

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

**August 19, 2019  
6:00 P.M.**

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

**ABSENT:**

**PRESIDING:** Mayor Bob Everson

**AGENDA:**

Moved by Tjarks, seconded by Allen, to approve the following items on the consent agenda.

- a. City Council Minutes
  1. City Council August 5, 2019, and
  2. Special City Council August 9, 2019.
- b. Committee Meeting Minutes
  1. Planning Commission July 22, 2019, and
  2. Traffic August 5, 2019.
- c. Department Reports
  1. Finance (July),
  2. Sales Tax Collections (July),
  3. Building Permits (July),
  4. Police (July),
  5. Fire & EMS (July),
  6. Weed Mowing (July),
  7. Mitchell Public Library (June),
  8. Palace Transit Ridership (June),
  9. Palace Transit Ridership (July),
  10. Airport (July), and
  11. Water (July).
- d. Raffle Permits
  1. First Circuit CASA with the drawings to be held on September 27 & 28, 2019,
  2. VFW with the drawing to be held on September 28, 2019,
  3. Trinity Lutheran Church with the drawing to be held on September 29, 2019,  
and
  4. Mitchell Ducks Unlimited with the drawing to be held on October 3, 2019.
- e. Volunteer Board Appointments
  1. Pat Skinner to fill an unexpired term on the Parks & Recreation Board to run  
August 2019-July 2020,
  2. Mark Vaux to the Planning & Zoning Board for a term to run July 2019-July

2023, and

- 3. Dennis Marek to the Parks & Recreation Board for a term to run July 2019-July 2022.
- f. Set date of 09-03-19 for hearing on the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Temple for September 7, 2019 for a birthday party.
- g. Set date of 09-16-19, 6:00 p.m. for hearing on Special Assessment Roll for 2018 Construction Projects and 2018 Nuisance Abatements.
- h. Approve fireworks permit application for Kernel Bowl.
- i. Declare Items as Surplus Property.
- j. Notice of Acceptability of Work for East Havens Watermain Loop Project #2018-25 to Menning Backhoe, LLC.
- k. Notice of Substantial Completion and Notice of Acceptability for South Side Water Tower Painting Project #2018-1R to Maguire Iron.
- l. Fuel Quotations

**August 5, 2019**

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel-#2	2,400	2,400	\$2.3385	\$ 5,612.40*
Off Road Diesel-#2	5,100	5,100	\$2.0635	\$10,523.85*
		<b>Total Bid:</b>		<b>\$16,136.25*</b>

**August 12, 2019**

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel-#2	1,100	1,100	\$2.1635	\$ 2,379.85*
Unleaded Gas-10% Ethanol	6,400	6,400	\$1.9825	\$12,688.00*
		<b>Total Bid:</b>		<b>\$15,067.85*</b>

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

- m. Pay Estimates 08-19-19
  - Pay Estimate #12 in the amount of \$48,162.50 for Sanborn Bridge Repair Construction #2018-22B contracted to Brosz Engineering,
  - Pay Estimate #2 in the amount of \$660.00 for W. End Lake NAWAC Grant Consult. #2019-3A contracted to Steve Donovan,
  - Pay Estimate #3 in the amount of \$4,784.00 for Rock Chips #2019-10 contracted to Spencer Quarries,
  - Pay Estimate #2 in the amount of \$1,901.00 for New Landfill Monitoring #2019-29 contracted to Geo-Tek Engineering,
  - Pay Estimate #1 in the amount of \$3,132.00 for D&D Long's Utility Extensions #2019-31A contracted to Infrastructure Design,
  - Pay Estimate #2 in the amount of \$8,673.00 for D&D Long's Utility Extensions #2019-31B contracted to Infrastructure Design,
  - Pay Estimate #3 in the amount of \$1,235.00 for James Valley Community Center Roof #2019-36 contracted to L.L. Jirsa, Architect, and
  - Pay Estimate #1 in the amount of \$39,655.35 for CP Locker Room Remodel #2019-49 contracted to Puetz Corporation.

