

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

August 7, 2017  
6:30 P.M.

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

**ABSENT:**

**PRESIDING:** Mayor Jerry Toomey

**AGENDA:**

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

- a. City Council Minutes
- b. Committee Minutes
  1. Planning Commission July 10, 2017,
  2. Traffic July 17, 2017, and
  3. Public Properties July 17, 2017.
- c. Raffle Permits
  1. Mitchell High School Football with the drawing to be held on October 6th, 2017,
  2. Trinity Lutheran Church with the drawing to be held on September 24, 2017,
  3. Mitchell Skating & Hockey Association with the drawing to be held in the month of February, 2018,
  4. Mitchell Skating & Hockey Association with the drawing to be held in January 2018, and
  5. LB Williams PTO with the drawing to be held on September 23rd, 2017.
- d. Set date for bid opening 1:30 p.m., August 29, 2017 at City Hall for Rock Salt Supply City Project #2017-27.
- e. Set date for bid opening 1:30 p.m., August 8, 2017 at City Hall for Corn Palace Dimmers City Project #2017-7.
- f. Request for Noise Permit for Toshiba Fun Night.
- g. Set date of 08-21-17 for Hearings
  1. On the application of the Mitchell Elks Lodge #1059 for a Special Event Liquor License located at the Masonic Lodge for September 7th, 2017 for the NRA Banquet,
  2. On the application of the Mitchell Elks Lodge #1059 for a Special Event Liquor License located at the Masonic Lodge for September 9th, 2017 for a Wedding,
  3. On the application of the Mitchell Elks Lodge #1059 for a Special Event

Liquor License located at the Masonic Lodge for September 23rd, 2017 for a Wedding,

4. On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 2nd, 2017 for a Wedding,
  5. On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for August 26, 2017 for a Wedding,
  6. On the application to transfer Retail (On-sale) Liquor License RL-5759 from Dave Kulish, 1801 N Main St. dba Thirsty's to MG Oil Company Rapid City dba Thirsty's,
  7. On the application to transfer Retail (On-sale) Liquor License RL-6380 from Dave Kulish, 1801 N Main St. Suites 3-4-5-6 dba EZ\$ Pub to MG Oil Company Rapid City dba EZ\$ Pub,
  8. On the application to transfer Retail (On-sale) Liquor License RL-19079 from R.R. Enterprises Inc. 1514 North Sanborn Suite D dba Lucky Lady Casino to V.V. Inc, Mitchell dba Sudz, 508 & 510 East Havens St, and
  9. On the application to transfer Retail (On-Off sale) Malt Beverage License RB-2844 from Dave Kulish, 1801 North Main, dba EZ\$ Pub to R.R. Enterprises Inc. 1514 North Sanborn Suite D dba Lucky Lady Casino.
- h. Change Order #3-Final City Project #2017-1 for South Duff Street Reconstruction contracted to Thorstad Companies Inc. decreasing the contract amount by \$120.65 for final adjustment of quantities, adjust contract amount to \$166,469.10.
- i. Change Order #1 City Project #2016-43 for Veteran's Park Schedule 12 contracted to Krohmer Plumbing increasing the contract amount by \$2,567.00 due to additional work required due to water supply line size change, adjust contract amount to \$6,567.00.
- j. Gas and Diesel Fuel Competitive Quotations:

<b>Country Pride Coop</b>	Requested Gallons	Bid Gallons	Price per Gallons	Total Bid Per Product
On Road Diesel #2	1,200	1,200	\$1.949	\$ 2,338.80
Unleaded Gas-10%	6,300	6,300	\$1.854	\$11,680.20
Ethanol		Total Bid:		\$14,019.00

<b>Howes Oil Company Inc.</b>	Requested Gallons	Bid Gallons	Price per Gallons	Total Bid Per Product
On Road Diesel #2	1,200	1,200	\$1.9495	\$ 2,339.40*
Unleaded Gas-10%	6,300	6,300	\$1.8285	\$11,519.55*
Ethanol		Total Bid:		\$13,858.95*

