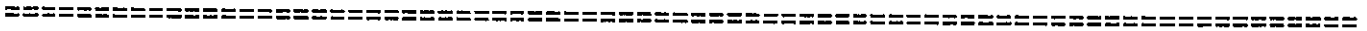


**CITY COUNCIL MEETING
AGENDA
NOVEMBER 1, 2010**

COMMITTEE MEETINGS

NOVEMBER 1, 2010

(Detailed agendas follow)



7:15 P.M.	PUBLIC HEALTH & SAFETY
7:20 P.M.	FINANCE

Committee meeting agendas are scheduled based on an estimated time of completion. If a meeting concludes prior to its scheduled time the next committee may start its proceedings early.

CITY COUNCIL MEETING
AGENDA

NOVEMBER 1, 2010
7:30 P.M.

PLEDGE OF ALLEGIANCE

INVOCATION Salvation Army

ROLL CALL

ENTERTAIN A MOTION TO APPROVE THE AGENDA

**ENTERTAIN A MOTION TO APPROVE COUNCIL MINUTES
FROM THE PRIOR MEETING**

**CITIZEN'S
INPUT:** **If you need to address the Mayor and members of the City Council on an item that was not on the agenda, please come forward to the podium and state your name and your concern. Items will be considered but no action will be taken at this time.**

**ENTERTAIN A MOTION FOR THE CITY COUNCIL TO
ADJOURN AND SIT AS THE BOARD OF ADJUSTMENT**

HEARING: On the application of Clayton Mick for a Conditional Use Permit to operate a computer repair business, located at 621 West 6th Avenue, Lot I, Block 17, Rowley's 2nd Addition, City of Mitchell

On the application of Dave Thuringer for a Variance to construct a garage, located at 121 West Douglas Avenue, W30' Lots 11 and 12, Block 12, Van Eps 1st Addition, City of Mitchell

**ENTERTAIN A MOTION FOR THE BOARD OF ADJUSTMENT
TO ADJOURN AND THE CITY COUNCIL TO RECONVENE IN
REGULAR SESSION**

**COMMITTEE
MEETINGS:** Public Health & Safety
Finance

ENTERTAIN A MOTION TO APPROVE COMMITTEE REPORTS

HEARING: On the application of the Palace City Lions Club for a Special Event Malt Beverage License on November 14, 2010 at the Corn Palace and City Hall for the George Jones concert

Individuals with disabilities who require special assistance to take part in this meeting may contact one of the following through the switchboard at (605) 995-8420 at least 24 hours prior to the meeting with requests for assistance: Finance Officer, Human Resource Officer or Director of Public Works.

CONSIDER ADOPTION:	Resolution #2862, Davison County Multi-Jurisdiction Pre-Disaster Mitigation Plan	P4
	Resolution #2863, Implement Credit Card Usage	P5
	Resolution #2864, Contingency Transfer	P6
	Resolution #2865, Plat of Behrens Tract 1-A, a subdivision of previously platted Behrens Tract 1	P7-8
	Resolution #2866, Plat of Lots C-5 and C-6, Dredge Site Subdivision	P9-10
	Resolution #2867, Plat of Lot C-7, Dredge Site Subdivision	P11-12
	Resolution #2868, Fees and Charges	P13-17
	Resolution #2869, Plat of Lot 6, Tract D, Wild Oak Golf Club Addition	P18-19
2nd READING & ADOPTION:	Ordinance #2347, Amending Ordinance #2053, Woodland Heights Planned Development District (WITHDRAWN BY APPLICANT)	P20
1st READING:	Ordinance #2348, Rezone Lots 11 & 12, Block 13, Gleeson's Addition from High Density Residential to Neighborhood Shopping District	P21-22
	Ordinance #2349, Supplemental Appropriations	P23-26
SET DATE: 11-15-10	For hearing on the application of the Heroes' Field Committee for a Special Event Malt Beverage License for the Corn Palace and City Hall on November 26-27, 2010 for the Eclipse concert	
CONSIDER APPROVAL:	Change Order #2 for Minnesota Street City Project #2009-1 to Commercial Asphalt to adjust installed quantities – original contract increased by \$24,426.04 for an adjusted contract amount of \$515,306.89	P27-28
PAY ESTIMATES:	8 th , Mentzer & Misc. Sidewalk Project #2010-4B contracted to Colwell Concrete Inc.	P29
	A. Pay Estimate #10 in the amount of \$19,507.28	
	B. Pay Estimate #11 in the amount of \$2,045.14	
	Hazardous Sidewalk Project #2010-4C contracted to Big "O" Concrete	
	A. Pay Estimate #12 in the amount of \$14,388.56	
	Country Drive Project #2010-18 contracted to Commercial Asphalt	
	A. Pay Estimate #1 in the amount of \$77,764.50	
	Southeast Sewer Interceptor Project #2010-25 contracted to Northdale Construction	
	A. Pay Estimate #4 in the amount of \$106,928.92	
	Ash Avenue Street & Utilities Project #2010-26 contracted to Commercial Asphalt	
	A. Pay Estimate #3 in the amount of \$96,873.55	

ENTERTAIN A MOTION TO APPROVE THE PAY ESTIMATES

ROLL CALL

ENTERTAIN A MOTION TO APPROVE THE BILLS AND AUTHORIZE MONTHLY PAYMENT OF RECURRING AND OTHER EXPENSES IN ADVANCE AS APPROVED BY THE FINANCE OFFICER

ROLL CALL

ENTERTAIN A MOTION FOR THE CITY COUNCIL TO ENTER INTO EXECUTIVE SESSION

EXECUTIVE SESSION:

PERMITTED BY SDCL 1-25-2 (4) – 4 items
Requested by City Attorney Randy Stiles

PERMITTED BY SDCL 1-25-2 (3)
Requested by Deputy City Attorney Doug Papendick

ENTERTAIN A MOTION FOR THE CITY COUNCIL TO COME OUT OF EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION

ADJOURN

NEXT COUNCIL MEETING DATE: NOVEMBER 15, 2010
COUNCIL AGENDA DEADLINE IS WEDNESDAY PRIOR TO CITY COUNCIL MEETING

FOR COUNCIL INFORMATION:

Regular Council Meeting Minutes (10-18-10)

P30-37

Planning Commission Minutes (10-25-10)

P38-40

Gas and Diesel Fuel Bids

P41

PUBLIC HEALTH & SAFETY AGENDA
NOVEMBER 1, 2010 7:15 - 7:20 P.M.
CITY COUNCIL CHAMBERS

1. APPROVE AGENDA
2. APPROVE MINUTES OF SEPTEMBER 20, 2010
3. STREET LIGHT AT HENDRICKSON
CROSSWALK ON INDUSTRIAL ROAD.

Committee meeting agendas are scheduled based on an estimated time of completion. If a meeting concludes prior to its scheduled time the next committee may start its proceedings early..

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodation are required, please notify the Public Works Department at 995-8433 at least 24 hours prior to the scheduled meeting."

COMMITTEE MEMBERS

Travis Carpenter - Chairman
Scott Houwman

Mel Olson
Jeff Smith

Geri Beck

PUBLIC HEALTH & SAFETY MINUTES
SEPTEMBER 20, 2010
CITY COUNCIL CHAMBERS

ATTENDING: Travis Carpenter, Jeffrey Smith, Geri Beck,

ABSENT: Scott Houwman, Mel Olson

OTHERS: Marty Barington, Dan Allen, Doug Backlund

Carpenter called meeting to order:

1. APPROVE AGENDA

Motion by Beck, seconded by Smith to approve agenda. All members present voting aye, motion carried.

2. APPROVE MINUTES

Motion by Beck, seconded by Smith to approve minutes for May 10, 2010. All members present voting aye, motion carried.

3. FIREWORKS APPLICATION

Mitchell Booster Club to perform a Class "C" Fireworks Display for the Mitchell High School Homecoming on September 24, 2010. Motion by Beck, seconded by Smith to approve application. All members present voting aye, motion carried.

Motion by Beck, seconded by Smith to adjourn.

Minutes submitted by Sheila Loecker

AGENDA
FINANCE COMMITTEE
NOVEMBER 1, 2010
7:20 P.M.

1. Entertain a motion to approve the agenda
2. Sales Tax Collections for 3rd Quarter 2010
3. Entertain a motion to adjourn

The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Finance Department at 995-8420 at least 24 hours prior to the scheduled meeting.

RESOLUTION #2862

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.

Adopted and approved this 1st day of November, 2010.

SIGNED: _____
Lou Sebert, Mayor

ATTEST: _____
Marilyn Wilson, Finance Officer

**RESOLUTION #2863
IMPLEMENT CREDIT CARD USAGE**

PREAMBLE:

WHEREAS, the City has passed a resolution, Resolution 2787, authorizing the Finance Officer to implement the usage of credit cards, subject to the Finance Officer's adding a usage fee of 3%; and

WHEREAS, the credit card issuers will not authorize the addition of a user fee;

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

That the Finance Officer is authorized to implement the usage of credit cards issued by VISA or MASTERCARD, or such other vendors as deemed appropriate by the Finance Officer.

Adopted this 1st day of November, 2010.

Mayor

ATTEST:

Finance Officer

(SEAL)

RESOLUTION #2864
CONTINGENCY TRANSFER

WHEREAS, the City of Mitchell has included in the 2010 Annual Budget a contingency item which may be appropriated by resolution of the governing board to any other appropriation amount that is deemed insufficient during the year, and

WHEREAS, the budget item for the following is insufficient and it was deemed necessary that appropriation be transferred for the 2010 budget, as follows:

GENERAL FUND
ATTORNEY'S OFFICE

101-41410-42200	Professional Services	\$20,000.00
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NOW THEREFORE, BE IT RESOLVED, that the transfer from contingency be approved.

Dated this 1st day of November, 2010.

Attest:

Mayor

Finance Officer
[SEAL]

RESOLUTION #2865
RESOLUTION OF CITY COUNCIL

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 25th day of October, 2010; and

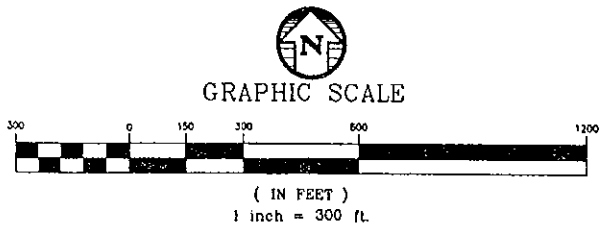
WHEREAS, it appears from an examination of the plat of BEHRENS TRACT 1-A, A SUBDIVISION OF PREVIOUSLY PLATTED BEHRENS TRACT 1 IN THE SE ¼ OF SECTION 9, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of 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 been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of BEHRENS TRACT 1-A, A SUBDIVISION OF PREVIOUSLY PLATTED BEHRENS TRACT 1 IN THE SE ¼ OF SECTION 9, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as 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.