- n. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer

**PAYROLL JULY 14 – JULY 27, 2019:** City Council \$3,106.48, Mayor \$1,292.65, City Administrator \$4,858.15, Attorney \$4,037.15, Finance \$13,333.04, Human Resources \$3,527.96, Municipal Building \$3,569.96, Information Technology \$2,622.34, Police \$65,334.71, Traffic \$6,498.56, Fire \$48,093.79, Street \$33,697.72, Public Works \$24,173.05, Cemetery \$5,993.87, Animal Control \$1,533.27, Emergency Medical Services \$13,145.45, Library \$14,605.48, Recreation & Aquatics \$22,961.63, Recreation Center \$19,762.12, Sports Complexes \$21,405.56, Parks \$23,825.99, Supervision \$5,225.01, E911 \$21,406.30, RSVP \$4,351.30, Palace Transit \$17,499.69, JVCC \$1,484.00, Nutrition \$1,146.88, Water Distribution \$10,928.30, Sewer \$14,571.48, Airport \$2,345.03, Waste Collection \$13,098.53, Landfill \$8,987.39, Corn Palace \$34,609.40, Golf Course \$10,369.99, Campground \$2,161.25.

**NEW HIRES:**

RECREATION & ACQUATICS: Madeline Millar-\$10.35.

RECREATION CENTER: Lendell Anderson-\$10.35.

CORN PALACE: Riley Weisser-\$11.35, Austin Loes-\$14.85.

GOLF: Jason Gunnare-\$27.208.

**SALARY ADJUSTMENTS:**

POLICE: Casey Tegethoff-\$26.236.

STREET: Luke Nagel-\$19.496.

SPORTS COMPLEX: Jeremy Nielsen-\$24.367.

EMS: Erika Helleloid-\$21.267.

FIRE: Joseph Degen-\$21.593.

**WARRANTS:** A-Ox Welding Supply, Supplies-\$257.50; AAA Collections, Contract Services-\$45.00; AAA Lawn Care and Maintenance, Mowing-\$995.00; ABC-Clio, Books-\$143.61; Advantage Auto Glass, Repair-\$40.00; AFLAC, Aflac Withholding-\$10,684.61; AFLAC Group, Critical Care-\$1,025.52; AFSCME Council 65, Union Dues-\$590.00; Agronomy Plus, Supplies-\$391.80; Al's Engraving, Supplies-\$12.30; Amazon Capital Services, Supplies-\$87.40; Ameripride Services, Supplies-\$273.73; Ann Crothers, Retree Program-\$100.00;

