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

January 17, 2017
6:00 P.M.

PRESENT: Dan Allen, Marty Barington, Mel Olson, Steve Rice, Bev Robinson, Jeffrey Smith, Dave Tronnes

ABSENT: Susan Tjarks

PRESIDING: Mayor Jerry Toomey

WORK SESSION:

DISCUSSION:

The City Council met January 17, 2017 at 6:00 p.m. for a work study session at the Mitchell City Hall Council Chambers with the following item for discussion:

- Recycling Contract Proposal

ADJOURN:

There being no further business to come before the meeting, the Mayor adjourned the City Council Work Session at 6:40 p.m. and the City Council to commence in regular session.

AGENDA:

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

a. City Council Minutes from Prior Meeting.
b. Committee Minutes:
   1. Planning Commission Minutes November 28, 2016, and
c. Department Reports:
   1. Finance (December),
   2. Sales Tax (December),
   3. Police (December),
   4. Fire (December),
   5. EMS (December),
   6. Mitchell Fire & EMS (December),
   7. Code Enforcement (December),
   8. Building Permits (December,)
9. Building Permits (2016),
10. Snow Removal (December),
11. Palace Transit (November),
12. Airport (December),
13. Water (December), and

d. Raffle Permit:
1. Pheasant Forever with the drawing to be held on October 21, 2017.

e. Set date of February 6, 2017 for hearing:
   Hearing on the application of Overtime for a Special Event Liquor License located at Overtime Event Center, 812 North Rowley, Mitchell on February 11, 2017 for the Grayson Bean Bag Tournament,
   Hearing on the application to transfer Retail (On -Sale) Liquor License RL-5732 from Blarneys LLC, dba Blarneys Sports Bar & Grill, 2100 Highland Way #W, Mitchell, SD to Blarneys LLC, dba Blarneys Sports Bar & Grill, 2100 Highland Way #W, Mitchell, SD due to a change in stock ownership, and
   Hearing on the application to transfer Retail (On-sale) Liquor License RL-5350 from Lucky's LLC dba Dr. Dr Lucky's Bar & Grill, 205 North Main St, Mitchell to Tapp Enterprises, LLC, dba Dr. Lucky's Bar & Grill, 205 North Main St., Mitchell, SD.


g. Set Date for Bid of 1:30 P.M., January 31, 2017 for Storm Sewer Utilities City Project 2017-11.

h. Pay Estimates:
   Pay Estimate #11 in the amount of $3,483.75 for 5th Street & Utilities Improvement Project #2016-19 contracted to SPN & Associates, and
   Pay Estimate #4 in the amount of $1,451.90 for Old Landfill Leachate Monitoring #2016-28 contracted to Leggette, Brashears & Graham Inc.

h. 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.