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

- k. Pay Estimates  
Pay Estimate #16 in the amount of \$6,406.66 for Mitchell Aquatics Center #2016-11 contracted to MSH Architects,

Pay Estimate #6 in the amount of \$445,536.81 for Mitchell Aquatics Center #2016-11 contracted to Puetz Corporation,

Pay Estimate #3 in the amount of \$3,338.70 for Mitchell Aquatics Center #2016-11 contracted to Core Engineering,

Pay Estimate #3 in the amount of \$109,710.21 for Corn Palace Plaza #2016-18 contracted to Rexwinkel Concrete,

Pay Estimate #3-Final in the amount of \$78,332.50 for 1300-1500 Blocks South Duff #2017-1 contracted to Thorstad Companies,

Pay Estimate #4 in the amount of \$760.42 for Sidewalk-Miscellaneous #2017-4D contracted to Top Grade Concrete,

Pay Estimate #2 in the amount of \$750.00 for Corn Palace Dimmers #2017-7 contracted to Professional Design Engineers,

Pay Estimate #2 in the amount of \$177,023.10 for Paving & Overlay #2017-15 contracted to Commercial Asphalt, and

Pay Estimate #4 in the amount of \$1,910.03 for Old Landfill Leachate Monitoring #2017-28 contracted to Leggette Brashears & Graham Inc.

1. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and Other Expenses in Advance as Approved by the Finance Officer

**PAYROLL JULY 2, 2017 – JULY 15, 2017:** City Council \$3,535.64, Mayor \$1,221.38, City Administrator \$4,649.67, Attorney \$3,739.25, Finance \$12,363.64, Human Resources \$3,267.64, Municipal Building \$3,038.40, Information Technology \$2,312.00, Police \$66,404.91, Traffic \$4,686.89, Fire \$47,371.61, Street \$28,399.98, Public Works \$21,485.08, Cemetery \$4,543.67, Animal Control \$1,537.60, Emergency Medical Services \$12,237.53, Library \$10,948.89, Recreation & Aquatics \$29,659.70, Recreation Center \$8,242.54, Sports Complexes \$13,933.08, Parks \$17,928.06, Supervision \$4,859.36, E911 \$19,781.52, RSVP \$6,960.80, Palace Transit \$16,936.99, JVCC \$1,412.50, Nutrition \$1,055.02, Water \$6,563.50, Water Distribution \$8,370.82, Sewer \$13,867.98, Airport \$2,172.01, Waste Collection \$11,746.48, Landfill \$8,755.75, Corn Palace \$28,000.44, Golf Course \$9,620.27, Campground \$1,827.00.

**NEW HIRES:**

COUNCIL: Kevin McCardle-\$9,541.00, John Doescher-\$9,541.00.

**SALARY ADJUSTMENTS:**

POLICE: Cindy Titze-\$19.45, Paul Wilson-\$25.86.

TRAFFIC: Joshua Harvey-\$19.94.

FIRE: Dan Pollreisz-\$18.35.

WATER: Thomas Schuman-\$21.21.

INFORMATION TECHNOLOGY: Andrew Schneider-\$28.90.