Apple Books, Books-\$22.46; Arctic Refrigeration, Repairs-\$237.54; Aurora County Auditor's Office, Alcohol Task Force-\$65.16; Auto Body Specialties, Repairs-\$71.37; Automatic Building Control, Repair-\$291.84; Avera Occupational Medicine, Contract Services-\$1,227.02; B-Y Water District, July Usage-\$83,104.76; Bailey Metal Fabricators, Supplies-\$48.58; Baker & Taylor, Books-\$1,472.00; Beacon Athletics, Supplies-\$660.04; Bender's Sewer Cleaning, Maintenance-\$1,310.00; Bierschbach Equipment & Service, Supplies-\$895.51; Big Daddy D's, Contract Services-\$4,163.25; Billy Lurken, Freedom Stage-\$350.00; Black Top, Entertainment-\$50,000.00; Blackstone Publishing, Supplies-\$34.95; Bonnie Basham, Refund-\$114.42; Book Systems, Subscription-\$3,395.00; Border States Industries, Supplies-\$253.49; Break Time Portables, Rentals-\$190.00; Brosz Engineering, 2018-22B P.E. #12-\$48,162.50; Builders Firstsource, Supplies-\$724.12; BX Civil & Construction, Hydrant Meter-\$1,500.00; C & B Operations, Supplies-\$1,259.63; Campbell Supply, Supplies-\$498.83; Caroline Keilhauer, Entertainment-\$1,000.00; Carquest Auto Parts, Supplies-\$545.91; Center Point Large Print, Books-\$89.28; Central Electric Cooperative, Utilities-\$11,735.67; CHR Solutions, Contract Services-\$2,961.59; City of Mitchell, Utilities-\$888.40; City of Mitchell, Campground Hotel Tax July 2019-\$211.50; Clubhouse Hotel & Suites, Travel-\$624.00; Coborns, Contract Services-\$735.00; Commercial Asphalt/Spencer Quarries, Supplies-\$5,568.00; Core & Main, Annual Fees-\$25,547.31; Core-Mark Midcontinent, Supplies-\$3,415.24; Corn Palace, Sports Authority Program-\$5,000.00; Corn Palace Concessions, Supplies-\$12.00; Corn Palace Gift Shop, Supplies-\$12.49; County Fair, Supplies-\$ 289.06; County Fair, Contract Services-\$825.00; CPC/Sheldon Tobin, Sports Authority Promotion-\$1,000.00; Crystal Reitzel, Supplies-\$132.11; Dakota Pump, Repair-\$4,525.89; Dakota Supply Group, Supplies-\$1,146.34; Dakota Wesleyan University, Service-\$2,500.00; Dale Steffen, Supplies-\$90.00; Dale's A-1 Transmission, Police Tow-\$145.00; Darrington Water Conditioning, Rentals-\$61.05; Davison County Extension, Rental-\$325.00; Davison County Register of Deeds, Copies-\$3.00; Davison Rural Water Systems, Utilities-\$32.25; Dayna Jones, 2019 Freedom Stage-\$300.00; Dean Knippling, Supplies-\$98.48; Delta Dental Plan of South Dakota, Dental Premiums-\$14,068.14; Demco, Supplies-\$215.00; Department of Environment, State Game Fees-\$2,983.52; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-1,251.17; Diamond Discs International, Supplies-\$1,485.00; Dice Benefits Consulting, Administration Fees-\$510.00; DMM Systems, Corn Palace Festival-\$27,725.00; Dug Out, Contract Services-\$645.75; Dustin Evans, Entertainment-\$2,500.00; Elizabeth Morrison, Freedom Stage-\$150.00; Emme Sand & Gravel, Supplies-\$5,335.90; Environmental Systems Rese, Maintenance-\$3,650.00; Farmers Alliance, Supplies-\$1,706.00; Fastenal, Supplies-\$234.04; Fedex, Express Services-\$53.81; Fisher Scientific, Supplies-\$226.67; Foreup Golf Software Billing, Supplies-\$1,080.00; Forum Communications, Advertising-\$8,639.81; Fox Paint & Blinds, Supplies-\$205.71; G & R Controls, Supplies-\$29,605.00; Gale, Books-\$681.48; Gaylen's Homegrown Popcorn, Supplies-\$1,570.80; GCR Tires & Service, Supplies-\$2,734.42; George Streetman, CDL Renew-\$35.00; Geotek Engineering, 2019-29