WARRANTS: A & G Diesel, Labor-$214.23; A-OX Welding Supply, Rent-$622.12; AAA Collections, Garnishment-$289.63; Accounts Management, Garnishment-$284.09; AFLAC, Aflac Withholding-$4,738.47; Aflac Group, Critical Care-$780.10; Airports Conference, Travel-$85.00; Al's Engraving, Supplies-$78.00; Ameripride Services, Supplies-$346.50; Aqua-Pure, Supplies-$1,650.00; ASCAP, License Fee-$341.00; Avera Occupational Medicine, Contract Services-$6,943.98; Avera Queen of Peace Hospital, Supplies-$303.15; Avon School District, Corn Palace Games-$911.35; B-Y Water District, Utilities-$36,081.00; Bailey Metal Fabricators, Supplies-$136.68; Baker Bros Electric, Repairs-$2,390.65; Barrier 1, Software-$6,100.00; Bender's Sewer Cleaning, Repairs-$3,720.00; Better Containers, Supplies-$265.60; Big Daddy D's Contract Services-$3,630.00; Blackstone Audio, Supplies-$337.50; Bound Tree Medical, Supplies-$337.97; Brian Andersen, Supplies-$62.94; Brown & Saenger, Supplies-$609.40; Business & Legal Resources, Subscription-$1,150.00; C & B Operations, Repairs-$341.16; Campbell Supply, Supplies-$472.76; Carolina Software, Supplies-$200.00; Carquest Auto Parts, Supplies-$61.48; CDW Government, Supplies-$286.22; Center Point Large Print, Books-$86.88; Centurion Technologies, Renewal-$160.00; Century Link, Utilities-$121.51; City of Mitchell, Utilities-$54.05; Commercial Asphalt/Spencer Quarries, Supplies-$1,745.19; Corey Beyer, Travel-$11.00; Corporate Translation Service, Professional Service-$8.49; Country Pride Coop, Supplies-$14,987.80; County Fair, Supplies-$171.46; County Fair, Contract Services-$235.00; Cubby's, Supplies-$47.57; Dakota Pump, Repairs-$419.90; Daniel Dobesh, Supplies-$39.99; Danko Emergency Equipment, Supplies-$378.40; Darrington Water Conditioning, Rental-$59.95; Darwin Husby, Entertainment-$50.00; Davison Rural Water Systems, Utilities-$73.80; Davison Shooting Club, Supplies-$1,398.00; Delta Dental Plan of South Dakota, Dental Premium-$13,610.06; Demco, Supplies-$546.37; Dependable Sanitation, Contract Services-$19,880.00; Department of Social Services, Child Support-$1,411.53; Dick's Body Shop, Repair-$65.00; Dougherty & Company, Professional Services-$900.00; Dug Out, Contract Services-$609.00; Eric Hieb, Reimbursement-$4,235.01; Environmental Systems Research Institute, Maintenance-$650.00; Farmers Alliance, Supplies-$1,170.72; Farmer-Bocken, Supplies-$3,172.91; Fastenal, Supplies-$535.46; Forum Communications, Supplies-$3,812.80; Frito-Lay, Supplies-$220.20; Frontier Precision, Travel-$80.00; FYRA Engineering, Lake Development-$4,075.00; Gale, Book-$624.25; Golden West Technologies, Software-$225.00; Goverlan, Software-$160.00; Graham Tire, Supplies-$680.96; Great Lakes Higher Education, Garnishment-$195.70; Grey House Publishing, Book-$185.35; Happy Memories Band, Fundraising-$150.00; Harve's Pro Prints, Supplies-$103.80; HD Supply Waterworks, Supplies-$18.43; Heiman Fire Equipment, Supplies-$40.91; Hohn's Carpet Cleaning, Contract Services-$75.00; International Association of Chiefs of Police, Membership-$150.00; Information Today, Book-$292.03; Ingram Library Services, Books-$3,358.75; Integrity Transcription, Transcribing Service-$376.65; Interstate Glass & Door, Repairs-$47.96; Interstate Office Products, Supplies-$382.53; Iverson Chrysler Center, Supplies-$684.00; JCL Solutions, Supplies-$371.94; John Hegg, Supplies-$53.60; Jones Supplies,
Supplies-$1,684.25; Joseph F Pekas, 2017 Allocation-$2,400.00; Joseph Galpin, Travel-$11.00; KJRV FM, Advertising-$750.00; Kone, Service Contract-$732.69; KORN/KQRN Radio, Advertising-$2,507.16; Krohmer Plumbing, Supplies-$10,232.22; Lakeview Veterinary Clinic, Service Dog Tommy-$1,058.60; Larry's I-90 Service, Supplies-$1,133.03; Lawson Products, Supplies-$337.36; Leggette Brashears & Graham, 2016-28 P.E. #4-$1,451.90; Lori Schmidt, Contract Services-$75.00; LTS Distributing, Advertising-$595.00; Lund Truck Parts, Supplies-$65.00; Maximum Solutions, Publishing-$515.00; McFarland Supply, Supplies-$30.40; McLeod's Printing, Supplies-$1,062.00; Menard's, Supplies-$702.69; Mettler Implement, Repairs-$260.71; Meyers Oil, Supplies-$1,913.95; Midwest Fire & Safety, Repair-$145.50; Mike Miller Foundation, Supplies-$2,100.00; Minnesota Valley Testing, Lab Fees-$3,458.00; Mitchell Area Chamber of Commerce, 2017 