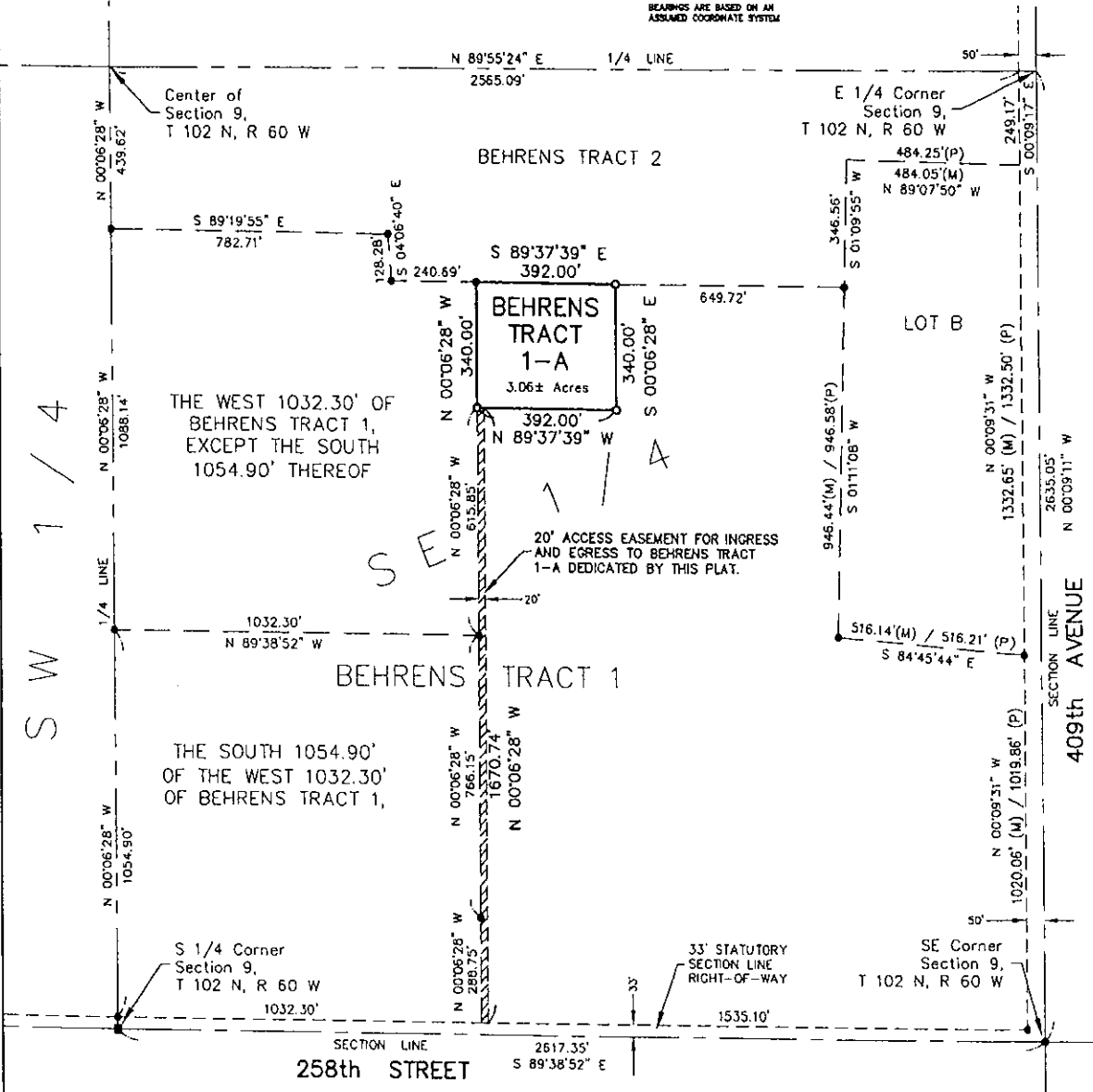
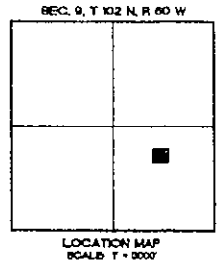
I, Marilyn Wilson, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the 1st day of November, 2010.

Mayor

Finance Officer



- LEGEND**
- = FOUND IRON MONUMENT
 - = SET 3/4" X 1" REBAR WITH PLASTIC CAP NO. 8702
 - 100' (P) = PLATTED BEARING OR DISTANCE
 - 100' = MEASURED BEARING OR DISTANCE
 - ⊙ = SET MARK
 - ▲ = SET SURVEY SPIKE
 - 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
 - = FOUND NAIL
- PREPARED BY: PAUL J. REILAND, R.L.S.
 2100 NORTH SAABORN BLVD. - P.O. BOX 398
 MITCHELL, SOUTH DAKOTA 57301
 PHONE: (605) 996-7781
- BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM



A PLAT OF BEHRENS TRACT 1-A, A SUBDIVISION OF PREVIOUSLY PLATTED BEHRENS TRACT 1 IN THE SE 1/4 OF SECTION 9, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of William Bradford Buche and Lanett R. Buche, as owners, and under their direction for purposes indicated therein, I did on or prior to October 21, 2010, survey those parcels of land described as follows: BEHRENS TRACT 1-A, A SUBDIVISION OF PREVIOUSLY PLATTED BEHRENS TRACT 1 IN THE SE 1/4 OF SECTION 9, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 22nd day of October, 2010.

Registered Land Surveyor #SD6702

SPN & Associates
 Engineers, Planners and Surveyors
 2100 North Saaborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
 Phone: (605) 996-7781 Fax: (605) 996-0015

RESOLUTION #2866
RESOLUTION OF CITY COUNCIL

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 25th day of October, 2010; and

WHEREAS, it appears from an examination of the plat of LOTS C-5 AND C-6 OF DREDGE SITE SUBDIVISION IN THE SW ¼ OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., 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 been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOTS C-5 AND C-6 OF DREDGE SITE SUBDIVISION IN THE SW ¼ OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as 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.

I, Marilyn Wilson, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the 1st day of November, 2010.

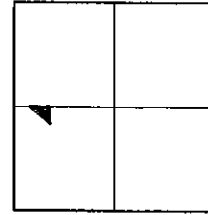
Mayor

Finance Officer

GRAPHIC SCALE



SEC. 5, T 103 N, R 60 W



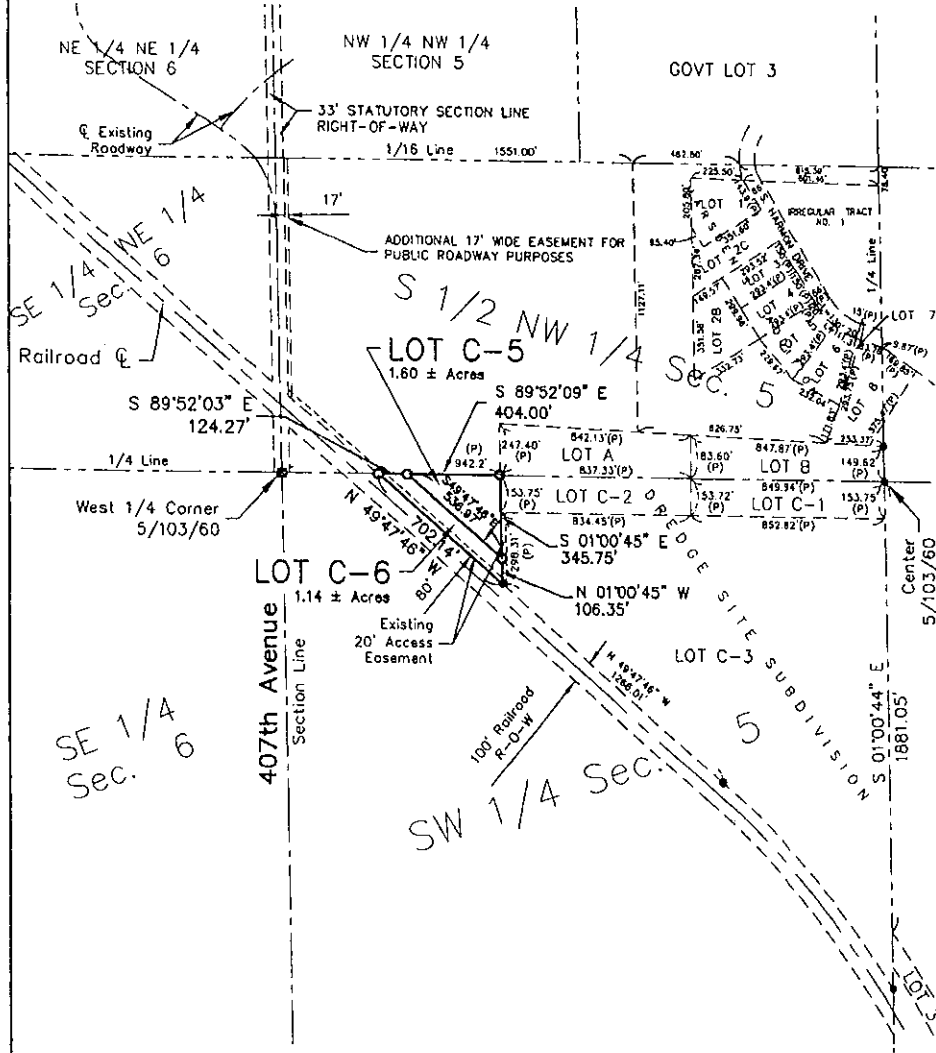
LOCATION MAP
SCALE 1" = 3000'

LEGEND

- = FOUND IRON MONUMENT
- = SET 3/4" X 1 1/2" REBAR WITH CAP NO. 8702
- ▲ = FOUND SURVEY MARKER SPIKE
- △ = SET SURVEY MARKER SPIKE
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' (O) = DISTANCE OF RECORD
- 100' = MEASURED BEARING OR DISTANCE
- = FOUND NAIL
- = SET 3/4" X 1 1/2" NAIL
- WM = WITNESS MONUMENT

PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301-0398
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM.



A PLAT OF LOTS C-5 AND C-6 OF DREDGE SITE SUBDIVISION IN THE SW 1/4 OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CorTrust Bank N.A., Trustee of the C. H. Young Trust, and under its direction for purposes indicated therein, I did on or prior to October 4, 2010, survey those parcels of land described as follows: LOTS C-5 AND C-6 OF DREDGE SITE SUBDIVISION IN THE SW 1/4 OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.
Dated this 8th day of October, 2010.

Registered Land Surveyor #SD6702

SPN

& Associates
Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301-0398
Phone: (605) 996-7761 Fax: (605) 996-2013

RESOLUTION #2867
RESOLUTION OF CITY COUNCIL

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 25th day of October, 2010; and

WHEREAS, it appears from an examination of the plat of LOT C-7 OF DREDGE SITE SUBDIVISION IN THE SOUTH ½ OF THE NW ¼ OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., 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 been prepared according to law;

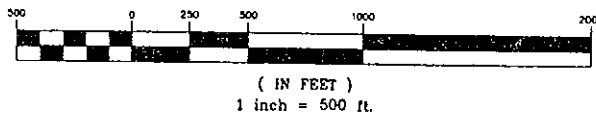
THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT C-7 OF DREDGE SITE SUBDIVISION IN THE SOUTH ½ OF THE NW ¼ OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

I, Marilyn Wilson, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the 1st day of November, 2010.