P.E. #2-\$1,901.00; Graham Tire, Supplies-\$101.95; Grainger, Supplies-\$236.36; Great Western Tire, Supplies-\$1,561.68; Grey House Publishing, Book-\$148.50; Greyson Schulz, Freedom Stage-\$300.00; Harlow's Bus Sales, Supplies-\$227.29; Hawkins, Supplies-\$11,257.30; Hayes Tree Service, Supplies-\$150.00; Henry Schein, Supplies-\$1,127.69; Hohn's Carpet Cleaning, Rental-\$1,435.00; Hohn's Services, Lawn Mowing-\$370.00; Honda of Mitchell, Supplies-\$69.69; Howes Oil, Supplies-\$16,138.31; Infrastructure Design Group, 2019-31A P.E. #1-\$11,805.00; Ingram Library Services, Book-\$153.71; Innovative Office Solution, Supplies-\$83.07; Integrity Transcription, Transcribing Service-\$265.65; Interstate Office Products, Supplies-\$74.25; ISFentry, Service Fee-\$641.34; James Kropenske, Contract Services-\$150.00; JCL Solutions, Supplies-\$721.36; JD Concrete Products, Supplies-\$118.50; Jeff Mann, Freedom Stage-\$500.00; Joe Schroeder, Travel-\$52.00; John McCormick, Entertainment-\$1,250.00; Jones Supplies, Supplies-\$1,587.78; Judd Hoos & Funk Productions, Freedom Stage-\$5,000.00; KDLT-TV, Advertising-\$375.00; Kenneth R Young, Freedom Stage-\$1,250.00; KIKN-FM, Advertising-\$638.00; Kiwanis Club of Mitchell, Sports Authority Promotion-\$3,000.00; KJRV-FM, Advertising-\$300.00; Krohmer Plumbing, Repairs-\$179.02; KXRB-AM, Advertising-\$750.00; KYBB-FM, Advertising-\$192.00; L L or Deanna Musick, Refund-\$551.80; Lakeview Veterinary Clinic, Service Dog Tommy-\$1,147.60; Larry Jirsa, 2019-36 P.E. #3-\$1,235.00; Lawson Products, Supplies-\$912.71; Liberty Tire Services, Supplies-\$3,782.40; M & T Fire and Safety, Supplies-\$139.00; Mandy Juhnke, Travel-\$120.54; McLeod's Printing, Supplies-\$409.87; Medical Waste Transport, Professional Service-\$127.41; Mega Wash, Repairs-\$4.00; Menard's, Supplies-\$1,001.60; Meyers Oil, Supplies-\$3,049.28; Midamerica Books, Books-\$305.15; Midcontinent Communications, Utilities-\$103.56; Midcontinent Communication, Advertising-\$1,097.00; Midwest Alarm, Maintenance-\$78.00; Midwest Turf & Irrigation, Supplies-\$299.33; Miedema Sanitation, Supplies-\$360.00; Mitchell Area Convention Visitors Bureau, Funding-August-\$22,750.00; Mitchell Baseball, Sports Authority Promotion-\$7,100.00; Mitchell Concrete Product, Supplies-\$111.00; Mitchell Iron & Supply, Supplies-\$669.09; Mitchell Show Choir, Ushers-\$1,500.00; Mitchell Telecom, Utilities-\$2,692.74; Mitchell United Way, United Way Donations-\$237.11; Molly Dowling, Freedom Stage-\$400.00; Mitchell Technical Institute, Labor-\$7,000.00; Mitchell Technical Institute, Repairs-\$266.10; Mueller Lumber, Supplies-\$145.27; Murtha Repair, Supplies-\$112.00; Napa Auto Parts, Supplies-\$633.29; Neil Putnam, Travel-\$52.00; Never Surrender, Entertainment-\$30,000.00; Newman Signs, Supplies-\$391.28; National Independent Health Club, Membership-\$99.00; Nordstrom's Automotive, Supplies-\$290.00; Northwestern Energy & Communications, Utilities-\$45,693.03; O'Connor, Repair-\$77,230.00; O'Reilly Automotive, Supplies-\$58.19; Online Computer Library Center, Cataloging-\$1,215.19; Olinger Carpet Service, Supplies-\$865.60; One Source the Background, Background Checks-\$205.00; Overdrive, Supplies-\$1,426.32; Parkston Boom's Restaurant, Contract Services-\$3,082.00; Paulson Sheet Metal, Supplies-\$140.76; Penguin Random House, Supplies-\$142.50; Pepsi Cola, Supplies-\$1,121.50; Porta Pros, Rental-\$150.00; Porter Distributing, Supplies-\$140.00; Premier Specialty