Funding-January-$2,833.00; Mitchell Area Convention Visitors Bureau, 2017 Funding-January-$19,833.00; Mitchell Area Development, 2017 Funding-January-$5,666.00; Mitchell Area Safehouse, 2017 Allocation-$4,500.00; Mitchell Concrete Product, Supplies-$1,820.00; Mitchell Iron & Supply, Supplies-$151.48; Mitchell Lions Club, Contract Services-$398.65; Mitchell Municipal Band, 2017 Allocation-$7,850.00; Mitchell Plumbing & Heating, Repairs-$154.06; Mitchell Prehistoric Indian Village, 2017 Allocation-$13,500.00; Mitchell Telecom, Utilities-$2,391.54; Mitchell United Way, United Way Deductions-$193.67; Morris Equipment, Supplies-$2,257.94; Mount Vernon School District, Contract Services-$57.75; Mueller Lumber, Supplies-$125.35; Muth Electric, Supplies-$5,364.19; Napa Auto Parts, Supplies-$363.04; National Emergency Number Association, 2017 Dues-$137.00; Neve's Uniforms, Supplies-$431.01; Newman Traffic Signs, Supplies-$135.97; National Fire Protection Association, Renewal-$175.00; Northwestern Energy & Communications, Utilities-$38,613.01; Online Computer Library Center, Cataloging-$318.31; Overdrive, Supplies-$9,966.63; Palace Cleaners, Service-$120.50; Parkston Boom's Restaurant, Contract Services-$1,573.25; Pat Dockendorf, Contract Services-$75.00; Paul Wilson, Supplies-$100.00; Paul's Towing, Police Tow-$290.00; Paulson Air, Supplies-$159.12; Penguin Management, Software-$1,444.34; Penguin Random House, Supplies-$62.50; Pepsi Cola, Supplies-$855.13; Planning & Development District III, 2017 Membership-$12,171.00; Premier Pest Control, Contract Services-$175.00; Qualified Presort, Mailing Service-$461.86; Recorded Books, Supplies-$151.38; Rita's Place, Contract Services-$699.75; Rowman & Littlefield Publishing, Book-$193.51; S & M Printing, Supplies-$487.00; Saga Communications of South Dakota, Advertising-$180.00; Santel Communications, Utilities-$257.61; Schaeffer Manufacturing, Supplies-$477.80; Schmucker Paul & Nohr, 2016-19 P.E. #11-$3,483.75; South Dakota Chapter American Public Works, Registration-$100.00; South Dakota Department of Environment & Natural Resources, December Fees-$15,871.42; South Dakota Department of Health, Lab-$105.00; South Dakota Federal Property Agency, Supplies-$56.00; South Dakota Firefighters, Membership-$675.00; South Dakota Municipal League, Travel-$40.00; South Dakota Planners Association, Dues-$25.00; South Dakota Retailers Association, 2017 Membership-$150.00; South Dakota Retirement System, South
Dakota Retirement Systems-$45,900.63; South Dakota-Supplemental Retirement, Supplemental Retirement-$3,416.66; South Dakota-Supplemental Roth 457, Roth 457 Contributions-$300.00; Sherwin-Williams, Supplies-$4.98; Shopko Stores, Supplies-$59.97; Sign Pro, Supplies-$205.24; Small Business Development, 2017 Allocation-$2,500.00; Standard Insurance Company, Life Insurance-$1,605.19; State Disbursement Unit, Child Support-$200.00; Sterling Codifiers, Supplies-$1,151.16; Sturdevant's Auto Parts, Supplies-$1,582.76; Subway, Meal-$42.00; Sun Gold Sports, Supplies-$354.25; Swifitel Communications, Supplies-$346.14; Teamsters Local No. 120, Union Dues-$807.00; Tessier's, Supplies-$2,542.92; Thune True Value Hardware, Supplies-$209.71; Ticketforce, Usage Fees-$692.30; Titze Electric & Remodeling, Repairs-$456.62; TK Electric, Repairs-$8,332.96; TMA Stores, Supplies-$1,139.79; Tritech Software Systems, Software Support-$2,934.48; Tyler Technologies, Maintenance-$3,937.50; United Way & Volunteer Service, Supplies-$9.69; United Parcel Service Store #4227, Shipping-$98.66; United States Postal Service, Supplies-$94.51; Vallen Distribution, Supplies-$225.43; Vast Broadband, Utilities-$55.27; Verizon Wireless, Utilities-$2,433.98; Vern Eide Chevrolet Buick, Police Tow-$170.00; Visitor Industry Alliance, 2017 Via Membership-$110.00; Walmart, Supplies-$684.73; Wells Fargo Bank, Paying Agent Fee-$525.00; Wheelco Brake & Supply, Supplies-$81.21; Wholesale Electronics, Supplies-$10.54; Wright Brothers Aviation, Maintenance Contract-$500.00; Library, Fines-$2135.12; DakotaCare, Flex Expense-$7,228.43; DakotaCare, Health Claims-$302,070.79; DakotaCare, Flex Expense-$247.00; DakotaCare, Run Out Fees-$10,080.00; DakotaCare, Reporting Fee-$1,110.00; DakotaCare, Expense Posting-$251.75; DakotaCare, Health Claims-$123,866.38; DakotaCare, Flex Expense-$1,599.35.