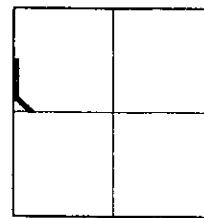
Mayor

Finance Officer

GRAPHIC SCALE



SEC. 5, T 103 N, R 60 W

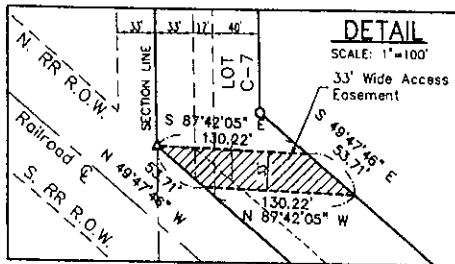
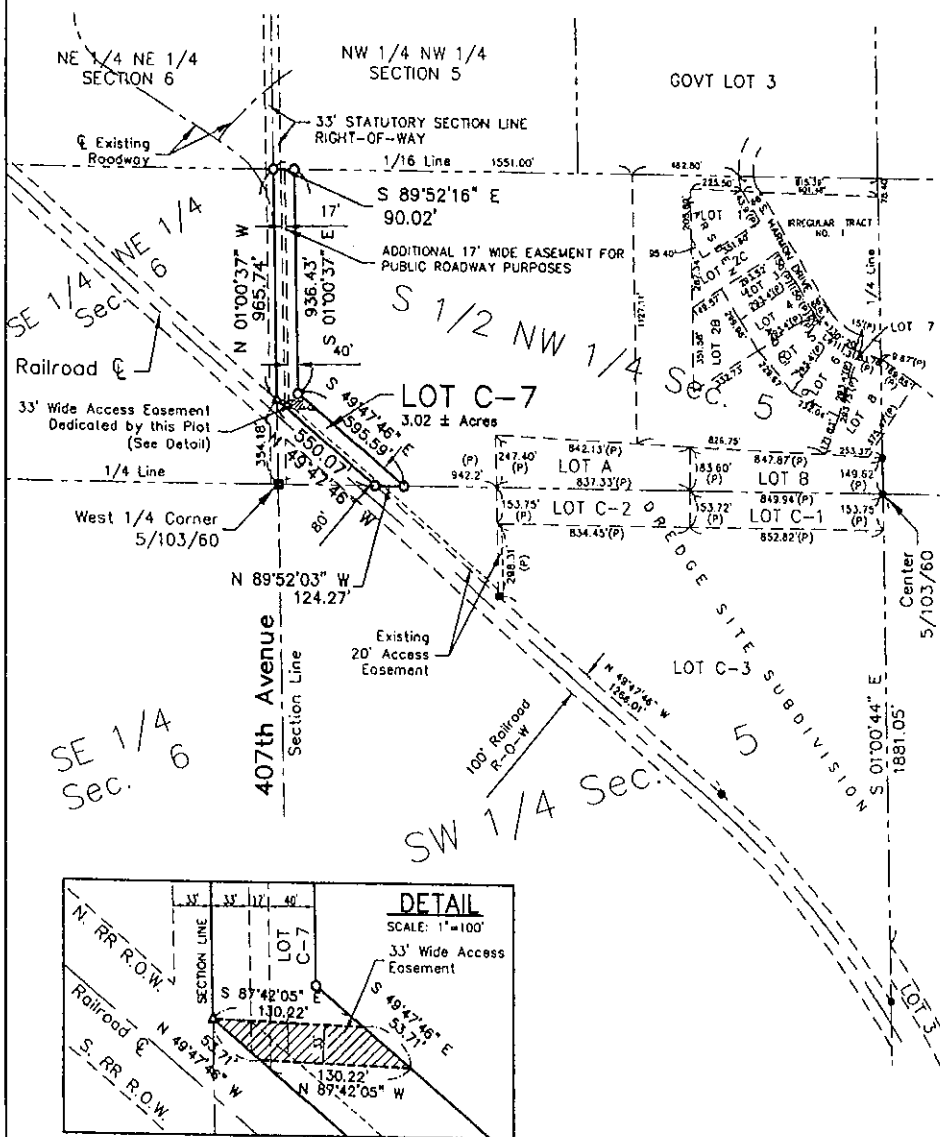


LOCATION MAP
SCALE 1" = 3000'

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" x 10" NAIL
- WITH CAP AND STAKE
- ▲ = FOUND SURVEY MARKER SPIKE
- △ = SET SURVEY MARKER SPIKE
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' (D) = DISTANCE OF RECORD
- 100' = MEASURED BEARING OR DISTANCE
- = FOUND NAIL
- = SET 3/4" x 10" NAIL
- MM = WITNESS MONUMENT

PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301-0398
PHONE: (605) 996-7761
BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM



A PLAT OF LOT C-7 OF DREDGE SITE SUBDIVISION IN THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Robert E. Young, as owner, and under his direction for purposes indicated therein, I did on or prior to October 4, 2010, survey those parcels of land described as follows: LOT C-7 OF DREDGE SITE SUBDIVISION IN THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 5, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct. Dated this 8th day of October, 2010.

Registered Land Surveyor #SD6702

SPN

& Associates

Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301-0398
Phone: (605) 996-7761 Fax: (605) 996-0015

**RESOLUTION #2868
FEES AND CHARGES**

PREAMBLE: The City Council, having re-codified the Municipal Code, and having provided therein for the establishment of fees and costs charged by the City by resolution, now therefore be it

Resolved that the following fees and costs shall be adopted and that any fees and costs not changed by this resolution or any other fee resolutions passed since the date of re-codification and in effect as of February 1, 2005 shall remain in full force and effect.

See attached Exhibit

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

Adopted this 1st day of November, 2010.

Mayor

ATTEST:

Finance Officer

(SEAL)

INFORMATIONAL LIST FOR COUNCIL

City Code section	Description	Fees	Source
4-2-6	Video lottery machines	\$50/machine for license term	
4-3-1A	Open air shows	\$50/day	
4-3-1B	Theaters	\$25/screen	
4-3-2	Circuses	\$300/day	
4-3-2	Carnivals	\$100/day	
4-3-1	Other shows, exhibitions	\$100/day	
4-4-2D	Vehicle for hire operator	\$50/year	
4-4-5A	Taxi rates		
4-4-6a	Inspection Fee to City	\$50/vehicle inspected	
4-5-5	Peddlers & solicitors	\$50/week	
4-6-3B	Transient merchants	\$50/week or fraction thereof	
4-6-7B	Bankrupt or fire sales	\$100/week	
4-7-2	Pawnbrokers	\$100/year	
4-8-2	Junk dealers	\$100/year for each establishment	
4-9-2B	House movers	\$50/year, plus \$5,000 bond	
4-9-5	Building moving permit	\$100.00	
4-10-1	Auctioneers	\$25/year	
5-4A-3A1a	Garbage rates --monthly	Automated collection curbside: 90 gal - \$13; 60 gal - \$12; 30 gal - \$11. Semi-automated collection alley: 90 gal - \$15; 60 gal - \$14; 30 gal - \$13.	Resolution 2518 April 16, 2007
5-4A-3A1c	Compost generating materials	\$70 for containers. \$4.00 per month from April through October. If collection is stopped at any time & customer wants to re-establish service, an additional \$20.00 will be assessed to re-establish service. In addition to the \$20.00 charge, the customer will also be charged \$4.00 per month for the remaining months of the year when compost is collected (i.e. April through October)	Resolution 2531 May 7, 2007
5-4A-3A1d	Commercial accounts	3 cubic yard dumpster, \$65/month	Resolution 2342 October 17, 2005
5-4A-3A1f	Recycling program	\$3/month	Resolution 2616 March 17, 2008
5-6-1-B-3	Fireworks Permit	\$30.00	Resolution 2342 October 17, 2005
6-1A-3A	Dangerous dog registration	\$25.00	Resolution 2342 October 17, 2005
6-2-1	Abandoned property	\$5.00/day plus towing and any other pick up expense	Resolution 2342 October 17, 2005
7-1-4E	Parking violations	Ord. Stated fines to be set by resolution of council	
7-3-9A	Parade or procession permit	\$50.00	Resolution 2342 October 17, 2005
7-4-	Parking fines	Restricted zone: \$15/\$30 Private Parking: \$15/\$30 Parked against flow: \$15/\$30 Parked > 48 hrs: \$15/\$30 Snow Removal: \$25/\$50 Handicapped: \$100/\$200 Other: \$15/\$30	First number is the amount if paid within 48 hours. Second number is amount paid after 48 hours
8-1B-2A	Excavations	Concrete Curb and Gutter: \$30.00 per LF Concrete Flat Work: 4 inch & under: \$4.00 per SF 6 inch: \$6.00 per SF Over 6 inch: \$6.00 per SF plus \$1.00 per SF per inch of thickness over 6"	Ordinance 2283 July 21, 2008

City Code section	Description	Fees	Source
8-1B-3	Excavations	\$5 permit fee. Replacing bituminous paving for each 2" of depth: first 40 square feet: \$4 per SF; second 40 square feet: \$2 per SF; over 80 square feet: \$1.25 per SF. 30% reduction in fee if permitted prepares excavation for bituminous mix (note: fees are doubled from Nov 1-March 31)	Resolution 2705 January 20, 2009
8-6-2D2	Graceland Cemetery grave space for single interment	\$500.00	Resolution 2456 August 7, 2006 Resolution 2868 November 1, 2010
8-8-1C	Water rates set September 15, 2008	The rate charged for <u>water consumption</u> in the City be set as follows: Base Rate of \$3.00 plus \$2.70 for every 100 C.F. Unit. The rate charged for <u>sewer use</u> in the City be set as follows: Base Rate of \$5.00 plus \$1.40 for every 100 C.F. Unit.	Resolution 2674 September 15, 2008
8-8-7D	Testing water meter	\$25.00 If meter incorrect by 2%-no charge	Resolution 2342 October 17, 2005
	Water turn on & shut off	8:00 am - 5:00 pm: \$35.00 5:00 pm - 7:59 am: \$50.00	Resolution 2705 January 20, 2009
	Water customer new hookup	\$50.00	Resolution 2343 August 15, 2005
8-9-4C3	Sewer installers license	\$200/year	Resolution 2342 October 17, 2005
8-9-4D2	Connection permit fee	\$6/opening	Resolution 2342 October 17, 2005
9-3-2D	Plumber licenses	Master Plumber: initial-\$50, renewal-\$10 Journeyman Plumber: initial-\$20, renewal- \$7.50 Apprentice Plumber: initial-\$10.00, renewal \$5.00	
9-4-4C	Signs & outdoor advertising	\$75 first year, \$50 thereafter	Deleted Resolution 2490 December 18, 2006
9-6-1	Moving buildings, inspections	\$100.00	
9-6-2	Building inspections of moved buildings	\$25 within city; \$35 plus 20 cents per mile if within 100 miles; \$70 plus 32 cents per mile if over 100 miles	Amended Resolution 2490-December 18,2006 changed mileage rate from 20 cents to 32 cents
9-7-4B	Mobile home community licenses	\$6/space per year	Deleted Resolution 2490 December 18, 2006
11-2-6B	Subdivision approval	\$50.00	Deleted Resolution 2868 November 1, 2010
	Answer false alarm burglar and fire	First incident within thirty day period a warning; second incident within thirty day period of warning an assessment of \$30; any other alarm thereafter within thirty days from last fine an additional \$30	Resolution 2705 January 20, 2009
	Burn Permit	\$150.00	Resolution 2705 January 20, 2009