**WARRANTS:** A & B Business Solutions, Supplies-\$4,314.44; A & G Diesel, Supplies-\$361.15; A-OX Welding Supply, Rental-\$229.40; AAA Collections, Contract Services-\$25.00; AAA Lawn Care and Maintenance, Contract Services-\$220.00; Active Network, Supplies-\$7,860.00; Adam Fosness, Contract Services-\$2,475.00; Advance Auto Parts, Supplies-\$135.97; Aflac, Aflac Withholding-\$9,313.92; Aflac Group, Critical Care-\$1,528.00; AFSCME Council 65, Union Dues-\$1,155.02; Agronomy Plus, Supplies-\$280.27; AIA Corporation, Advertising-\$215.36; Alignment X-Perts, Repair-\$20.00; American Garage Door, Repairs-\$70.41; American Water Works, Renewal-\$315.00; Ameripride Services, Supplies-\$142.32; Argus Leader Media, Subscription-\$225.48; Avera Occupational Medicine, Contract Services-\$102.00; Axon Enterprise, Supplies-\$2,006.60; Bailey Metal Fabricators, Supplies-\$478.83; Bender's Sewer Cleaning, Repair-\$380.00; Bethesda Christian Counsel, Training-\$90.00; Bierschbach Equipment & Supply, Supplies-\$1,087.44; Big Daddy D's, Contract Services-\$6,290.00; Bill Buckmiller, Blvd Tree Program-\$97.46; Bill Marquardt, Sports Authority Promotion-\$900.00; Bohlmann, Repair-\$228.99; Bound Tree Medical, Supplies-\$401.40; Brandon Sigmund, Refund-\$300.00; Breit Law Office, Garnishment-\$571.79; Brian Andersen, Reimbursement-\$159.99; Brock White Company, Supplies-\$4,878.12; Brown & Saenger, Supplies-\$718.46; Buhl's Drycleaning, Supplies-\$9.30; Builders Firstsource, Supplies-\$707.95; C & B Operations, Repairs-\$2,822.71; Campbell Supply, Supplies-\$1,675.81; Central Electric, Utilities-\$12,356.31; Century Link, Utilities-\$1,375.45; CHR Solutions, Contract Services-\$3,086.83; CNA Surety, Renewal-\$50.00; CO2 Systems, Inspection-\$1,750.00; Coca Cola Bottling, Supplies-\$257.00; Commercial Asphalt, 2017-15 P.E. #2-\$177,023.10; Commercial Asphalt/Spencer Quarries, Supplies-\$11,288.52; Core Engineering & Consulting, 2016-11 P.E. #3-\$3,338.70; Core-Mark Midcontinent, Supplies-\$7,198.51; Corn Palace Concessions, Supplies-\$25.00; Corn Palace Shrine Club, 2017 Circus Ticket Sales-\$19,583.30; Counsilman Hunsaker Operations, Professional Service-\$6,500.00; County Fair, Supplies-\$504.45; Dakota Counseling, Contract Services-\$920.00; Dakota Pump, Supplies-\$779.84; Dakota Riggers & Tool Supplies, Repair-\$1,145.89; Dakota Supply Group, Supplies-\$261.16; Danko Emergency Equipment, Supplies-\$738.50; Dakotacare Administration Services, Supplies-\$500.00; Davison Rural Water Systems, Utilities-\$73.80; Dean Knippling, Travel-\$145.00; Deb Overseth, Reimbursement-\$35.00; Delta Dental Plan of South Dakota, Delta Dental Plan of South Dakota-\$13,672.50; Dependable

Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$2,295.98; Dice Benefits Consulting, Contract Services-\$513.00; Doug Krantz, Refund-\$1,500.00; Dr. Martin Christensen, Contract Services-\$150.00; Dakota Wesleyan University, Dakota Wesleyan University Golf & Trap Shoot-\$500.00; Eric Hieb, Contract Services-\$6,113.07; Eternal Security Products, Repairs-\$156.94; Eugene Mayer, Refund-\$275.68; Farmers Alliance, Supplies-\$116.97; Fastenal, Supplies-\$8.68; First National Bank Omaha, Loan Payment-\$13,656.81; Fisher Scientific, Supplies-\$287.63; Forum Communications, Advertising-\$2,588.46; Gaylen's Homegrown Popcorn, Supplies-\$8,523.00; Graham Tire, Supplies-\$393.93; Graham Tire S.F. North, Supplies-\$274.60; H & R Salvage, Supplies-\$90.00; HACH, Supplies-\$166.17; Harve's Pro Prints, Supplies-\$72.00; Hawkins, Supplies-\$6,794.15; HD Supply Waterworks, Supplies-\$16,734.62; Heartland Paper, Supplies-\$76.22; Henry Schein, Supplies-\$372.15; Herc-U-Lift, Repairs-\$2,966.51; Honda of Mitchell, Supplies-\$122.51; Howes, Supplies-\$26,252.11; ICAN, Advertising-\$782.00; In Other Words, Art Class-\$280.00; Integrity Transcription, Transcribing Service-\$492.00; Interstate Glass & Door, Repairs-\$74.70; Interstate Office Products, Supplies-\$263.09; Iverson Chrysler Center, Rental-\$49.95; James Valley Nursery, Supplies-\$12,889.83; JCL Solutions, Supplies-\$2,324.29; Jebro, Supplies-\$34,742.52; Jessica Pickett, Travel-\$64.00; John Doescher, Travel-\$130.20; KDLT-TV, Contract Services-\$1,550.00; Kelly Hohn, Contract Services-\$125.00; Ken Baldwin, Sports Authority Promotion-\$2,500.00; Kimball-Midwest, Supplies-\$585.76; KO Pest Control, Supplies-\$300.00; Krohmer Plumbing, Repairs-\$534.05; Larry's I-90 Service, Repair-\$19.10; Lawson Products, Supplies-\$801.06; Leggette, Brashears & Graham, 2017-28 P.E. #4-\$1,910.03; Lewis Drug, Supplies-\$152.89; Linda L. Logan Counseling Service, Contract Services-\$180.00; LSQ Funding Group, Service Contract-\$144.00; Make It Mine Designs, Supplies-\$100.00; MC&R Pools, Supplies-\$92.75; McFarland Supply, Supplies-\$160.58; McLeod's Printing, Supplies-\$863.53; Medical Waste Transport, Supplies-\$106.70; Menard's, Supplies-\$1,526.53; Meyers Oil, Supplies-\$7,168.04; Michael Ray, Refund-\$140.00; Michael Todd & Company, Supplies-\$128.86; Michaella Bolgrean, Travel-\$145.00; Microsoft, Supplies-\$689.20; Midcontinent Communications, Utilities-\$93.99; Midwest Fire & Safety, Maintenance-\$1,055.00; Miner County Auditor, South Central Alcohol Task Force-\$69.09; Minnesota Valley Testing, Lab-\$886.00; Mitchell Area Development, 3rd 1/4 2017 Allocation-\$18,750.00; Mitchell Garden Club, Contract Services-\$370.00; Mitchell Girls Fast Pitch, Sports Authority Promotion-\$2,000.00; Mitchell Park & Recreation, Growing Garden Class-\$120.00; Mitchell Plumbing & Heating, Supplies-\$115.79; Mitchell Rotary Club, Quarterly Dues-\$240.00; Mitchell School District, Utilities-\$1,417.56; Mitchell Telecom, Utilities-\$150.90; Mitchell United Way, United Way Deductions-\$337.34; Morgan Manufacturing, Supplies-\$54.65; MSH Architects, 2016-11 P.E. #16-\$6,406.66; Mueller Lumber, Supplies-\$622.34; Muth Electric, Repairs-\$235.71; Napa Auto Parts, Supplies-\$245.34; Nathan Powell, Reimbursement-\$14.98; North Central Seed, Supplies-\$750.00; Northwestern Energy & Communications, Utilities-\$44,058.43; One Source, Background Checks-