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

CITIZENS INPUT:

City Administrator Stephanie Ellwein scheduled the next Work Session for 6:30 p.m. on Monday, January 30th, 2017.

Council Member Olson spoke with State Representative Tona Rozum regarding a bill in legislation changing the state law for awarding contracts for fuel bids.

CONSIDER APPROVAL

It was advised that this is the date and time set for a hearing on the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License, located at Overtime Event Center for the 2017 Mitchell Chamber & Development Corporation Annual Recognition Night on January 20th, 2017. Notice of hearing has been given and affidavit of publication is on file. Moved by Smith, seconded by Allen, to approve said application. Motion carried.

BOARD OF ADJUSTMENT:

01-17-17
Moved by Rice, seconded by Robinson, for the City Council to recess and sit as the Board of Adjustment. Motion carried.

SET DATE:

Moved by Robinson, seconded by Olson, to set date for February 6th, 2017 on the application of Stephanie Kampshoff for a conditional use permit to operate a family residential child care center in her home located at 622 S Minnesota Street, legally described as Lot 8 and South 46 feet of Lot 9, Block 7, Van Eps 2nd Addition, City of Mitchell, Davison County, SD. Motion carried.

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

AWARD BIDS:

Testimony was heard from those in favor of and those in opposition of the Curbside Recycling bid.

Bids were opened and read on the Curbside Recycling-City Project #2017-2 on the 15th day of December, 2016 at 1:30 p.m. in the Council Chambers of City Hall. Moved by Tronnes, seconded by Rice, to award the project, as follows:

CURBSIDE RECYCLING
CITY PROJECT#2017-2

Dependable Sanitation Inc., P.O. Box 378, Aberdeen, South Dakota 57401.

Base Bid for Curbside Recycling as defined:

1. Lump Sum Bid: $23,800.00 per month for a total of $285,600.00 a year for a three-year contract.

Motion carried with Olson voting nay.

MSH Architect President, CEO Robin Miller reviewed with the City Council the base bid and several of the alternates for additional design to the Indoor Aquatic Center.

Bids were opened and read on the Indoor Aquatic Center-City Project #2016-11 on the 22nd day of December, 2016 at 3:30 p.m. in the Council Chambers of City Hall. Moved by Olson, seconded by Barington, to award the project, as follows:

INDOOR AQUATIC CENTER
CITY PROJECT#2016-11
Puetz Construction, 800 North Kimball, Mitchell, South Dakota 57301.

Base Bid: $7,260,000.00
Alternate #1: Ultraviolet Sanitation $ 64,500.00
Alternate #2: Competition Pool Play Features $ 35,500.00
Alternate #3: Recreation Pool Play Features $ 80,500.00
Alternate #5: Drop slide $ 21,500.00
Alternate #6 Underwater Lights $ 30,000.00
Alternate #7 Sand Filters $ (98,000.00)
Alternate #8 Exterior Storm Sewer System $ 35,500.00
* Funded from Storm Sewer
A&E Testing Costs $ 629,415.00
Contingency $ 35,465.00
Total Construction + Fees + Contingency $8,094,380.00

Motion carried.

CONSIDER APPROVAL:

Moved by Olson, seconded by Allen, to approve and authorize the Mayor to sign #A2017-01, Clubhouse Manager Agreement with Eric Hieb. Motion carried.

Moved by Allen, seconded by Barington, to approve and authorize the Mayor to sign #A2017-02, Consulting Engineering Services Agreement with Sustainable Engineering Group for the estimated amount of $28,380.00 - $31,180.00 for condensation issues at the Mitchell Activities Center’s ice arena. Motion carried.

Moved by Tronnes, seconded by Rice, to approve and authorize the Mayor to sign #A2017-03, Grant Agreement for Airport Pavement Maintenance with South Dakota Department of Transportation. Motion carried.