City Code section	Description	Fees	Source
4-2-7B	Special Events: alcoholic beverage license at Corn Palace (SDCL 35-4-124)	\$200.00	Resolution 2868 November 1, 2010
	Special Events: malt beverage license at Corn Palace (SDCL 35-4-124)	\$100.00	Resolution 2868 November 1, 2010
	Special Events: wine license at Corn Palace (SDCL 35-4-124)	\$100.00	Resolution 2868 November 1, 2010
	Special Events: malt beverage & wine license at Corn Palace (SDCL 35-4-124)	\$100.00	Resolution 2868 November 1, 2010
	Note: all Corn Palace licensees also pay an additional % based on drinks sold as part of the lease of Corn Palace		Resolution 2868 November 1, 2010
	Special Events: alcoholic beverage license, malt beverage, wine license, or malt beverage & wine license where noise permit is required. (SDCL 35-4-124)	\$500.00	Resolution 2705 January 20, 2009 Amended Resolution 2868-November 1, 2010
	Special Events: alcoholic beverage license , malt beverage, wine license or malt beverage & wine license-- Other than Corn Palace and other than licenses granted with noise permit	\$200.00	Resolution 2868 November 1, 2010
	Building Permit fees to become Jan 1, 2006	See exhibit "A" which is attached hereto and incorporated herein by reference	
	Lawn Mowing/Snow Removal	1. Lawn Mowing: If done by private contractor: \$50 plus price charged by private contractor. If done by city personnel: \$50 plus \$100 per man/machine hours or fraction thereof. 2. Snow removal: \$75 for the first fifty feet then \$1.00 per foot over fifty feet or fraction thereof.	Resolution 2599 December 17, 2007
	Conditional Use Permit Application (includes the cost of advertising)	\$150.00	Resolution 2342 October 17, 2005
	Application to the City for an easement on city property or the release of right of way or release of easement granted to city or any other action to assist a property owner to correct a title question involving the city	\$150.00	Resolution 2511 March 19, 2007
	Variance Application	\$100.00	Resolution 2342 October 17, 2005
	Rezoning	\$150.00	Resolution 2342 October 17, 2005
	Home Occupation if Conditional Use is Required	\$75.00	Amended Resolution 2868 - From \$50 to \$75- November 1, 2010
	Home Occupation Administrative Application	\$0.00 - No cost	Resolution 2342 October 17, 2005
	Copies of Reports (Police and Fire)	\$4.00 each	Resolution 2705 January 20, 2009
	Prints of Pictures (Police and Fire)	\$2.00 each	Resolution 2705 January 20, 2009
	CD (Police and Fire)	\$35.00 each	Resolution 2705 January 20, 2009

City Code section	Description	Fees	Source
	Landfill Fees – Tires		
	Bulk	\$180.00/ton	Resolution 2617 March 17, 2008 Amended Resolution 2868-November 1, 2010
	Passenger and LT	\$3.50 each	Resolution 2617 March 17, 2008 Amended Resolution 2868-November 1, 2010
	Truck	\$11.00 each	Resolution 2617 March 17, 2008 Amended Resolution 2868-November 1, 2010
	Tractor and implement	\$30.00 each	Resolution 2617 March 17, 2008 Amended Resolution 2868-November 1, 2010
	Landfill Petroleum Contaminated Soil	\$7.50/ton	Resolution 2617 March 17, 2008
	Tree Removal/Trimming	\$150.00 per hour or fraction thereof	Resolution 2868 November 1, 2010
	Water Service Tapping Permit Fees:		
	1" Water Service Taps:		
	4" x 1"	\$100.00	
	6" x 1"	\$100.00	
	8" x 1"	\$110.00	
	10" x 1"	\$155.00	
	12" x 1"	\$170.00	
	14" x 1"	\$200.00	
	16" x 1"	\$230.00	
	18" x 1"	\$310.00	
	20" x 1"	\$320.00	
	1.5" Water Service Taps:		
	4" x 1.5"	\$180.00	
	6" x 1.5"	\$190.00	
	8" x 1.5"	\$210.00	
	10" x 1.5"	\$225.00	
	12" x 1.5"	\$250.00	
	14" x 1.5"	\$265.00	
	16" x 1.5"	\$285.00	
	18" x 1.5"	\$340.00	
	20" x 1.5"	\$365.00	
	2" Water Service Taps:		
	4" x 2"	\$220.00	
	6" x 2"	\$225.00	
	8" x 2"	\$235.00	
	10" x 2"	\$250.00	
	12" x 2"	\$265.00	
	14" x 2"	\$320.00	
	16" x 2"	\$335.00	
	18" x 2"	\$395.00	
	20" x 2"	\$410.00	
	Contractor Furnishes and Installs taps over 2"	\$0.00 – No Charge	
	Sewer Tap Permit	\$20.00	
	Emergency road closures to companies to include barricades and pre-warnings	\$250/day	Resolution 2868 November 1, 2010

RESOLUTION #2869
RESOLUTION OF CITY COUNCIL

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 25th day of October, 2010; and

WHEREAS, it appears from an examination of the plat of LOT 6 IN TRACT D OF WILD OAK GOLF CLUB ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Nathan L. Jibben, 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 been prepared according to law;

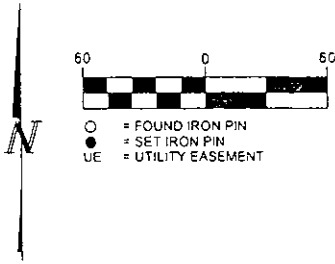
THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 6 IN TRACT D OF WILD OAK GOLF CLUB ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Nathan L. Jibben, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

I, Marilyn Wilson, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the 1st day of November, 2010.

Mayor

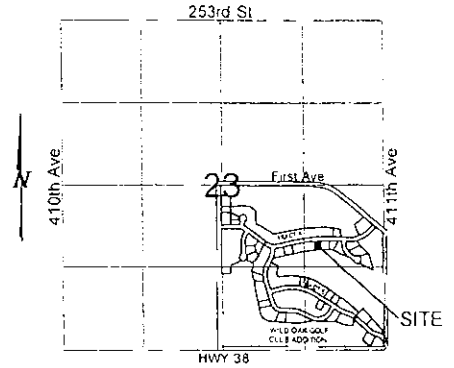
Finance Officer

PLAT OF
LOT 6 IN TRACT D
WILD OAK GOLF CLUB ADDITION
 TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

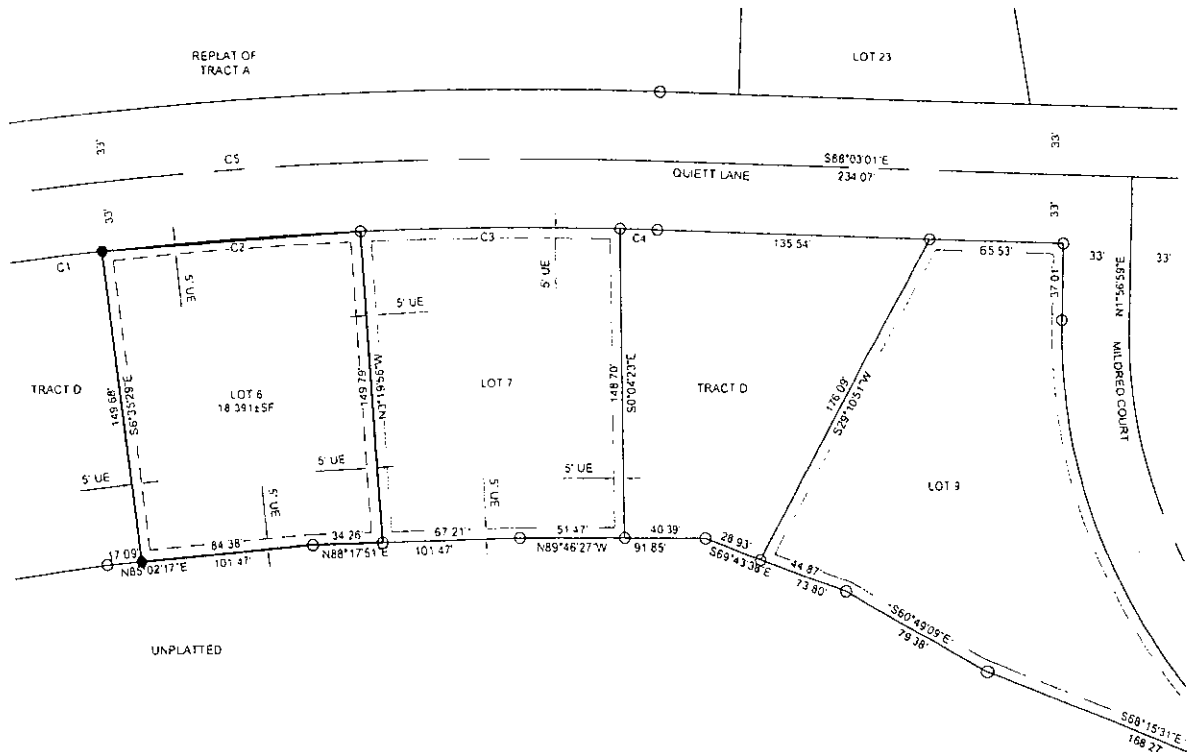


○ = FOUND IRON PIN
 ● = SET IRON PIN
 UE = UTILITY EASEMENT

Curve Table					
Curve	Length	Radius	Delta	Chord Distance	Chord Bearing
C1	127.05'	1967.00'	3°42'04"	127.04'	S82°09'49"W
C2	127.14'	1967.00'	3°42'12"	127.12'	S85°51'57"W
C3	127.19'	1967.00'	3°42'17"	127.15'	S89°34'11"W
C4	18.11'	1967.00'	0°31'39"	18.11'	N88°18'51"W
C5	540.81'	2000.00'	15°29'35"	539.17'	S84°12'11"W



VICINITY MAP
 SEC 23, T103N, R60W



SURVEYOR'S CERTIFICATE

I, NATHAN L. JIBBEN, OF JSA CONSULTING ENGINEERS/LAND SURVEYORS, INC., A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I DID, ON OR BEFORE OCTOBER 14, 2010, SURVEY A PORTION OF TRACT D WILD OAK GOLF CLUB ADDITION, IN THE SE1/4 OF SECTION 23, T103N, R60W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA AS SHOWN ON THE ABOVE PLAT. THAT PORTION OF LAND SHALL HEREAFTER BE KNOWN AND DESCRIBED AS LOT 6 IN TRACT D, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, CONTAINING 0.42 ACRES ±.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ABOVE PLAT CORRECTLY REPRESENTS THE SAME, IS TRUE AND CORRECT AND THAT IT WAS MADE UNDER MY DIRECT SUPERVISION.

DATED THIS 14TH DAY OF October, 2010.

NATHAN L. JIBBEN, RLS 8295

ORDINANCE NO. 2347

AN ORDINANCE AMENDING ORDINANCE NO. 2053 ALSO KNOWN AS THE WOODLAND HEIGHTS PLANNED DEVELOPMENT DISTRICT, CITY OF MITCHELL, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1. That Ordinance No. 2053, Sub Area C: A. Permitted Uses, be amended by adding the following:

4. Ministorage buildings with varying compartment sizes, fifty (50) to four hundred (400) square feet, for household and commercial storage.

Section 2. The City Finance Officer shall publish notice of this ordinance, and the same shall become effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this the 1st of November, 2010.

MAYOR

ATTEST:

FINANCE OFFICER

FIRST READING OCTOBER 18, 2010
SECOND READING NOVEMBER 1, 2010
ADOPTION NOVEMBER 1, 2010

ORDINANCE NO. 2348

AN ORDINANCE OF THE CITY OF MITCHELL, SOUTH DAKOTA, REZONING REAL PROPERTY LEGALLY DESCRIBED LOTS 11 AND 12, BLOCK 13, GLEESON'S ADDITION, CITY MITCHELL, DAVISON COUNTY, SOUTH DAKOTA FROM HIGH DENSITY RESIDENTIAL (R4) DISTRICT TO NEIGHBORHOOD SHOPPING DISTRICT (NS) DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MITCHELL.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1. The real property legally described as Lots 11 & 12, Block 13, Gleeson's Addition, City of Mitchell, Davison County, South Dakota is to be rezoned from High Density Residential District (R-4) to Neighborhood Shopping District (NS) and amend the Official Zoning Map of the City of Mitchell.