\$197.95; Palace City Pedalers Sports Authority Promotion-\$1,000.00; Papa Murphy's Pizza, Supplies-\$96.00; Paul's Repair All, Contract Services-\$1,000.00; Paul's Towing, Police Tow-\$145.00; Penguin Management, Supplies-\$60.00; Pepsi Cola, Supplies-\$383.81; Prairieland Collections, Garnishment-\$605.88; Premier Pest Control, Contract Services-\$175.00; Professional Design Engine, 2017-7 P.E. #2-\$750.00; Puetz Corporation, 2016-11 P.E. #6-\$ 445,536.81; PV Business Solutions, Supplies-\$298.50; Qualified Presort, Contract Services-\$495.01; Rain Drop Products, Supplies-\$368.00; Rew's TV Service, Repairs-\$276.95; Rexwinkel Concrete, 2016-18 P.E. #3-\$109,710.21; Rosenbauer South Dakota, Supplies-\$82.91; S & M Printing, Supplies-\$422.00; Saga Communications of South Dakota, Contract-\$250.00; Santel Communications, Utilities-\$1,772.00; Scott Supply, Supplies-\$87.25; South Dakota Department of Health, Lab-\$723.00; South Dakota Department of Revenue, Supplies-\$21.20; South Dakota Department of Transportation, Supplies-\$740.80; South Dakota Federal Property Agency, Supplies-\$100.00; South Dakota Newspaper Services, Advertising-\$710.88; South Dakota One Call, Professional Service-\$384.30; South Dakota Retirement System, South Dakota Retirement System-\$95,777.43; South Dakota State Soccer Association, Sports Authority Promotion-\$5,000.00; South Dakota Unemployment Insurance Division, Insurance-\$877.42; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$800.00; SHAH Software, Renewal-\$17,589.00; Shannon Sandoval, Reimbursement-\$100.00; Sherwin-Williams, Supplies-\$1,303.04; Shopko Stores Operating, Supplies-\$129.37; Sioux Falls Two-Way Radio, Supplies-\$39.96; South Central Fire District, Dues-\$50.00; SS-Supplemental Retirement, Supplemental Retirement-\$5,453.32; Standard Insurance Company, Life Insurance-\$2,516.12; Standard Insurance Company, Life Insurance-\$390.50; State Disbursement Unit, Child Support-\$200.00; Streicher's - Minneapolis, Supplies-\$3,304.74; Sturdevant's Auto Parts, Supplies-\$1,935.89; Subway, Meals-\$118.75; Suzanne Kluever, Refund-\$47.93; T. F Luke & Sons, Supplies-\$2,333.60; Teamsters Local No. 120, Union Dues-\$807.00; Tessier's, Repairs-\$4,570.53; Thomas L. Price, Professional Services-\$700.00; Thomson Reuters - West, Subscription-\$200.00; Thorstad Companies, 2017-1 P.E. #3 Final-\$78,332.50; Thune True Value Hardware, Supplies-\$147.21; TK Electric, Supplies-\$466.08; TMA Stores, Towing-\$2,000.68; Top Grade Concrete, 2017-4D P.E. #4-\$760.42; Tractor Supply Credit Plan, Supplies-\$209.96; Traditions Meal Solutions, Supplies-\$1,951.40; Tyler Technologies, License Fees-\$4,400.00; Uncle Roy & The Boys, Contract Services-\$150.00; United States Treasury, Fee 2nd Quarter-\$664.44; USA Blue Book, Supplies-\$424.32; Vallen Distribution, Supplies-\$3,087.39; Variety Foods, Supplies-\$203.62; Vast Broadband, Utilities-\$56.83; Verizon Wireless, Utilities-\$635.58; Vern Eide Chevrolet Buick, Repair-\$43.88; Vern Eide of Mitchell, Repair-\$110.89; Walmart, Supplies-\$509.10; Watertown Wholesale, Supplies-\$396.69; Wheelco Brake & Supply, Supplies-\$400.85; Wholesale Electronics, Supplies-\$25.54; Wm Smith & Associates, Repair-\$101.99; Wright Brothers Aviation, Maintenance Contract-\$500.00; Yamaha Golf & Utility, Supplies-\$6,955.00; Wage Works, Flex Expense-\$7,956.35; Wellmark, Administration, Prescriptions, Medical Expense-\$270,453.28.

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

### **CITIZENS INPUT:**

Council Member Mel Olson commended ACT on their fantastic performances of Mary Poppins.

Council Member Jeff Smith congratulated the Park Department and staff on a fabulous job in preparing Cadwell Park for the State Amateur Baseball Tournament.

Council Member Kevin McCardle advised the City Council and the public to drive past the Veteran's Park in the evening to see the beautiful lighting.

### **COMMITTEE REPORT:**

#### **Public Health & Safety:**

A request was approved for a fireworks permit for the Kernel Bowl on September 2<sup>nd</sup>, 2017 and requested the Mitchell Fire Department be present during the fireworks.

Moved by Olson, seconded by Allen, to approve the Public Health & Safety report. Motion carried.

### **HEARINGS:**

It was advised that this is the date and time set for hearing on the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center, 812 North Rowley, Mitchell on August 19, 2017 for a Wedding. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Olson, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Jason Bates dba Bates Enterprises for a Special Event Liquor License, located at Sabers Specialty on August 19, 2017 for Cruising for a Cause. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Barington, to approve said application. Motion carried.

