

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

**January 21, 2020
6:00 P.M.**

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

ABSENT: Susan Tjarks

PRESIDING: Mayor Bob Everson

EXECUTIVE SESSION:

Moved by Rice, seconded by McCardle, 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 and SDCL 1-25-2(4) Preparing for contract negotiations or negotiating with employees or employee representatives. Motion carried.

Mayor Everson declared the board out of executive session at 6:15 p.m. and the City Council to reconvene in regular session at 6:16 p.m.

AGENDA:

Moved by Rice, seconded by Sabers, to approve the following items on the consent agenda.

- a. City Council Minutes
 1. City Council January 6, 2020.
- b. Committee Meeting Minutes
 1. Planning Commission December 30, 2019.
- c. Department Reports
 1. Finance (December),
 2. Sales Tax Collections (December),
 3. Building Permits (December),
 4. 2019 Building Permits,
 5. Police (December),
 6. Fire & EMS (December),
 7. Mitchell Public Library (October),
 8. Mitchell Public Library (November),
 9. Community Services Advisory Board (January),
 10. Palace Transit Ridership (November),
 11. Palace Transit Ridership (December),
 12. Airport (December), and

13. Water (December).
- d. Raffle Permits
1. Life Quest/Dancing 4 Dreams Event with the drawing to be held on March 20, 2020,
 2. American Legion Post #18 with the drawing to be held on April 29, 2020, and
 3. Pheasant Forever with the drawing to be held on October 16, 2020.
- e. Set date for bid opening of 1:30 p.m., February 6, 2020 for Trap and Remove Minnows from the City of Mitchell Waste Water Lagoon (3 year Lease) Project #2020-18.
- f. 2019 Ambulance Write-Offs Request
- g. Volunteer Board Appointment
Appoint Shawn Erickson to the Park & Recreation Board to fill an unexpired term to run January 2020-July 2021.
- h. Approval of Gas and Fuel Quotations

<u>Howes Oil Company</u>	<u>Requested</u>	<u>Bid</u>	<u>Price per</u>	<u>Total Bid</u>
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	700	700	\$2.3665	\$ 1,656.55*
On Road Diesel-#1	700	700	\$2.6595	\$ 1,861.65*
Off Road Diesel-#2	3,050	3,050	\$2.0915	\$ 6,379.08*
Off Road Diesel-#1	3,050	3,050	\$2.3845	\$ 7,272.73*
		Total Bid:		\$17,170.01*

- i. Pay Estimates 01-21-2020
- Pay Estimate #17 in the amount of \$480.00 for Sanborn Bridge Repair Construction #2018-22B contracted to Brosz Engineering,
- Pay Estimate #2 in the amount of \$592.80 for Bridge Inspections 2019 contracted to SDDOT,
- Pay Estimate #5 in the amount of \$5,337.64 for Sidewalk Schedule "B" #2019-4 contracted to Top Grade Concrete,
- Pay Estimate #3 in the amount of \$762.00 for Sidewalk Schedule "C" #2019-4 contracted to Top Grade Concrete,
- Pay Estimate #7 in the amount of \$5,264.93 for Sidewalk Schedule "E" #2019-4 contracted to Top Grade Concrete,
- Pay Estimate #4 in the amount of \$4,426.10 for Curb & Gutter #2019-14 contracted to Rexwinkel Concrete,
- Pay Estimate #7 in the amount of \$768.29 for Paving & Overlay #2019-15 contracted to Commercial Asphalt,
- Pay Estimate #16 in the amount of \$960.00 for E. Central Drainage-Phase II Water #2019-39 contracted to SPN & Associates,
- Pay Estimate #17 in the amount of \$3,120.00 for E. Central Drainage-Phase II-WW & SS #2019-39 contracted to SPN & Associates,
- Pay Estimate #18 in the amount of \$10,848.00 for E. Central Drainage-Phase II-WW & SS #2019-39 contracted to SPN & Associates,
- Pay Estimate #5 in the amount of \$1,406.00 for Old Landfill Monitoring #2019-28 contracted to GeoTek Engineering & Testing,

Pay Estimate #4 in the amount of \$1,556.00 for New Landfill Monitoring #2019-29 contracted to GeoTek Engineering & Testing,

Pay Estimate #1 in the amount of \$261,024.00 for Recycling Curbtender #2020-6 contracted to Sanitation Products Inc, and

Pay Estimate #1-Final in the amount of \$63,300.00 for Ice Bumper Car Equipment #2020-7 contracted to IBC International.