RESOLUTIONS:

Moved by Olson, seconded by Allen, to adopt Resolution #R2017-03, Annexation of the Real Property as legally described as the: South Three Hundred Seventy-five (S 375') of Lot Two (2), Except the South Three Hundred Feet (S 300') Thereof, in the Southeast Quarter (SE 1/4) of Section Seventeen (17), Township One Hundred Three (103) N, Range Sixty (60), West of the 5th P.M., Davison County, SD, subject to easements, reservations, and restrictions of record, as follows:

RESOLUTION NO. R2017-03

ANNEXATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS: SOUTH THREE HUNDRED SEVENTY-FIVE FEET (S. 375') OF LOT TWO (2), EXCEPT THE SOUTH THREE HUNDRED FEET (S. 300') THEREOF, IN THE SOUTHEAST
QUARTER (SE ¼) OF SECTION SEVENTEEN (17), TOWNSHIP ONE HUNDRED THREE (103) NORTH, RANGE SIXTY (60), WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

Whereas: RR Enterprises, Inc. has submitted a petition to annex the real property; South Three Hundred Seventy-Five (S. 375’) of Lot Two (2), Except the South Three Hundred Feet (S. 300’) Thereof, in the Southeast Quarter (SE ¼) of Section Seventeen (17), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota, Subject to Easements, Reservations, and Restrictions of Record.

Whereas: The petitioner is the sole owner of the real property, and

Whereas: There are no persons residing on said property and there are no voters located on this property, and

Whereas: The real property is contiguous to the corporate limits of the City of Mitchell, South Dakota, and Exhibits A and B identified the properties and are hereto included with this resolution, and

Therefore, be it resolved that the City Council of the City of Mitchell, do hereby annex the real property legally described in this resolution into the Corporate limits of the City of Mitchell, Davison County, South Dakota.

Motion carried with Barington abstaining and resolution declared duly adopted.

Moved by Allen, seconded by Smith, to adopt Resolution #R2017-04, A Plat of Lots A-1C and A-1D of J.L. Oberembt's First Addition, A Subdivision of Government Lot 4 in Section 3, T 103 N, R 60 W of the 5th P.M., Davison County, SD as follows:

RESOLUTION NO. R2017-04

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 9th day of January, 2017; and

WHEREAS, It appears from an examination of the plat of Lots A-1C and A-1D of J.L. Oberembt’s First Addition, A Subdivision of Government Lot 4 in Section 3, T 103 N, R 60 W of the 5th P.M., Davison County, 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, 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 A-1C and A-1D of J.L. Oberembt’s First Addition, A Subdivision of Government Lot 4 in Section 3, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota be and the same is
approved and the description set forth therein and the accompanying surveyor’s certificate shall prevail.

I, Michelle Bathke, Finance Officer/Dep Finance Officer of the City of Mitchell, South Dakota, do hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting thereof held on the 17th day of January, 2017.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Olson, to adopt Resolution #R2017-05, A Plat of Lot 10, Block 2 of CJM 2nd Addition, in the NW 1/4 of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD as follows:

RESOLUTION NO. R2017-05

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 9th day of January, 2017; and

WHEREAS, it appears that from an examination of the plat of LOT 10, BLOCK 2 OF CJM SECOND ADDITION IN THE NW ¼ OF SECTION 32, T 104 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 been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that plat of LOT 10, BLOCK 2 OF CJM SECOND ADDITION IN THE NW ¼ OF SECTION 32, T 104 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.

I, Michelle Bathke, Finance Officer/Deputy 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 17th day of January, 2017.

Motion carried and resolution declared duly adopted.

Moved by Robinson, seconded by Barington, to Amend & Adopt Resolution #R2017-06, A Resolution Designating a Temporary Alternate Landing Zone as follows:

RESOLUTION NO. R2017-06

A RESOLUTION DESIGNATING A TEMPORARY ALTERNATE LANDING ZONE
WHEREAS the City Council has received a request by The Lake House restaurant in relation to its “Ride the Sky Mitchell” event to be held on a future date from 4:00 pm to 9:30 pm, to designate an temporary alternate landing zone; and

WHEREAS the requested alternate landing zone is within the City of Mitchell and Mitchell City Code Section 5-2-2 prohibits landings within City limits other than at the Mitchell Airport except as approved by the City Council by resolution.