### **CONSIDER APPROVAL:**

Moved by Olson, seconded by Smith, to approve an alternative Consumption/Event area for the Corn Palace Festival Freedom Stage Entertainment in the event that the 6<sup>th</sup> Avenue Plaza cannot be used due to the sod conditions. Motion carried.

### **BOARD OF ADJUSTMENT:**

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

**SET DATE:**

Moved by Tjarks, seconded by Rice, to set date for August 21, 2017 for a hearing on the application of David & Phyllis Mutziger for a front yard variance of 19 feet vs 25 feet as required for construction of a deck, located at 425 East Hackberry Street, legally described as the E 105' of N1/2 Square 10, Weaver's Square 10, Weaver's Square Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R3 Medium Density Residential District. Motion carried.

**HEARING:**

Moved by Rice, seconded by Olson, to table hearing on the application of Farmers Union Industries, LLC of Redwood Falls, MN for a conditional use permit to expand a state-of-the-art canning equipment facility in an approximately 70,000 square foot addition to the existing building at Performance Pet Products facility located at 1801 Van Dyke Drive, legally described as Lot B Ex B-1, B-2, & Ex Lot 1 & Lot 2 of Syncom Addition in N1/2 SW1/4, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota. The property is zoned Transportation, Warehousing, and Commercial District to September 18, 2017. Motion carried.

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

**AWARD BID:**

Bids were opened and read on the Recreation Center Reroof, City Project #2017-35 on the 27th day of July, 2017 in the Council Chambers of City Hall. Moved by Allen, seconded by Tjarks, to award the project, as follows:

**RECREATION CENTER REROOF  
CITY PROJECT #2017-35**

Great Plains Roofing, 27240 SD HWY #115, Harrisburg, South Dakota 57032.

BID SCHEDULE "A" (LOBBY ROOF)	\$40,311.00
BID SCHEDULE "B" (POOL ROOF)	\$38,924.00
TOTAL BID:	\$79,235.00

Motion carried.

**CONSIDER APPROVAL:**

Moved by Rice, seconded by Tjarks, to approve and authorize the Mayor to sign Agreement #A2017-24 Rural Fire Service Agreement between Mitchell Rural Fire District and the City of Mitchell. Motion carried.



Moved by Allen, seconded by Olson, to approve and authorize the Mayor to sign Agreement #A2017-26 Firefighter EMS Training Software Agreement between Mitchell Department of Public Safety Fire/EMS Division and Target Solutions with an estimated cost for 2017 of \$1,107.00 and \$2,672.00 for 2018. Motion carried.

Moved by Tjarks, seconded by Smith, to approve and authorize the Mayor to sign Agreement #A2017-27 with AE2S, Dr. Delvin DeBoer to design Tower Mixer City Project #2017-36 not to exceed \$10,000.00. Motion carried.

### **RESOLUTIONS:**

Moved by Rice, seconded by Barington, to table Resolution #R2017-40, Vacation of Public-Right-Way Described as: The N 1/2 of East Andrews Street Abutting Block 21, Weaver's Squares Addition, An Addition to the City of Mitchell, Davison County, South Dakota as shown on the Plat Recorded March 1, 2016, Book 32, Page 3. This Portion of East Andrews Street has been described Historically as Avenue 'K' East and Avenue 'K' to September 5<sup>th</sup>, 2017. Motion carried.

Moved by Allen, seconded by Olson, to adopt Resolution #R2017-52, A Plat of Lot 3 in Square 17 of Weaver's Squares Addition to the City of Mitchell, Davison County, South Dakota as follows:

#### **RESOLUTION NO. R2017-52**

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 24<sup>th</sup> day of July, 2017; and

Whereas, it appears from an examination of the plat of Lot 3 in Square 17 of Weaver's Squares Addition to the City of Mitchell, 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, 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 3 in Square 17 of Weaver's Squares Addition to the City of Mitchell, Davison County, South Dakota, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by McCardle, to adopt Resolution #R2017-53, A Plat of Lot 3, Block 5 of Woodland Heights First Addition, A Subdivision of Lot 2, Crane's Addition in the SE 1/4 of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota as follows:

