplies-\$250.00; Lakeview Sales, Supplies-\$1,498.40; Leggette Brashers & Graham, Contract Services-\$2,238.09; Leila Schamber, Contract Services-\$487.50; Local #503, Corn Palace Festival-\$11,294.00; Lois Huber, Contract Services-\$851.00; Lois Melgaard, Performance-\$3,100.00; Lyle Signs, Supplies-\$512.07; Lynn Peavey Company, Supplies-\$27.95; Marilyn Wilson, Reimbursement-\$27.00; Mark Schilling, Reimbursement-\$45.00; Maurine R Cahoy, Contract Services-\$422.50; McFarland Supply Company, Supplies-\$252.59; McLeod's Printing, Supplies-\$1,370.55; Medicine Shoppe, Supplies-\$109.12; Medtronic Physio-Control, Supplies-\$69.54; Menard's, Supplies-\$3,185.37; Merv Bouchie, Contract Services-\$8,401.15; Meyers Oil Company, Supplies-\$1,416.60; Michael Todd & Company, Supplies-\$229.45; Mid-American Research, Supplies-\$775.94; Midcontinent Communications, Utilities-\$367.96; Miscellaneous Vendor, Reimbursement-\$58.21; Mitchell School District, City Share-\$865.30; Mitchell United Way, Payroll Deductions-\$148.25; Morgan Theeler Trust Account, Purchase of Property-\$300,000.00; Mueller Lumber Company, Supplies-\$35,067.94; Muth Electric, Repairs-\$5,758.51; North Central Seed Company, Supplies-\$125.00; Northland Chemical, Supplies-\$190.12; Northwestern Energy & Communications, Utilities-\$13,175.29; Oriental Trading Company, Supplies-\$140.13; Palace Cleaners, Supplies-\$103.00; Palace Motors, Parts-\$153.29; Palace Transit, Travel-\$158.30; Papa Murphy's Pizza, Supplies-\$51.00; Paul Morris, Travel-\$163.28; Paulson Sheet Metal, Repairs-\$296.84; Paulson's Music Center, Supplies-\$40.45; Pepsi Cola-Mitchell, Supplies-\$669.25; Petty Cash, Postage-\$9.20; Pollstar, Subscription-\$399.00; Polly Huber, Uniform Reimbursement-\$59.97; Pony Creek Steakhouse, Contract Services-\$3,519.00; Prairiewave Communications, Supplies-\$58.62; Pristine Water Solutions, Supplies-\$1,267.46; Qualified Presort, Mailing Service-\$1,727.49; Quizno's Subs Store, Meals-\$59.90; Qwest, Utilities-\$2,429.28; Ralph E

Herman, Performance-\$3,500.00; S&M Printing Company, Supplies-\$181.00; Sam's Club, Supplies-\$279.28; Scott Olson Digging, Contract Services-\$5,130.00; Scott Supply Company, Parts-\$85.93; South Dakota Department of Health, Lab Fees-\$509.00; South Dakota Municipal League, Registrations-\$600.00; South Dakota Retirement System, Retirement Contributions-\$36,917.00; South Dakota Water & Wastewater Association, Registration Fee-\$460.00; South Dakota-Supplemental Retirement, Payroll Deductions-\$891.00; S.E.H., Contract Services-\$1,456.34; Sheehan Mack Sales & Service, Parts-\$3,100.05; Sherwin-Williams Company, Supplies-\$256.07; Sheryl Fuss, Campground Refund-\$32.40; Shirley J. Beck, Contract Services-\$747.50; Shopko, Supplies-\$78.97; Sign Pro, Supplies-\$103.53; Sioux Falls Two-Way Radio, Supplies-\$92.99; Sirchie Finger Print Labor, Supplies-\$143.29; Stan Houston Equipment, Tools-\$899.95; Sturdevant's Auto Parts, Parts-\$3,644.22; Sun Gold Trophies, Supplies-\$643.00; Sun Life Financial, Payroll Deductions-\$1,505.47; Superior Tech Products, Supplies-\$890.40; Tessier's, Repairs-\$324.00; Thomas Gulledge, Personal Training Fees-\$1,866.25; Thune True Value Hardware, Supplies-\$184.06; Tim McGannon, Travel-\$147.00; TK Electric, Repairs-\$14,183.01; Tractor Supply, Supplies-\$12.10; United States Postal Service, Postage-\$278.00; United Energy, Supplies-\$26,826.02; United Way & Volunteer Service, Reimbursement-\$2.34; Variety Foods, Supplies-\$1,204.64; Veryl Hohn, Freedom Stage Performance-\$100.00; Virginia Limberg, Personal Training Fees-\$428.00; Wal-Mart, Supplies-\$590.75; Wells Fargo Brokerage Service, Brokerage Payment-\$4,407.54; Wheelco Brake & Supply, Parts-\$103.42; Wheeled Coach Industries, Supplies-\$88.31; White Stallion Productions Performance, Contract Service-\$9,929.00; Wholesale Electronics, Supplies-\$83.33; Wholesale Supply Company, Supplies-\$141.90.

Members present voting aye: Allen, Bruner, Carpenter, Molumby, Smith, Tracy. Members present voting nay: None. Motion carried.

EXECUTIVE SESSION:

Moved by Carpenter, seconded by Smith, to go into executive session for contractual matters. Motion carried. Moved by Tracy, seconded by Molumby, to come out of executive session. Motion carried.

ADJOURN:

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

Marilyn Wilson
Finance Officer