THEREFORE, IT IS RESOLVED by the City Council of the City of Mitchell, SD that a temporary alternate landing zone be established adjacent to The Lake House for the sole purpose of the above described event and upon the following conditions:

1. The landing zone shall be utilized solely in connection with the above described event and only for such times as are necessary to accommodate the event, including any time supplementary thereto for standard pre and post flight activities.

2. The pilot and/or pilot’s company shall follow all federal, state, or local laws, procedures, or rules relating to operation of the aircraft and maintain such contact with the Mitchell Airport as is ordinary and customary under these circumstances.

3. Pilot or Pilot’s company shall provide a certificate of insurance naming the City of Mitchell as an additional insured in relation to this event.

4. Under no circumstance shall this temporary landing zone be utilized before 3:00 pm or after 10:30 pm on the date of the event.

5. Due to the need for scheduling flexibility, the effective day of this authorization shall be as set by the Mayor in conjunction with this one-time event.

Adopted by the Mitchell, South Dakota City Council in regular session this 17th day of January, 2017.

Motion carried and resolution declared duly adopted.

Moved by Barington, seconded by Allen, to approve Resolution #R2017-07, A Resolution Approving the Proposed Lease Agreement Regarding Mitchell Baseball Association's Training Facility and Authorizing Execution Thereof as follows:

RESOLUTION NO. R2017-07

A RESOLUTION APPROVING THE PROPOSED LEASE AGREEMENT REGARDING MITCHELL BASEBALL ASSOCIATION’S TRAINING FACILITY AND AUTHORIZING EXECUTION THEREOF.
WHEREAS the City of Mitchell has been presented with a proposed Lease relating to certain land of the City to Mitchell Baseball Association for the construction and operation of a baseball training facility; and

WHEREAS a hearing on such matter has been conducted on January 17th, 2017 at the regular City Council session thereon, and the City Council having heard discussion on such matter.

THEREFORE, IT RESOLVED by The Mitchell City Council that the proposed Lease be approved, with any modifications as voted on by the City Council, and that the Mayor of Mitchell shall have the authority to execute the same. It is specifically understood by the City and Mitchell Baseball Association that execution of this Lease may occur at any point up to one (1) year from the approval of this Resolution to allow for Mitchell Baseball Association to conduct fundraising efforts and ensure that financing for the project will be sufficient.

Motion carried with Olson and Tronnes voting nay and resolution declared duly adopted.

ORDINANCE:

Moved by Allen, seconded by Tronnes to place Ordinance #O2017-01, AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; A Plat of Block 1 of Cadwell Park First Addition and Iowa Street, A Subdivision of the NW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; A Plat of Shevlin’s First Addition, in the W ½ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; A Plat of Shevlin’s Second Addition, in the SW ¼ of 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from High Density Residential District (R4) to Public Lands and Institutions District (PL) AND THE OFFICIAL ZONING MAP BE CHANGED TO THE REFLECT THE SAME on first reading. Motion carried with Olson voting nay.

EXECUTIVE SESSION:

Moved by Tronnes, seconded by Olson, to go into Executive Session as permitted by SDCL 1-25-2 (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Motion carried.

Mayor Toomey declared the board out of executive session at 9:46 p.m. and the City Council to reconvene in regular session at 9:47 p.m.

RESOLUTION:
Moved by Rice, seconded by Tronnes, to approve Resolution #R2017-02, A Resolution Delegating Authority to the Mayor of Mitchell to Negotiate Settlement Terms and Execute the Final Agreement as follows:

RESOLUTION NO. R2017-02

A RESOLUTION DELEGATING AUTHORITY TO THE MAYOR OF MITCHELL TO NEGOTIATE SETTLEMENT TERMS AND EXECUTE THE FINAL AGREEMENT

IT IS RESOLVED by the City Council of the City of Mitchell, SD that, in relation to a pending legal matter (17CIV15-210), authority is hereby delegated to the Mayor of Mitchell, or his appointed representative, to negotiate settlement terms in relation to said legal matter and, upon reaching terms which the Mayor believes to be in the best interests of the City, the Mayor shall have the authority to execute the final settlement agreement.

Roll call vote: Members present voting aye: Allen, Barington, Olson, Rice, Robinson, Smith, Tronnes. Members present voting nay: none. Motion carried and resolution declared duly adopted.

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

Michelle Bathke
Finance Officer

Published once at the approximate cost of ____________.