**RESOLUTION NO. R2017-53**

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 24<sup>th</sup> day of July, 2017; and

Whereas, it appears from an examination of the plat of Lot 3, Block 5 of Woodland Heights First Addition, A Subdivision of Lot 2, Crane's Addition in the SE ¼ of Section 34, T 103 N, R 60 W of the 5<sup>th</sup> 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, and 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 3, Block 5 of Woodland Heights First Addition, A Subdivision of Lot 2, Crane's Addition in the SE ¼ of Section 34, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota, prepared by Paul J. Reiland, be and be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned hereby certifies that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the 7<sup>th</sup> day of August, 2017.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Barington, to adopt Resolution #R2017-54, Adopting a Conflict of Interest Policy as follows:

**RESOLUTION NO. R2017-54**

**A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF MITCHELL**

WHEREAS, South Dakota Codified Laws (SDCL) Section § 1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforce a conflict of interest policy; and

WHEREAS, the City of Mitchell receives funding from the State of South Dakota either directly or through federal pass-through funds which will be subject to the statutory requirement that it enforce a conflict of interest policy; and

WHEREAS, provisions addressing conflicts of interest for municipal officials currently exist in state law, the City Council wishes to adopt a conflict of interest policy that incorporates these statutory requirements and assists its elected and appointed officials in recognizing, disclosing, and avoiding conflicts of interests; and

WHEREAS, adopting a conflict of interest policy will clarify expectations from the public when elected and appointed officials are conducting City business; and

WHEREAS, the City of Mitchell deems it is in the best interest of the City to adopt this Conflict of Interest Policy for the City Council and for all elected and appointed officials of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Mitchell, that the Conflict of Interest Policy attached hereto and incorporated by reference is hereby established and adopted.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Allen, seconded by Barington, to place Ordinance #O2017-09, An Ordinance of the City of Mitchell, that changes the Zoning District Classification of the real property legally described as; N 100' of Lot 1, Block 2, Bracey's Addition & N 100' of Lot A, A Subdivision of previously platted Block 1, County Addition, City of Mitchell, Davison County, SD from R2 Single Family Residential District to TWC Transportation, Warehousing, and Commercial District and the Official Zoning Map be changed to reflect the same on second reading. Motion carried. Moved by Barington, seconded by Rice, to adopt Ordinance #O2017-09 as follows:

**ORDINANCE NO. O2017-09**

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; N 100' of Lot 1, Block 2, E.B. Bracey's Addition and the N 100' of Lot A, A Subdivision of previously platted Block 1, County Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO THE REFLECT THE SAME.

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

Section 1: THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; N 100' of Lot 1, Block 2, E.B. Bracey's Addition and the N 100' of Lot A, A Subdivision of previously platted Block 1, County Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO THE REFLECT THE SAME.

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.

Members present voting aye: Allen, Barington, Doescher, McCardle, Olson, Rice, Smith, Tjarks.  
Members present voting nay: none. Motion carried and ordinance declared duly adopted.

Moved by Smith, seconded by Barington, to place Ordinance #O2017-11, Zoning Changes Regarding Animal Breeding on first reading. Roll call vote.

Members present voting aye: Barington, Smith, Tjarks. Members present voting nay: Allen Doescher, McCardle, Olson, Rice. Motion failed.

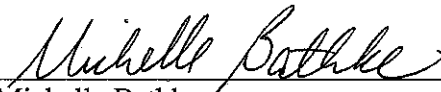
Moved by Olson, seconded by McCardle, to deny placing Ordinance #O2017-12, Revise Animal Control Ordinance Regarding Hogs on first reading. Motion carried.

**DISCUSSION:**

Golf and Cemetery Director Kevin Thurman congratulated the Park and Recreation staff, Dan Dobesh and Jeremy Nielsen, on a great job preparing Cadwell Park. The staff spent hours studying chemical and fertilizing applications, mowing, and equipment operation.

**ADJOURN:**

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

  
\_\_\_\_\_  
Michelle Bathke  
Finance Officer

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