Vehicles, Supplies-\$48.34; Puetz Corporation, 2019-49 P.E. #1-\$39,655.35; Qualified Presort, Contract Services-\$511.40; Recorded Books, Supplies-\$791.28; Richard Levy, Entertainment-\$10,300.00; Romeo Entertainment Group, Entertainment-\$16,100.00; Ruby Pattison, Reimbursement-\$103.25; S & P Global, Service-\$14,025.00; Saga Communications, Advertising-\$684.00; Saga Communications of South Dakota, Advertising-\$2,165.00; Santel Communications, Utilities-\$106.16; Sarepta, Entertainment-\$70,000.00; Satcom Global, Contract Plan-\$42.75; Schmucker Paul & Nohr, Professional Fees Service-\$2,672.50; Scott Supply, Supplies-\$116.90; South Dakota Association of Rural Water, Annual Dues-\$1,225.00; South Dakota Department of Health, Lab-\$60.00; South Dakota Department of Revenue, Title Transfers-\$30.00; South Dakota Department of Transportation, Professional Fees \$175.00; South Dakota Federal Property, Supplies-\$118.00; South Dakota Retirement System, Retirement Contributions-\$48,650.92; South Dakota-Supplemental Retirement, Retirement Contributions-\$2,241.33; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$425.00; South Dakota Solid Waste Management, Membership Dues-\$550.00; South Dakota Water & Wastewater, Registration-\$620.00; SHAH Software, Renewal-\$22,424.00; Shane Taylor, Reimbursement-\$156.00; Sherwin-Williams, Supplies-\$1,993.53; SHI International, Supplies-\$396.00; Solarwinds MSP Canada, Supplies-\$275.81; Spencer Quarries, 2019-10 P.E. #3-\$4,784.00; Standard Insurance, Life Insurance-\$2,052.26; Staples Advantage, Supplies-\$622.94; Starfire Band, Freedom Stage-\$750.00; Steve Donovan, 2019-3A P.E. #2-\$660.00; Streicher's Minneapolis, Supplies-\$1,028.00; Stryker Sales, Supplies-\$730.12; Sturdevant's Auto Parts, Supplies-\$563.19; Subway, Meals-\$38.74; Sun Gold Sports, Supplies-\$267.50; Tessier's, Repairs-\$1,087.89; Thomas L Price, Professional Service-\$350.00; Thomson Reuters West, Professional Service-\$792.99; Three-D Specialties, Supplies-\$2,335.88; Thune True Value Hardware, Supplies-\$156.23; Ticketforce, Monthly Usage Fees-\$955.50; TK Electric, Repairs-\$71.43; TMA Stores, Supplies-\$188.61; Todd Kiefer, Freedom Stage-\$200.00; Tractor Supply Credit Plan, Supplies-\$335.93; Traffic Control, Maintenance-\$1,152.00; Transource, Supplies-\$3,752.56; Trizetto Provider Solution, Service Contract-\$68.20; Two Way Solutions, Supplies-\$463.73; Upper Midwest Garage Door, Supplies-\$1,020.41; United Parcel Service Store #4227, Shipping-\$184.37; United States Postal Service, Postage-\$75.33; Van Diest Supply, Supplies-\$3,627.50; Verizon Wireless, Utilities-\$1,739.69; Vern Eide Chevrolet Buick, Supplies-\$97.74; Wade London, Travel-\$52.00; Walmart, Supplies-\$315.43; Wausau Equipment Company, Repair-\$15,000.00; Wheelco Brake & Supply, Maintenance-\$79.22; Wholesale Electronics, Supplies-\$14.83; Zimco Supply, Supplies-\$1,652.00; Ellwein Brothers, Supplies-\$4,602.25; South Dakota State Treasurer, Sales Tax-\$24,103.03; US Bank, Loan Payment-\$128,351.49; Mitchell Public Library, Library Fines-\$473.97; Wage Works, Flex Expense-\$2,978.76; Wellmark of South Dakota, Administration, Prescriptions, Medical Expenses-\$103,553.59; Cortrust Bank, Supplies-\$44.23; Public Safety, Professional Fees-\$30.90.

1. Mayor Everson stated the bid opening for the Burr Street Landscaping will be held on Thursday, September 5<sup>th</sup>.
2. Mitchell resident Steven Larson asked if Mark Vaux, Executive Director of the Chamber being appointed to the Planning Commission was a conflict of interest. Mayor Everson stated the former Director was also a member for many years and very beneficial to the Commission.

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

### **CITIZENS INPUT:**

Mitchell resident Steven Larson asked why there was such urgency to hold a Special City Council meeting at 8:00 a.m. on August 9<sup>th</sup>. He was concerned that it does not give Mitchell citizens enough time to make plans to attend City Council meetings. Mayor Everson stated Special City Council meetings are held for urgent matters and we are required to give 24 hours notice, which was given.

Council Member McCardle thanked the Park & Recreation Department for doing a fantastic job maintaining the baseball field during the State Amateur Baseball tournament held at Cadwell Park.

City Administrator Stephanie Ellwein reported that at the July 22, 2019 Special City Council meeting, approval to refinance Sales Tax Revenue Bonds was needed and we were able to refinance at a rate of 2.11% with a savings of \$524,977.00.