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 DECEMBER 29, 2019 – JANUARY 28, 2020- City Council \$3,245.76, Mayor \$1,350.80, City Administrator \$5,216.46, Attorney \$4,210.23, Finance \$14,044.52, Human Resources \$3,679.23, Municipal Building \$2,748.23, Information Technology \$2,570.97, Police \$76,549.03, Traffic \$4,955.59, Fire \$49,058.56, Street \$41,573.68, Public Works \$22,274.44, Cemetery \$3,978.95, Library \$16,602.43, Recreation & Aquatics \$6,537.48, Recreation Center \$15,229.86, Sports Complexes \$12,386.51, Parks \$9,966.27, Supervision \$5,427.21, E911 \$24,133.85, RSVP \$5,316.76, Palace Transit \$20,576.25, JVCC \$1,540.00, Nutrition \$1,245.26, Water Distribution \$11,106.23, Sewer \$14,115.23, Airport \$3,796.39, Waste Collection \$12,601.17, Landfill \$9,040.69, Corn Palace \$21,519.50, Golf Course \$5,784.37, Emergency Medical Services \$12,448.16.

NEW HIRES:

CORN PALACE: Keith Gerlach Jr.-\$15.00.

RECREATION CENTER: Mary Baltzer-\$9.35, Abigail Buchmann-\$9.35, Madeline Hegg-\$9.35, Samantha Kludt-\$9.35, Katy Sebert-\$9.35, Jacey Puetz-\$9.35, Adam Fosness-\$17.316.

SALARY ADJUSTMENTS:

COMMUNITY SERVICES: Margie Novak-\$11.35, Diane Schulz-\$10.85, Kim Burg-\$13.75, Maria Payne-\$13.75, Ken Badker-\$11.35, John Bumgardner-\$17.968, Patrick Leach-\$17.968, Robert Kroger-\$17.968, Larry Kunkel-\$17.968, Terrance Lynde-\$17.968, Christian Luke-\$17.968, Lesley Jack-\$17.968, Elaine Shaefers-\$10.35, Nancy Knight-\$9.85, George Streetman-\$17.968, Darlys Kruse-\$9.85, Dan Johnson-\$17.968.

COMMUNICATIONS SPECIALIST: Sachiko Evans-\$18.878, Crystal Reitzel-\$23.608.

CORN PALACE: Patti Brewster-\$11.85, Denny Geidel-\$22.179.

FINANCE: Kristi Schneider-\$17.968, Sandi Hieb-\$22.737.

POLICE: Joel Reinesch-\$26.690, Michael Zemina-\$10.35, Brodie Long-\$10.35.

FIRE: Doug Glover-\$21.893, Mark Eliason-\$19.414, Rob Parker-\$21.971, Amy Storm-\$21.893, Samantha Pulse-\$21.893, Josh Harvey-\$21.893, Erika Helleloid-\$21.893, Thomas Schaffner-\$20.656.

RECREATION CENTER: Desirae Busack-\$11.35, Max Tupper-\$9.85, Amy Uher-\$10.35, Maya Voelzke-\$10.35, Deb Thill-\$11.35, Esther Witte-\$10.85, Jacey Jira-\$10.35, Delana Henkel-\$9.85, Jehna VanDenHoek-\$11.35, Megan Hinker-\$11.35, Teah Serr-\$10.85, Lynnette Schilling-\$11.35, Darrell Gates-\$10.85, Robert McCardle-\$10.35.