Section 2. The City Finance Officer shall publish notice of this ordinance, and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

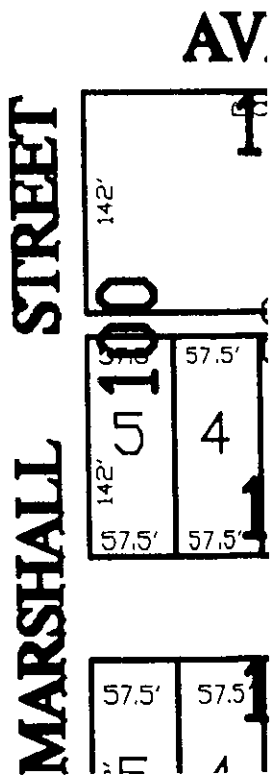
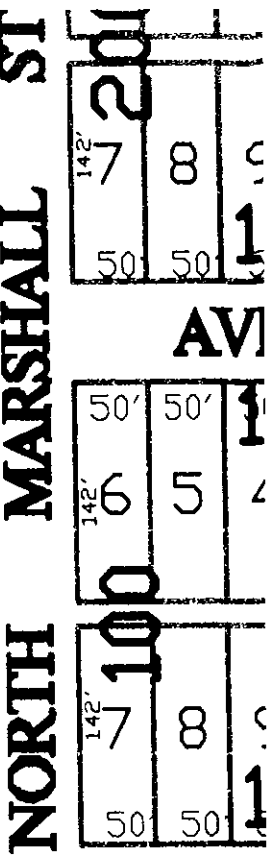
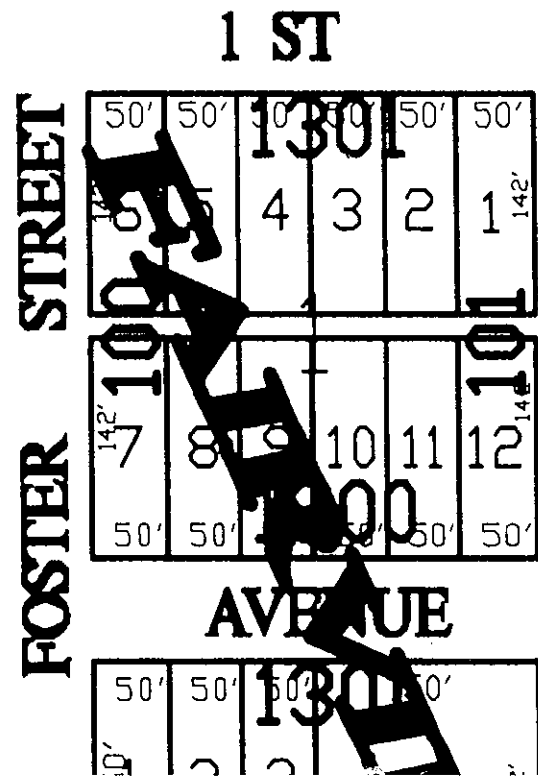
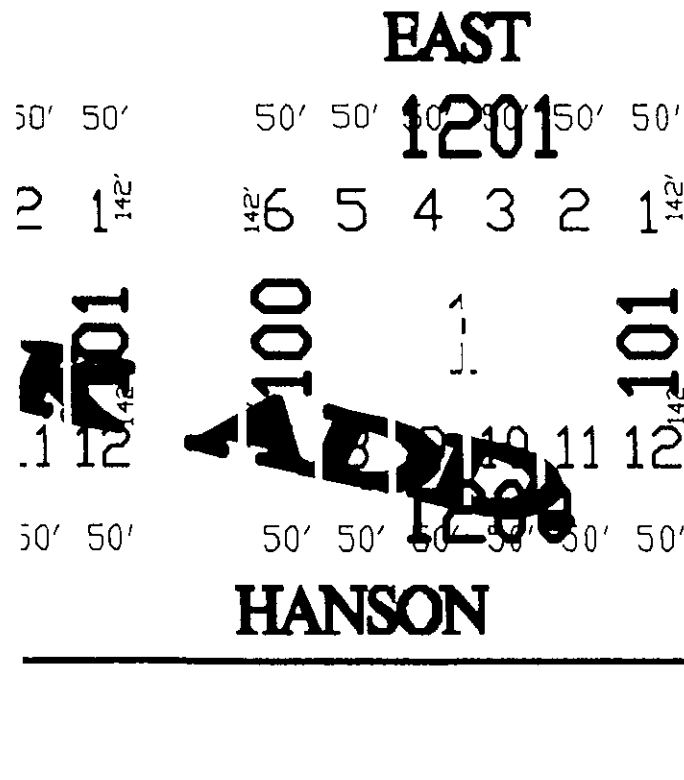
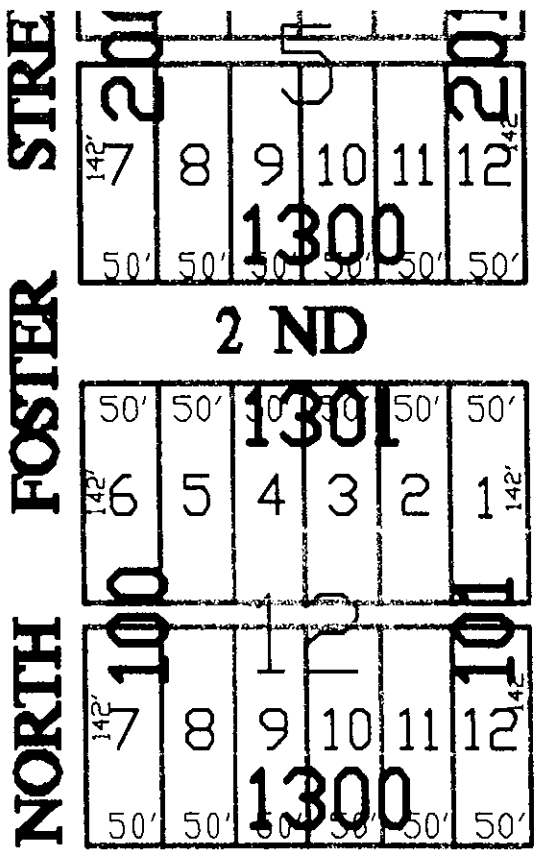
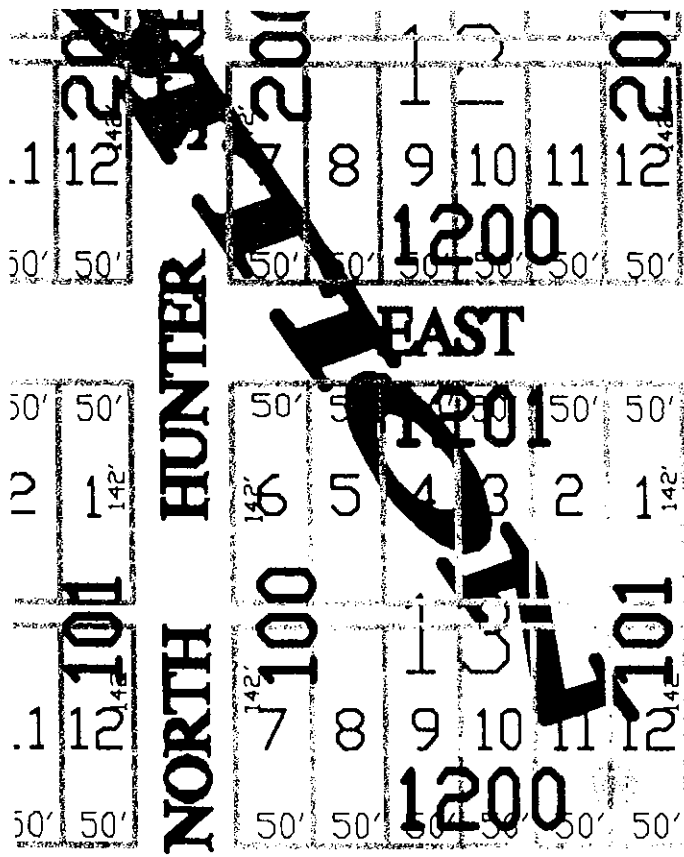
Passed and approved this the 15th day of November, 2010.

MAYOR

ATTEST:

FINANCE OFFICER

FIRST READING: November 1, 2010
SECOND READING: November 15, 2010
ADOPTION: November 15, 2010



**ORDINANCE NO. 2349
 SUPPLEMENTAL APPROPRIATION ORDINANCE
 AMENDING ORDINANCE NO. 2311
 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 2010 according to statute:

**GENERAL FUND
 STREET & SIDEWALK**

101-43120-42520	Hazardous Sidewalk Repair	\$7,000.00
101-43120-42526	Sidewalk Construction	\$15,000.00
101-43120-43300	Street Overlay Maintenance	\$85,000.00

MOSQUITO CONTROL PROGRAM

101-44100-42970	Supplies & Materials	\$1,800.00
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EMERGENCY MEDICAL SERVICES

101-44600-42910	Refunds	\$5,000.00
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The funding will come from General Fund cash balance.

**SPECIAL REVENUE FUNDS
 PARK FUND
 SOCCER COMPLEX**

201-45170-43200	Gazebo Construction	\$6,700.00
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The funding will come from donations.

PARKS AND BOULEVARDS

201-45210-42610	Gas & Fuel	\$6,000.00
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ICE ARENA

201-45150-42500	Repair & Maintenance	\$20,000.00
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The funding will come from the Park Fund cash balance. --

**RSVP
PALACE TRANSIT**

218-45150-42920	Computer Software/Support	\$8,100.00
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The funding will come from grant funds.

218-45150-41500	Group Insurance	\$7,500.00
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The funding will come from RSVP Fund cash balance.

**DEBT SERVICE FUNDS
TID #4 – AKG**

301-41000-23100	Bond Principal	\$21,000.00
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The funding will come from property tax receipts.

**ENTERPRISE FUNDS
WATER FUND
WATER TREATMENT PLANT**

602-43330-42694	Scada System Software	\$5,000.00
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WATER DISTRIBUTION

602-43340-42515	Water Meter Repair	\$4,500.00
602-43340-43415	Water Meter Program Upgrade	\$12,000.00

The funding will come from the Water Fund cash balance.

**SEWER FUND
WASTEWATER COLLECTION**

604-43250-42500	Repairs	\$5,000.00
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The funding will come from the Sewer Fund cash balance.

604-43250-43317	Northwestern Energy-Sewer Utilities	\$80,000.00
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The funding will come from developer reimbursement.

**CORN PALACE FUND
CORN PALACE SHOWS**

613-45620-42931	1.5% Tourism Tax	\$4,500.00
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The funding will come from sales revenue.

CORN PALACE CONCESSIONS

613-45630-41120	Part-Time	\$28,000.00
613-45630-42610	Cost of Goods Sold	\$50,000.00

The funding will come from the Corn Palace Fund cash balance.

**GOLF COURSE FUND
GOLF COURSE**

614-45250-41120	Part-Time Golf	\$5,000.00
614-45250-42600	Supplies & Materials	\$4,500.00

The funding will come from the Golf Course Fund cash balance.