### **COMMITTEE REPORT:**

#### **Traffic:**

The Traffic Commission met on August 19, 2019 at 6:00 p.m. The Traffic Commission approved the following request:

- Street closure for AKG 100 Year Celebration.

Moved by McCardle, seconded by Rice, to approve the Traffic Commission report. Motion carried.

### **HEARINGS:**

It was advised that this is the date and time set for hearing on the application of Blarney's Sports Bar & Grille dba Blarney's Sports Bar for a Special Event Liquor License located at the Highland Mall, Mitchell on December 6<sup>th</sup>, 2019 for the Holiday Spirits. Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by Allen, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-Off Sale) Malt Beverage License RB-25721 from Leisure Time Inc, dba The Depot, 210 South Main Street, Mitchell to Depot Mitchell LLC dba The Depot, 210 South Main Street, Mitchell. Video Lottery is not included. Notice of hearing has been given and affidavit of publication is on file. Moved by Smith, seconded by Rice, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-Sale) Liquor License RL-5763 from Leisure Time Inc. dba The Depot, 210 South Main Street, Mitchell to Depot Mitchell LLC dba The Depot, 210 South Main Street, Mitchell. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

**BOARD OF ADJUSTMENT:**

Moved by Rice, seconded by McCardle, 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 September 3, 2019 on the application of Jason & Ramy Norgaard for a conditional use permit to operate a family residential child care center located at 1220 E Havens Lot 103, Brendan Mobile Village, legally described as Lot 1A located in SE ¼ 22-103-60, Exc. Lots PE1, PE2, and PE3, City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District. Motion carried.

Moved by Allen, seconded by McCardle, to set date for September 3, 2019 on the application of Russell Hanson & Jamie Buchholz for a side-yard on a corner variance of 8 feet vs 20 feet as required for constructing a detached garage located at 520 E Hanson Ave, legally described as Lot 12, Block 42, Cooley and Guernsey Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

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

**CONSIDER APPROVAL:**

Moved by Tjarks, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2019-38. Special Services/Mitchell 17-2. Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on the proposed resolution of Dakota Wesleyan University on Petition for Vacation of Public Right-of-Way. Discussion took place with Dakota Wesleyan University Executive Vice President Theresa Kriese explaining to City



Council the construction of a new business center. There was no opposition in the proposed project area.

**RESOLUTIONS:**

Moved by Rice, seconded by Sabers, to approve Resolution #R2019-58, Dakota Wesleyan University on Petition for Vacation of Public Right-of-Way as follows:

**RESOLUTION #R2019-58**

**ON PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, the petition and consent in writing of Dakota Wesleyan University, a South Dakota nonprofit corporation, respectfully in due and proper form, are requesting the Governing Body of the City of Mitchell to vacate portions alley right-of-ways described as; That portion of the alley running north and south between the east sides of Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), and the west sides of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), all in Block Thirty-four (34), University Addition to the City of Mitchell, Davison County; and That portion of the ally running north and south between the east sides of Lots Six (6) and Seven (7), Eight (8), Nine (9), and Ten (10) and the west sides of Lots One (1), Two (2,) Three (3), Four (4), and Five (5), Block Thirty-nine (39), University Addition to the City of Mitchell, Davison County, South Dakota and the said alley right- of- way set forth below pursuant to statutes in such cases made, and provided, particularly SDCL 9-4-7, et. Seq. and the petitioners respectfully show and represent the following:

WHEREAS, the petition was presented to the City Council of Mitchell, South Dakota, in a regular meeting assembled on the 19th day of August 2019.

WHEREAS, This Council did thereupon consider said Petition and did find that said Petition and Consent in writing requesting and consenting to the vacation of said alley was signed by all of the owners of the property abutting the alley right-of-way sought to be vacated; and,

~~WHEREAS, This Council did, by proper motion, made, seconded and carried in regular meeting assembled on the 19th day of August, 2019 deem it proper and that the matter be proceeded with and did order that the said Petition be filed with the City Finance Officer and did order said Petition had been filed and that the same would be heard and considered by the Governing Body of the said City on 16<sup>th</sup> day of August 19<sup>th</sup> day of 2019 at 6:00 p.m., in the Chambers of the City Council of the City of Mitchell, South Dakota; and~~