STREET: Kevin Hughes-\$23.601.

TRAFFIC: Dick Figland-\$29.478.

WARRANTS: A & G Diesel, Repairs-\$180.00; A-Ox Welding Supply, Supplies-\$340.52; AAA Collections, Pre-collection Letters-\$30.00; AFLAC, Aflac Withholding-\$12,002.68; AFLAC Group, Critical Care-\$1,025.52; AFSCME Council 65, Union Dues-\$590.00; AIA, Supplies-\$595.42; Allan J Coleman, Supplies-\$378.13; Amazon Capital Services, Supplies-\$491.03; Ameripride Services, Supplies-\$319.22; Arctic Refrigeration. Repairs-\$298.20; AT&T Mobility, Supplies-\$623.71; Aurora County Auditor's Office, Alcohol Compliance Checks-\$65.16; Avera Occupational Medicine, Contract Service-\$1,018.78; Avera Queen of Peace Hospital, Supplies-\$235.13; B & L Communications, Maintenance-\$1,712.41; B-Y Water District, December Usage-\$42,938.48; Bailey Metal Fabricators, Repairs-\$167.93; Bannworth Trucking, Maintenance-\$2,725.00; Ben Vanden Hoek, Travel-\$124.00; Big Daddy D's, Contract Services-\$4,037.25; Big O Concrete, Construction-\$878.80; Blackstone Publishing, Supplies-\$35.95; BMI, Supplies-\$327.60; Bound Tree Medical, Supplies-\$101.28; Boyer Trucks Sioux Falls, Supplies-\$1,780.52; Brosz Engineering, 2018-22B P.E. #17-\$480.00; Buhl's Drycleaning, Service-\$46.00; C & B Mitchell, Rental-\$5,000.00; Carolina Software, Supplies-\$500.00; CDW Government, Supplies-\$8,484.78; Central Electric, Utilities-\$12,643.17; Century Link, Utilities-\$55.29; City of Mitchell, Utilities-\$162.30; Cloudcover, Renewal-\$6,100.00; Coborns, Supplies-\$520.00; Coca Cola Bottling, Supplies-\$1,403.05; Commercial Asphalt, 2019-15 P.E. #7-\$768.29; Core-Mark Midcontinent, Supplies-\$3,817.85; Corn Palace Concessions, Supplies-\$39.00; Corporate Translation, Professional Service-\$34.16; County Fair, Supplies-\$14.99; County Fair, Contract Services-\$610.00; Dakota Counseling, 1st 1/4 2020 Allocation-\$8,750.00; Dakota Fluid Power, Supplies-\$408.87; Dakota Heartland Development, 2020 Allocation-\$30,000.00; Dakota Pump, Maintenance-\$13,058.44; Dakota Supply Group, Supplies-\$69.79; Dakota Wesleyan