First Reading:	November 1, 2010
Second Reading:	November 15, 2010
Adoption:	November 15, 2010

Attest:

Mayor

Finance Officer
[Seal]

Source of Supplemental Appropriation

	General Fund	Other Fund	Budget Reallocation	Other \$\$\$	Explanation for Supplemental Appropriation
GENERAL FUND:					
Street & Sidewalk-Hazard Sidewalk	\$ 7,000.00				Additional hazardous sidewalk repairs
-Sidewalk Const	\$ 10,000.00				Additional sidewalk construction
-Street Overlay Maint	\$ 85,000.00				Ohlman Street maintenance, 2/3-city, 1/3-Dav. County
Mosquito Control Program	\$ 1,800.00				Additional spraying costs
Emergency Med Services-Refunds				\$ 5,000.00	Refunds for overpayment of services
SPECIAL REVENUE FUNDS:					
Park & Rec-Soccer Complex Gazebo		\$ 6,000.00			From donations
Park & Rec-Parks Gas & Fuel		\$ 20,000.00			Additional Repairs from Park Cash Balance
Park & Rec-Ice Arena Repair				\$ 8,100.00	From grant funds
RSVP-Palace Transit Comp Software					From fund cash balance for HI assessment
Group Insurance		\$ 7,500.00			
DEBT SERVICE FUNDS:					
TID#4-AKG Bond Principal		\$ 21,000.00			Turbo bond payments
ENTERPRISE FUNDS:					
Water/Treatment-Scada Sys Software		\$ 5,000.00			Additional curb box repairs, reimbursed by property owner
Water/Distribution-Meter Repair		\$ 12,000.00			Purchase of new meters/transmitters at discount
-Meter Upgrade		\$ 5,000.00			Developer reimbursement
Sewer/Collection-Repairs				\$ 80,000.00	Sales revenue
-NW Energy-Utilities				\$ 4,500.00	Had budgeted for FT Concession Mngr, but utilized PT
Corn Palace/Shows-1.5% Tourism Tax					
Corn Palace/Conc-Part-Time					
-Cost of Goods Sold				\$ 28,000.00	
Golf Course-Part-Time		\$ 50,000.00			
-Supplies & Materials		\$ 5,000.00			
		\$ 4,500.00			

South Dakota Department of Transportation Construction Change Order No 2

PCN 01D8
 Project No P 3715(04) County Davison Contract Amt \$515,306.89
 Type of Work Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Curb & Gutter and Sidewalk
 Contractor SPENCER QUARRIES INCORPORATED

The following change in plans and/or specifications for the subject project is hereby made:

- | | | |
|---|----------|--------------|
| Line No. 002 P Remove Concrete Curb and Gutter | 598.000@ | 4.510/ Ft |
| Contractor shall remove curb and gutter as directed by the Engineer | | |
| Line No. 003 P Remove Concrete Approach Pavement | 46.000@ | 29.700/ SqYd |
| Contractor shall remove concrete approach pavement as directed by the Engineer | | |
| Line No. 005 P Remove Concrete Sidewalk | 157.000@ | 29.700/ SqYd |
| Contractor shall remove sidewalk as directed by the Engineer | | |
| Line No. 014 P SS-1h or CSS-1h Asphalt for Tack | 4.320@ | 568.000/ Ton |
| Contractor shall apply tack oil diluted at the rate of 2 parts oil to 1 part water on the entire project. | | |
| Line No. 027 P Modified Type B66 Concrete Curb and Gutter | 445.000@ | 29.700/ Ft |
| Contractor shall install curb and gutter as directed by the Engineer | | |

No Time will be added to the contract for this change.
 The net change due to this CCO is an increase of \$24,426.04

Contractor Acceptance The changes contained in this construction change order are made in accordance with the provisions of the contract for subject project and when accepted by the Contractor and upon approval by the South Dakota Department of Transportation shall become a part of said contract. On <u>[Signature]</u> 10/16/10 By _____ Title <u>[Signature]</u>	Engineering Supervisor Recommend On _____ By _____		City Approval On _____ By _____
	Mitchell Area Approval On _____ By _____		

PCN 01D8

Project No P 3715(04) County Davison

Contract Amt \$515,306.89

Type of Work Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Curb & Gutter and Sidewalk

Contractor SPENCER QUARRIES INCORPORATED

Line No	Std Bid Item No	Item Description	Qty As Now Ordered	Current Change In Qty	Unit Price	Unit	Current Change In Amt
002P	110E0300	Remove Concrete Curb and Gutter	1,749.000	598.000	4.510	Ft	\$2,696.98
003P	110E1110	Remove Concrete Approach Pavement	164.700	46.000	29.700	SqYd	\$1,366.20
005P	110E1140	Remove Concrete Sidewalk	1,357.000	157.000	29.700	SqYd	\$4,662.90
014P	330E0100	SS-1h or CSS-1h Asphalt for Tack	10.920	4.320	568.000	Ton	\$2,453.76
027P	650E0059	Modified Type B66 Concrete Curb and Gutter	1,476.000	446.000	29.700	Ft	\$13,246.20

Increase This Order	\$24,426.04
Decrease This Order	\$0.00
Net Change This Order	\$24,426.04
Net Change To Date	\$31,176.76

Description And Reason For Change

- Line No. 002 P Remove Concrete Curb and Gutter 598.000@ 4.510/ Ft
 The owner requested that instead of grinding curb to meet ada ramp requirements that we remove the radius curb and gutter and replace it in those locations, replace curb and gutter that is in poor condition but not shown on the plans, and additional curb and gutter to make ada ramps to fit better.
- Line No. 003 P Remove Concrete Approach Pavement 46.000@ 29.700/ SqYd
 Approach pavements found to be in extremely poor condition. Owner wished to replace approach and P-gutter before installing asphalt overlay.
- Line No. 005 P Remove Concrete Sidewalk 157.000@ 29.700/ SqYd
 Additional sidewalk needed to improve tie ins to existing walks, additional curb ramps found to need replacement during the course of construction that were not shown on the plans
- Line No. 014 P SS-1h or CSS-1h Asphalt for Tack 4.320@ 568.000/ Ton
 Plans quantity was based on a 1:1 dilution when actual dilution rate was 2:1
- Line No. 027 P Modified Type B66 Concrete Curb and Gutter 446.000@ 29.700/ Ft
 Need to replace additional curb and gutter that was removed as directed

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

**OCTOBER 18, 2010
7:30 P.M.**

PRESENT: Dan Allen, Doug Backlund, Marty Barington, Geri Beck, Travis Carpenter, Scott Houwman, Mel Olson, Jeffrey Smith

ABSENT: none

PRESIDING: Mayor Lou Sebert

AGENDA:

Moved by Carpenter, seconded by Olson, to approve the agenda as prepared. Motion carried.

MINUTES:

Moved by Beck, seconded by Allen, to approve the minutes of the regular City Council meeting held on October 4, 2010. Motion carried.

CITIZEN'S INPUT:

Teri Bertness, Human Resources Director, noted that the City of Mitchell received recognition at the South Dakota Municipal League Conference for obtaining Gold and Platinum awards for safety.

DISCUSSION:

Discussion was held regarding the Initiated Ordinance Election regarding dedicating municipal lake property for public use and benefit. Mayor Sebert noted that the proposed ordinance, as currently written, states, "all city owned property comprising or abutting the shoreline of Lake Mitchell" would be dedicated as park land. Roads that go through city owned property are not a barrier. If voters pass the proposed ordinance, this could create problems with the land that the National Guard leases from the city, the new Pepsi Soccer Complex, the municipal airport, and the water treatment plant. Council member Olson stated that the proposed ordinance does not specifically state anything about saving the trees on the North Harmon Drive city property. The proposed ordinance, as written, does not do what the proponents intended regarding the tree property. It was noted that the public needs to vote yes or no on the proposed ordinance based on what it says and not what it was "meant" or "intended" to say.

BOARD OF ADJUSTMENT:

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

Moved by Carpenter, seconded by Allen, that the 1st day of November, 2010 at 7:30 p.m. in the Council

Chambers of City Hall be the date and time set for hearing on the application of Clayton Mick for a conditional use permit to operate a computer repair business located at 621 West 6th Avenue, Lot I and Block 17, Rowley's 2nd Addition, City of Mitchell and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Olsen, seconded by Beck, that the 1st day of November, 2010 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Dave Thuringer for a variance to construct a garage, located at 121 West Douglas Avenue, W30' Lots 11 and 12, Block 12, Van Eps 1st Addition, City of Mitchell and to direct the Finance Officer to give notice according to statute. Motion carried.

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

COMMITTEE MEETINGS:

Traffic:

The Traffic Commission met on October 18, 2010. A request from Mark Schilling, Corn Palace Director, to close Main Street from 6th to 7th Avenue on November 3, 2010 from 12:00 noon to 8:00 p.m. for the POD Clinic was approved. A request from Schilling to close Main Street from 6th to 7th Avenue on October 19, 2010 for Corn Palace repairs was also approved.

Sidewalk:

The Sidewalk Committee met on October 18, 2010. Terry Johnson, Deputy Director of Public Works, presented information regarding possible sidewalk projects for 2011. The following areas will be planned for 2011: Mentzer Street on both sides near LifeQuest, both sides of North Sanborn, north side of Pebble Beach, West Elm by John Paul II school, one side of South Rowley and part of West Norway. Ash Avenue will be done in 2012.

Moved by Beck, seconded by Carpenter, to approve the committee reports. Motion carried.

DEPARTMENT REPORTS:

Moved by Allen, seconded by Barington, to approve the following department reports: August reports - Finance Department Cash Balances and Airport Board; September reports - Police Department, Fire Department, Building Permits, Mitchell Regional Ambulance, Parks, Recreation and Forestry, Palace Transit, Water Department, Airport, and Lake Mitchell Advisory Committee; October reports - Golf and Cemetery.

Kevin Thurman, Golf and Cemetery Director, wanted to clarify that the Golf and Cemetery Board did not request that Rod Titze sell 540 bowl sets. The Board recommended that Titze sell some of the bowl sets in order to recoup a portion of his own personal investment. Thurman noted that the Board would like Mr. Titze to come up with a plan by December of how next year's \$3,500.00 maintenance fee will be paid and whether the Lawn Bowling Association could share the costs of constructing a storage building. Thurman noted that there have been a variety of age groups out playing and learning the game. The bowling green will be closed when the golf course is closed for the season.

Motion carried.

RESOLUTIONS:

Moved by Carpenter, seconded by Backlund, to approve Resolution #2860, Plat of Lot 14A, Block 1, Westwood First Addition, as follows:

**RESOLUTION #2860
RESOLUTION OF CITY COUNCIL**

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 12th day of October, 2010; and

WHEREAS, it appears from an examination of the plat of LOT 14A, BLOCK 1 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF SECTION 16, T103N, R60, W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas L. Week, 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 been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 14A, BLOCK 1 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF SECTION 16, T103N, R60, W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas L. Week, 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 Backlund, seconded by Houwman, to adopt Resolution #2861, Acceptance of FY2010-2011 Operating Agreement for Palace Transit with SDDOT, as follows:

RESOLUTION NO. 2861

Resolution to authorize the Mayor of the City of Mitchell to accept the FY 2010-2011 Operating Agreement for Palace Transit. This represents the City entering the contract with the State of South Dakota for the operating funds for a grant under Section 5311 of the Surface Transportation Assistance Act.

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support capital and operating assistance projects for nonurbanized public transportation systems Section 5311 of the Surface Transportation Assistance Act, and

Taxicab Drivers License for Palace Transit. Motion carried.

Moved by Carpenter, seconded by Backlund, to approve the following raffle requests:

- DWU Basketball – drawings to be held on various dates of DWU Women’s Basketball home games
- Trinity Lutheran Church – drawing to be held October 31, 2010
- Dakota Wesleyan University Oyate Ho Waste – drawing to be held November 6, 2010
- Multicultural Committee – drawings to be held on November 20, 2010, November 23, 2010 and January 26, 2011
- Dakota Plains Chapter – American Red Cross – drawing to be held on December 8, 2010
- American Cancer Society – Relay for Life – drawing to be held on December 20, 2010
- Mitchell High School Girls’ Basketball – drawing to be held during the 2010 Christmas break
- James River Valley Chapter – Rocky Mountain Elk Foundation – drawing to be held on March 19, 2011

Motion carried.