WHEREAS, Said Council did meet to consider and hear said Petition on the 19<sup>th</sup> day of August, 2019 at the time and place specified in said Notice, and that the said Petition was duly heard and considered by this Council, the Petitioners and consideration of those objecting were heard by Council were presented in regards to said Petition, writing or otherwise; and,

WHEREAS, This Council having duly heard and considered said Petition finds:

1. That due notice of the hearing of said Petition was given by the City Finance Officer by publication of a Notice thereof in the form as provided by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota, for two successive weeks, to-wit: July 25 and August 1, 2019.
2. That the Petitioners are the sole owners of all the property abutting the alley right-of-way requested to be vacated and have requested that the said right-of-way be vacated. Said owners having consented in writing to the vacation of said alley and which consent is made part of the said Petition pursuant to the terms contained in the Petition.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 19<sup>th</sup> day of August, 2019, that said alley right-of-way identified; That portion of the alley running north and south between the east sides of Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), and the west sides of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), all in Block Thirty-four (34), University Addition to the City of Mitchell, Davison County; and That portion of the ally running north and south between the east sides of Lots Six (6) and Seven (7), Eight (8), Nine (9), and Ten (10) and the west sides of Lots One (1), Two (2,) Three (3), Four (4), and Five (5), Block Thirty-nine (39), University Addition to the City of Mitchell, Davison County, South Dakota is hereby to be vacated.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by McCardle, to approve Resolution #R2019-59, A Plat of Lot C-4 of DWU First Addition to the City of Mitchell, Davison County, South Dakota, as follows:

#### **RESOLUTION #R2019-59**

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 12<sup>th</sup> day of August, 2019; and

WHEREAS, it appears from an examination of the plat of LOT C-4 OF DWU-FIRST ADDITION TO THE 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 alley 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-4 OF DWU-FIRST ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, 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 Tjarks, seconded by Rice, to approve Resolution #R2019-60, A Plat of Lot 5 of D. and B. Carlson's First Addition, A Subdivision of a Portion of the NE ¼ of Section 31, T 104 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, as follows:

**RESOLUTION #R2019-60**

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 12<sup>th</sup> day of August, 2019; and

WHEREAS, it appears from an examination of the plat of LOT 5 OF D. AND B. CARLSON'S FIRST ADDITION, A SUBDIVISION OF A PORTION OF THE NE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> 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 alley 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 5 OF D. AND B. CARLSON'S FIRST ADDITION, A SUBDIVISION OF A PORTION OF THE NE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, 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 Allen, seconded by Barington, to approve Resolution #R2019-61, A Plat of Lot 9, Block 7, Westwood First Addition, A Subdivision of the SW ¼ of Section 16, T 103 N, Range 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, as follows:

**RESOLUTION #R2019-61**

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 12<sup>th</sup> day of August, 2019; and

WHEREAS, it appears from an examination of the plat of LOT 9, BLOCK 7 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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 alley 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 9, BLOCK 7 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF

SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, 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 McCardle, seconded by Rice, to approve Resolution #R2019-62, A Resolution Expanding the Bid #3 Board, as follows:

**RESOLUTION #R2019-62**

**A RESOLUTION EXPANDING MEMBERSHIP OF THE  
BUSINESS IMPROVEMENT DISTRICT #3 BOARD**

WHEREAS the City of Mitchell did establish the BID #3 Board on March 5, 2018 to initially include 5 members; and

WHEREAS the Board desires to add 2 additional members to better conduct the affairs of the BID #3 Board;

THEREFORE, IT IS RESOLVED by the City Council of the City of Mitchell, SD that the BID #3 Board established by R2018-13 be modified by adding two additional members to the existing 5 person membership for a new total of 7 members.