PAY ESTIMATES:

Moved by Smith, seconded by Barington, to approve the following pay estimates and change order:

- pay estimate #7-Final in the amount of \$4,722.10 for Landfill Closure Project #2008-34 contracted with Helms & Associates,
- pay estimate #7-Final in the amount of \$19,935.11 for Landfill Closure Project #2008-34 and change order #2-Final to adjust installed quantities – original contract is decreased by \$1,559.00 for a total amount of \$383,502.18 contracted with Schoenfelder Construction,
- pay estimate #2 in the amount of \$61,783.10 for Spruce/Cabela’s Traffic Signals Project #2010-3 contracted with Muth Electric,
- pay estimate #8 in the amount of \$1,129.05 for Spruce/Cabela’s Traffic Signals Project #2010-3 contracted with Howard R. Green Company,
- pay estimate #1-Final in the amount of \$6,948.89 for Traffic Signal LED Project #2010-6A contracted with Muth Electric,
- pay estimate #8 in the amount of \$21,047.55 for Paving & Overlay Project #2010-15 contracted with Commercial Asphalt,
- pay estimate #1 in the amount of \$7,920.00 for Library Boiler Replacement Project #2010-24 contracted with Roby, Quintal & Everson,
- pay estimate #1 in the amount of \$44,829.55 for Library Boiler Replacement Project #2010-24 contracted with Redlinger Brothers, and
- pay estimate #13 in the amount of \$17,735.72 for AIP`24 Runway 12/30 Reconstruction

WHEREAS, the South Dakota Department of Transportation, Division of Finance and Management, Office of Local Transportation Programs has been designated by the Governor to administer Section 5311; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including provision by it of the local share of project costs;

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

1. That Lou Sebert, Mayor, City of Mitchell, on 10/5/2010 signed the FY 2010-2011 operating agreements on behalf of the City of Mitchell with the South Dakota Department of Transportation to aid in the financing of capital and/or operating assistance projects pursuant to Section 5311 of the Surface Transportation Assistance Act.
2. That Brenda Paradis, is authorized to furnish such additional information as SDDOT may require in connection with the application or the project.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Ordinance #2345, Rezone Lots 11 and 12, Block 13, Gleeson's Addition, has been withdrawn. No further action taken.

Ordinance #2346, Rezone Lot 10, Block 13, Gleeson's Addition, has been withdrawn. No further action taken.

Moved by Barington, seconded by Backlund, to place Ordinance #2347, Amending Ordinance #2053 – Woodland Heights Planned Development District, on first reading. Motion carried.

SET DATE:

Moved by Olson, seconded by Beck, that the 1st day of November, 2010 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of the Palace City Lions Club for a Special Event Malt Beverage License at the Corn Palace and City Hall for the George Jones concert on November 14, 2010. Motion carried.

CONSIDER APPROVAL:

Moved by Carpenter, seconded by Allen, to approve an automatic supplement to the General Fund – Police in the amount of \$250.00 for a digital camera from a donation of funds. Motion carried.

Moved by Beck, seconded by Houwman, to approve the agreement for civic groups for cleaning public access areas around Lake Mitchell. Motion carried.

Moved by Houwman, seconded by Backlund, to approve the application of George Bamsey for a Taxicab Drivers License for E-Z Ride Taxi. Motion carried.

Moved by Backlund, seconded by Houwman, to approve the application of Randy Horvath for a
10-18-10

contracted with Helms & Associates.

Members present voting aye: Allen, Backlund, Barington, Beck, Carpenter, Houwman, Olson, Smith. Members present voting nay: none. Motion carried.

BILLS:

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

PAYROLL, SEPTEMBER 19, 2010 – OCTOBER 2, 2010: City Council-\$2,440.24, Mayor-\$885.54, Attorney-\$1,986.55, Finance-\$9,925.05, Human Resources-\$2,752.16, Information Technology-\$1,386.32, Police-\$52,864.76, Traffic-\$3,582.11, Fire-\$33,625.13, Street-\$22,725.96, Public Works-\$14,987.83, Cemetery-\$3,294.14, Mosquito Control-\$1,112.94, Animal Control-\$1,275.12, Emergency Medical Services-\$10,505.58, Library-\$9,930.26, Playground & Athletics-\$6,167.36, Campground-\$1,333.60, Recreation Center-\$10,221.72, Cadwell-\$2,879.87, Soccer Complex-\$1,216.00, Park-\$9,055.85, Supervision-\$4,920.48, Forestry-\$2,689.03, E911-\$16,491.47, RSVP-\$3,275.76, Palace Transit-\$14,926.45, Nutrition-\$1,703.92, Water-\$5,796.85, Water Distribution-\$7,578.15, Sewer-\$10,095.96, Airport-\$1,666.96, Waste Collection-\$8,324.62, Landfill-\$6,549.25, Corn Palace Maintenance-\$10,646.57, Corn Palace Decorating-\$5,770.13, Corn Palace Shows-\$3,351.40, Corn Palace Concessions-\$3,188.14, Golf Course-\$6,965.65.

SALARY ADJUSTMENTS (per hour rate):

RSVP/PALACE TRANSIT/NUTRITION: Shannon Foster - \$13.424

NEW HIRES (per hour rate):

PLAYGROUND & ATHLETICS: Seth Cavanaugh - \$7.25, Josh Miller - \$10.00, Anthony Waba - \$10.00, Dylan Weitzman - \$7.50

RECREATION CENTER: Laryssa Recker - \$7.25, Alexander Young - \$14.032

WARRANTS: 2010 South Dakota Fire Chiefs Association Conference, Registration-\$60.00, A & B Business, Supplies-\$670.77, A-Ox Welding Supply Company, Supplies-\$284.81, Advantage Auto Glass, Repairs-\$261.69, Aflac, Aflac Withholding-\$4,026.49, Aflac/Flex One, Flex One Payments-\$1,786.29, AIA Corporation, Supplies-\$96.44, Al's Engraving, Name Badges-\$56.35, Alcoopro, Supplies-\$57.00, Alltel, Utilities-\$2,408.08, American Library Association, Book-\$49.50, American Red Cross, Supplies-\$6.00, Apple Time, Supplies-\$129.14, Aqua-Pure, Chemicals-\$1,375.00, Arctic Refrigeration, Repairs-\$113.64, Audiogo, Books-\$367.28, Auto Body Specialties, Supplies-\$59.80, Avera Queen of Peace Hospital, Supplies-\$219.74, B-Y Water, Water Usage-\$43,837.50, Bailey Metal Fabricators, Repairs-\$86.32, Best Western Ramkota Hotel, Travel-\$336.00, Birch Communications, Utilities-\$13.32, Braxton Wermers, Refund-\$71.35, Brenda Schroeder, Uniform Repairs-\$42.00, Brianna Bernard, Contract Services-\$517.50, Business Products, Supplies-\$911.07, Butler Machinery, Parts-\$1,433.16, Cabela's, Supplies-\$19.95, Campbell Supply, Supplies-\$381.62, Carolina Software, Quarterly Support-\$200.00, Carquest Auto Parts, Parts-\$6.15, CDW Government, Parts-\$4,645.04, Center Point Large Print, Books-\$79.68, Central Electric Cooperative, Utilities-\$8,603.11, Char's Party Center, Supplies-\$28.50, Climate Systems, Parts-\$72.08, Coca Cola

Bottling Company, Supplies-\$312.50, Commercial Asphalt, Maintenance-\$21,047.55, Commercial Asphalt/Spencer Quarries, Supplies-\$12,741.21, Construction Products & Concrete, Parts-\$740.00, Corn Palace Concessions, Supplies-\$85.80, County Fair, Supplies-\$69.80, CP Distribution, Supplies-\$1,100.00, Cretex Concrete Products, Supplies-\$3,110.20, Daily Republic, Legals-\$4,337.93, Dakota Counseling Institute, Allocation-\$15,500.00, Dakota Fluid Power, Supplies-\$329.94, Dakota Landscaping & Irrigation, Labor-\$506.00, Dakota Pump, Equipment-\$23,418.41, Dakota Supply Group, Supplies-\$297.97, Dakota Wesleyan University, Tickets-\$1,565.50, Dale's A-1 Transmission, Police Tow-\$125.00, Dan Grigg Images, Supplies-\$2,115.87, Darrington Water Conditioning, Rent-\$41.00, Davison County Register of Deeds, Copies-\$19.00, Davison Rural Water System, Water Usage-\$66.85, Dearreader.Com, Online Books Clubs-\$350.00, Deb Overseth, Travel-\$21.70, Dell Marketing, Computer Equipment-\$1,089.15, Demco, Supplies-\$171.78, Department of Social Services, Child Support-\$1,218.64, Dick's Towing, Police Tow-\$100.00, Diesel Machinery, Parts-\$223.82, Doug's Custom Paint & Body, Labor-\$2,974.40, Dug Out, Contract Services-\$1,944.85, Ellefson Implement, Parts-\$1,123.18, Elliott Equipment, Parts-\$12,723.85, Emergency Education Association, Registration-\$49.00, Emery Senior Citizens, Reimbursement-\$339.25, Emily Grode, Contract Service-\$544.00, Farmers Alliance, Supplies-\$55.75, Farner-Bocken Company, Supplies-\$807.88, Fastenal Company, Supplies-\$311.60, Frontier Precision, Supplies-\$2,231.20, Gale, Books-\$387.68, Galls an Aramark Company, Equipment-\$298.00, Garden of Eden, Repairs-\$34.35, Gaylord Bros, Supplies-\$55.85, General Drivers & Helpers, Union Dues-\$657.00, Golden West Technologies, Quarterly Security Monitoring-\$375.00, Graham Tire Company, Repairs-\$990.25, Grainger, Supplies-\$226.43, Greg Larson, Supplies-\$198.00, Harve's Pro Prints, Supplies-\$79.60, Harve's Sport Shop, Supplies-\$205.46, HD Supply Waterworks, Parts-\$2,128.16, Helms & Associates, Contract Services-\$22,457.82, Hohn Electronics, Equipment-\$39.98, Honda of Mitchell, Parts-\$163.79, Horiba Jobin Yvon, Supplies-\$179.35, Howard R. Green Company, Contract Services-\$1,129.05, International Code Council, Dues-\$100.00, Ingram Library Services, Supplies-\$1,780.86, Integrity Transcription, Transcribing Service-\$431.25, International Association, Dues-\$405.00, Interstate Office Products, Supplies-\$567.00, International Public Management for Human Resources, Supplies-\$501.30, Jacob Pecenka, Contract Services-\$511.87, James Valley Community Center, Reimbursement-\$440.00, James Valley Nursery, Repairs-\$75.02, JCL Solutions-Janitors Closet, Supplies-\$975.00, JD Concrete Products, Supplies-\$591.25, Joe Dolezal, Honor Guard Boots-\$44.99, Joel Reinesch, Travel-\$78.00, John Deere Landscapes, Supplies-\$141.90, Jones Supplies, Supplies-\$1,038.65, Kelly Knippling, Travel-\$9.00, Kenny Schladweiler, Supplies-\$2,984.21, Kiplinger Letter, Renewal-\$67.00, Krohmer Plumbing, Repairs-\$1,120.60, Kustom Signals, Parts-\$90.00, Lakeview Sales, Supplies-\$134.75, Lakeview Veterinary Clinic, Rent & Dog Pound-\$1,406.51, Language Line Services, Over-The-Phone Interpretation-\$25.10, Larry's I-90 Service, Labor-\$10.00, Leon Baier, Travel-\$38.00, Lloyd Huber, Piano Tuning-\$75.00, Lyndon Overweg, Travel-\$38.00, M & T Fire & Safety, Equipment-\$568.27, Maloney & Maloney, Legal Services-\$3,019.76, Matthew Bender & Company, Books-\$58.41, McFarland Supply Company, Supplies-\$116.70, McLeod's Printing, Supplies-\$163.80, Mebius Nursery & Landscaping, Labor-\$620.00, Medicine Shoppe, Supplies-\$1,235.00, Menard's, Supplies-\$554.74, Meyers Oil Company, Supplies-\$1,118.16, Midcontinent Communications, Utilities-\$155.06, Midwest Fire & Safety, Supplies-\$760.15, Midwest Tire & Muffler, Repairs-\$12.50, Miller Loaders, Parts-\$125.44, Mitchell Area Chamber of Commerce, October Funding-\$2,587.50, Mitchell Area Convention Visitors Bureau, October Funding-\$18,112.50, Mitchell Area Development Corporation, Allocation-\$25,425.00, Mitchell Concrete Product, Supplies-\$303.60, Mitchell Iron & Supply, Repairs-\$303.28, Mitchell Recreation Center, Memberships-\$3,600.00, Mitchell Telecom, Utilities-\$57.95, Mitchell United Way, United Way Deductions-\$161.80, Mor/Ryde International, Parts-\$635.89, Mount Vernon School District, Contract Services-\$136.40,