IT IS FURTHER RESOLVED that the positions, terms, and rules set in R2019-13 shall continue in full force and effect except as modified by this resolution. The following is a list of the newly proposed and existing members and their terms:

Megan Sabers-	January 1, 2019 through December 31, 2019
Connie Henning-	January 1, 2019 through December 31, 2019
Brad Jamison-	January 1, 2019 through December 31, 2020
Mark VandenHoek-	January 1, 2019 through December 31, 2020
Jeff Logan-	January 1, 2019 through December 31, 2021
*Ben Kalovsky-	January 1, 2020 through December 31, 2021
*Blake Sabers-	January 1, 2021 through December 31, 2022

IT IS FURTHER RESOLVED that for the new members indicated by an "\*" above, said appointees shall serve from the date of appointment to December 31, 2019 in addition to their initial term.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Barington, seconded by Allen, to table second reading on Ordinance #O2019-12, U-Turns in City Limits to the September 3, 2019 meeting. Motion carried.

Moved by Rice, seconded by Tjarks, to place Ordinance #O2019-14, Defining Appeal Board for Purposes of Chapter 12-1: Flood Damage Prevention on second reading. Motion carried. Moved by Allen, seconded by McCardle, to adopt Ordinance #O2019-14, as follows:

**ORDINANCE #O2019-14**

**AN ORDINANCE DEFINING APPEAL BOARD FOR PURPOSES OF  
CHAPTER 12-1: FLOOD DAMAGE PREVENTION**

**BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:**

Section 1.

That a new definition be added to Section 12-1-2 to read as follows:

“APPEAL BOARD: The Planning and Zoning Commission of the City of Mitchell.”

Section 2.

That Section 12-1-4(D) be amended by deleting the phrase “as established by the Mayor” from the first sentence so it reads as follows:

“Variance Procedures: The appeal board shall hear and render judgment on requests for variances from the requirements of this chapter.”

Section 3.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

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

Moved by Smith, seconded by Barington, to place Ordinance #O2019-15, Repealing MCC Chapter 3-5: Arts Council on second reading. Motion carried. Moved by Rice, seconded by Allen, to adopt Ordinance #O2019-15, as follows:

**ORDINANCE #O2019-15**

**AN ORDINANCE REPEALING MITCHELL CITY CODE CHAPTER 3-5: ARTS COUNCIL**

**BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:**

Section 1.

That Mitchell City Code Chapter 3-5: Arts Council and its subsections are hereby REPEALED in their entirety.

Section 2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

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

Moved by Allen, seconded by McCardle, to place Ordinance #O2019-16, Repealing MCC Chapter 3-8: Airport Advisory Committee on second reading. Motion carried. Moved by Tjarks, seconded by Rice, to adopt Ordinance #O2019-16, as follows:

**ORDINANCE #O2019-16**

**AN ORDINANCE REPEALING MITCHELL CITY CODE  
CHAPTER 3-8: AIRPORT ADVISORY COMMITTEE**

**BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:**

Section 1.

That Mitchell City Code Chapter 3-8: Airport Advisory Committee and its subsections are hereby REPEALED in their entirety.

Section 2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

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

Moved by Tjarks, seconded by Rice, to place Ordinance #O2019-17, Repealing MCC Chapter 3-10: Museum Board on second reading. Motion carried. Moved by Barington, seconded by Rice, to adopt Ordinance #O2019-17, as follows:

### **ORDINANCE #O2019-17**

#### **AN ORDINANCE REPEALING MITCHELL CITY CODE CHAPTER 3-10: MUSEUM BOARD**

#### **BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:**

##### **Section 1.**

That Mitchell City Code Chapter 3-10: Museum Board and its subsections are hereby **REPEALED** in their entirety.

##### **Section 2.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

##### **Section 3.**

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

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

Moved by Tjarks, seconded by Sabers, to place Ordinance #O2019-18, Repealing Mitchell City Code Chapter 3-6: Traffic Commission, Updating References to said Commission, and Correcting a Reference to the Traffic Division on first reading. Motion carried.

#### **DISCUSSION AND PRESENTATION:**

Verizon Wireless representatives Jeff Armour and Sarah Meuli presented to the City Council a power point explaining how their 4G technology small cell antennas are installed on utility poles. They explained the importance of cell phone usage, improved data usage, and increasing data demands. Verizon Wireless is requesting a reduced rate for small cell permitting. The current rate is set at \$270.00 per site per year. Mayor Everson suggested that the City Council continue discussing options before making a decision.

#### **ADJOURN:**

There being no further business to come before the meeting, Mayor Everson adjourned the meeting.

  
Michelle Bathke  
Finance Officer

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