Mueller Lumber Company, Repairs-\$410.21, Muth Electric, Contract Services-\$76,312.92, National Pawn Company of South Dakota, Reimbursement-\$40.00, North Central Seed, Supplies-\$75.00, Northwestern Energy & Communications, Utilities-\$31,699.89, Palace Cleaners, Supplies-\$237.00, Palace Motosports, Labor-\$654.00, Pennington County Sheriff, Contract Services-\$600.00, Pepsi Cola Company, Supplies-\$339.92, Physio-Control, Parts-\$206.55, Plastow & Associates, Computer Repairs-\$687.60, Pony Creek Steakhouse, Contract Services-\$1,969.10, Porter Distributing, Supplies-\$195.00, Pro-Build, Supplies-\$722.93, Professional Mailing & Marketing, Mailing Service-\$2,728.95, Qualified Presort, Mailing Service-\$763.61, Quill, Supplies-\$472.84, Qwest, Utilities-\$379.51, Random House, Books-\$133.12, Reader's Den, Book-\$9.60, Recorded Books, Books-\$2,124.95, Redlinger Bros Plumbing & Heating, Contract Services-\$44,829.55, Right-Way Construction, Repairs-\$102.00, Roby Quintal & Everson, Contract Services-\$7,920.00, Ron's Bicycle Shop, Supplies-\$84.00, RSVP, Ticket Sellers-\$25.00, Sanitation Products, Parts-\$33.90, Santel Communications, Utilities-\$165.06, Schoenfelder Construction, Contract Services-\$19,935.11, Scott Supply, Parts-\$118.26, South Dakota Department of Environment & Natural Resources, Fees-\$2,287.38, South Dakota Planners Association, Registration-\$100.00, South Dakota Retirement System, South Dakota Retirement System Payment-\$37,881.87, South Dakota State Historical Society, Membership-\$35.00, South Dakota Retirement System-Special Pay Plan, Supplemental Retirement-\$2,111.33, Service Lighting, Supplies-\$704.68, Sherwin-Williams, Supplies-\$321.31, Shi Corporation, Software-\$318.35, Shopko, Supplies-\$85.95, Smart Apple Media, Books-\$255.25, State of South Dakota, Utilities-\$309.96, Sterling Codifiers, Supplies-\$1,252.00, Sturdevant's Auto Parts, Parts-\$1,856.46, Sun Gold Trophies, Supplies-\$3,606.09, Sun Life Financial, Life Insurance Deductions-\$1,096.96, Tamara Workman, Travel-\$275.67, Terry Johnson, Travel-\$9.00, Tessier's, Repairs-\$3,214.96, The Cedartip Company, Book-\$14.35, Three-D Specialties, Parts-\$2,929.50, Thune True Value Hardware, Supplies-\$92.41, Tigerdirect, Supplies-\$268.73, Titan Access Account, Supplies-\$120.14, TK Electric, Repairs-\$911.78, Tractor Supply, Supplies-\$48.99, Triotel Communications, Utilities-\$37.07, United Rentals Northwest, Lift Rental-\$256.22, United Way & Volunteer Services, Reimbursement-\$6.20, UPS Store, Shipping-\$31.07, Unites States Postmaster, Supplies-\$92.50, Variety Foods, Supplies-\$1,252.71, Verizon Wireless, Utilities-\$47.39, Veryl Hohn, Contract Services-\$150.00, Walmart Community, Supplies-\$74.16, Wheelco Brake & Supply, Parts-\$129.63, Wholesale Electronics, Supplies-\$3.77, Wright Brothers Aviation, Airport Administration-\$500.00, Yellowbook, Advertising-\$2,350.74, Zimco Supply, Supplies-\$458.00.

Members present voting aye: Allen, Barington, Backlund, Beck, Carpenter, Houwman, Olson, Smith.
Members present voting nay: none. Motion carried.

ADJOURN:

Council President Smith commended Parks, Recreation and Forestry Director Dusty Rodiek and his crew for going above and beyond for the 2010 State Soccer Tournament. Smith noted that he heard many positive comments and people are anxious to return for next year's tournament.

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


Marilyn Wilson
Finance Officer

Published once at the approximate cost of _____.

PLANNING COMMISSION MINUTES

OCTOBER 25, 2010

PRESIDING: Meyers

PRESENT: Meyers, Griffith, Schmucker, Larson, Fergen, Molumby

ABSENT: Everson, Smith

OTHERS: McGannon, Putnam, Hegg, Johnson, Overweg, Laursen, Mayor Sebert

AGENDA: Motion by Molumby, seconded by Griffith to approve the agenda. All members present voting aye, motion carried.

MINUTES:

Motion by Schmucker, seconded by Griffith to approve the minutes of the regular meeting of October 12, 2010. All members present voting aye, motion carried.

NEXT MEETING:

Motion by Griffith, seconded by Molumby to schedule the next Planning Commission meeting for November 8, 2010 at 12:00 p.m. subject to chair for hearings on petitions for rezoning and applications for variances and conditional use permits for publication and Finance Officer be directed to give notice according to statute. All members present voting aye, motion carried.

VARIANCE: Dave Thuringer to construct a garage, located at 121 W Douglas Ave, legally described as W30' Lots 11 & 12, Block 12, Van Eps 1st Add. to the City of Mitchell, Davison County, SD; the request is being made because the side on a corner will not be met. Zoned R-3. Applicant will provide approximately a 2' 9" side on a corner setback instead of the 20' that is required.

Dave Thuringer said the garage would match up with the house and the curb break out would be along Rowley St. Motion by Schmucker, seconded by Molumby to recommend approval of the variance due to the hardship of such a small lot. Garage will enhance the property and the house is already there. All members present voting aye, motion carried.

Jay Larson now present.

CONDITIONAL USE: Clayton Mick to operate a computer repair business, located at 621 W. 6th Ave, legally described as Lot I, Block 17, Rowley's 2nd Addition to the City of Mitchell, Davison County, SD.

Clayton Mick stated he would do most of his computer repair at the customer home and would not have much traffic. He did not plan on any computer sales nor a show room for resale. He may custom build a computer and customers occasionally may come by to pick up the computer. Motion by Larson, seconded by Molumby to recommend approving this conditional use with the following conditions: only a 1 sq ft' (shingle) for signage and no employees. All members present voting aye, motion carried.

Craig Fergen now present.

PLAT: Lot 6 in Tract D Wild Oak Golf Club Addition
Putnam stated that this follows his plan. Motion by Griffith, seconded by Larson to recommend approving this plat. All members present voting aye, motion carried.

PLAT: A Plat of Lots C-5 and C-6 of Dredge Site Subdivision in the SW $\frac{1}{4}$ of Section 5, T 103 N, R 60 W of the 5th P.M., Davison County, SD.
McGannon stated this is for the future bike trails on 23rd and Ohlman. Motion by Molumby, seconded by Griffith to recommend approving this plat. All members present voting aye, motion carried.

PLAT: A Plat of Lot C-7 of Dredge Site Subdivision in the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 5, T 103 N, R 60 W of the 5th P.M., Davison County, SD.
Motion by Molumby, seconded by Griffith to recommend approving this plat. All members present voting aye, motion carried.

PLAT: A Plat of Behrens Tract 1-A, A Subdivision of previously platted Behrens Tract 1 in the SE $\frac{1}{4}$ of Section 9, T 102 N, R 60 W of the 5th P.M., Davison County, SD.
Dan Sudrila stated this was not heard by the county but a variance for the lot size was approved. Schmucker stated the 20' easement for 1-A lot should be addressed in the owners certificate, dedication and agreement page. Motion by Larson, seconded by Schmucker to recommend approving this plat with the following conditions: county planning commission approval and the easement staying with 1-A to be reviewed by county attorney. All members present voting aye, motion carried.

DISCUSSION: Ethan Lumber Woodland Heights
Planned Development District

Dan Boehmer from Ethan Lumber stated that the gentleman who was interested in buying the property along Highway 37 and Carl Road has withdrew. Boehmer said he would like to find other options for this property besides residential. The property lays low and it is along the highway. Betty and Doran Bartscher, Rick Shoenfelder, Harold Wolf and Marcia Eidahl (all residents in the Woodland Addition) were against putting in storage buildings and did not want it zoned other than residential. All of them said when they bought their houses it was shown to them that this area would be residential and with only one road in and out of the area traffic is terrible. Boehmer stated if storage buildings were constructed it would be less traffic than an apartment house or residential would cause. Putnam stated Ethan did notified neighbors about a possibility of a rezone for the area. After discussion, Don Meyers told Dan Boehmer that after selling the property showing this area as an R-4 that he will have a struggle to change it.

ADJOURN:

Chairman Meyers adjourned meeting at 12:50 P.M.

Minutes submitted by Sheila Loecker

City of Mitchell

612 NORTH MAIN STREET • MITCHELL, SOUTH DAKOTA 57301 • (605) 995-8420 • FAX (605) 995-8410
ENGINEER (605) 995-8435 • WATER PLANT (605) 995-8449 • STREET (605) 995-8465 • WASTE WATER (605) 995-8446
WATER/UTILITIES (605) 995-8498 • PUBLIC WORKS/PLANNING/ZONING/INSPECTOR (605) 995-8433
www.cityofmitchell.org

October 18, 2010

TO: MAYOR & CITY COUNCIL

RE: Unleaded Gas

United Energy, LLC.	Requested Gallons	Bid Gallons		
On Road Diesel	0	0	\$0	\$0
Unleaded Gas-10% Ethanol	5000	5000	\$2.55	\$ 12750.00
Unleaded Gas-No Ethanol	5000	5000	\$2.55	\$ 12750.00
Off Road Diesel	0	0	\$0	\$0
				Total: \$12750.00

Meyers Oil Co.

On Road Diesel	0	0	\$0	\$0
Unleaded Gas-10% Ethanol	5000	5000	\$2.5020	\$ 12510.00
Unleaded Gas-No Ethanol	5000	5000	\$2.4945	\$ 12472.50*
Off Road Diesel	0	0	\$0	\$0
				Total: \$12472.50*

Meyers Oil was the low bidder and the bid for the items in bold and marked with asterisk were awarded to them.

Sincerely,



Ron Olson
Street & Sanitation Superintendent

cc: United Energy, LLC.
Meyers Oil Co.