University, Supplies-\$118.50; Dan London, Reimbursement-\$110.00; Darrington Water Conditioning, Rental-\$60.35; Davison County Search and Rescue, 2020 Allocation-\$1,750.00; Davison County Treasurer, Penalty Fee-\$16.00; Davison Rural Water Systems, Utilities-\$71.95; Delta Dental Plan of South Dakota, Dental Premium-\$15,157.20; Department of Environment and Natural Resources, December Fees-\$2,309.12; Department of Social Services, Child Support-\$1,251.17; Dice Benefits Consulting, Administrative Fees-\$522.00; Dick's Body Shop, Repair-\$90.00; Dick's Towing, Police Tow-\$320.00; Don Everson, Reimbursement-\$280.56; Dug Out, Contract Services-\$589.75; Ethan School District, Corn Palace Games-\$1,629.10; Farmers Alliance, Supplies-\$1,464.77; Fastenal, Supplies-\$8.21; Fisher Scientific, Supplies-\$119.40; Foreman Sales & Service, Passenger Buses-\$28,666.00; Forum Communications, Advertising-\$2,495.06; Frontier Precisionm, Supplies-\$26,621.60; G & R Controls, Repairs-\$1,080.27; Galls, Supplies-\$54.00; Geotek Engineering, 2019-28 P.E. #5-\$2,962.00; Golden West Technologies, Utilities-\$397.47; Graham Tire, Supplies-\$1,464.66; H & W Contracting, Supplies-\$1,156.80; Hanson School District, Corn Palace Games-\$571.60; Hawkins, Supplies-\$3,241.81; Henry Schein, Supplies-\$35.42; Hohbach Electric, Repair-\$816.33; Howes Oil, Supplies-\$17,172.69; HW Wilson, Book-\$179.10; IBC International, 2017 P.E. #1 Final-\$63,300.00; ICAN, Advertising-\$1,150.00; Innovative Office Solution, Supplies-\$321.72; Integrity Transcription, Transcribing Service-\$72.60; Interstate Office Products, Supplies-\$145.44; JCL Solutions, Supplies-\$261.50; Johnson Golf, Supplies-\$2,688.00; Jones Supplies, Supplies-\$932.94; Junior Library Guild, Books-\$1,283.40; Karl's, Repairs-\$167.55; Kehn's Carpet Cleaning, Supplies-\$52.00; Kenney Machinery, Equipment-\$5,795.00; Kevin Hughes, Reimbursement-\$100.00; Lakeview Veterinary Clinic, Supplies-\$1,174.52; Larry's I-90 Service, Repairs-\$84.01; Lawson Products, Supplies-\$344.46; Long Rider Books, Books-\$1,333.15; Lori Schmidt, Corn Palace Games-\$80.00; McLeod's Printing, Supplies-\$1,083.48; Menard's, Supplies-\$757.50; Meyers Oil, Supplies-\$1,542.40; Michael Todd & Company, Supplies-\$688.35; Michelle Bathke, Travel-\$139.52; Midcontinent Communication, Advertising-\$1,831.66; Minnesota Valley Testing, Lab-\$1,973.00; Wojcik, Christie M, Refund-\$10.75; Mitchell Area Chamber of Commerce, Tickets-\$160.00; Mitchell Area Development, 1st 1/4 2020 Allocation-\$41,750.00; Mitchell Convention & Visitors Bureau, 2020 Funding-January-\$22,750.00; Mitchell Iron & Supply, Supplies-\$295.75; Mitchell Rotary Club, Dues-\$120.00; Mitchell School District, Utilities-\$2,192.09; Mitchell Telecom, Utilities-\$2,614.91; Mitchell United Way, United Way Deductions-\$259.69; Mount Vernon School District, Contract Services-\$60.50; Mitchell Technical Institute, Rental-\$75.00; Mueller Lumber, Supplies-\$12.25; Muth Electric, Repairs-\$250.34; Napa Auto Parts, Supplies-\$1,284.76; Northwestern Energy & Communications, Utilities-\$63,238.23; O'Connor & Son Trucking, Snow Removal-\$5,062.50; Overdrive, Maintenance-\$3,000.00; Parkston Boom's Restaurant, Contract Services-\$2,420.75; Pat Dockendorf, Corn Palace Games-\$50.00; Pepsi Cola, Supplies-\$166.50; Perry Township, Maintenance-\$200.00; Peterson Concrete, Repair-\$800.00; Prehistoric

Indian Village, 2020 Allocation-\$15,000.00; Premier Pest Control, Supplies-\$75.00; Public Health Laboratory, Lab-\$285.00; Qualified Presort, Contract Service-\$596.35; Quality Cut Lawn & Tree Service, Maintenance-\$579.98; Reeves, Supplies-\$16.46; Rexwinkel Concrete, 2019-14 P.E. #4-\$4,426.10; Robert B Everson Jr, Travel-\$137.34; Ron's Bicycle and Locksmith, Supplies-\$93.00; Rowman & Littlefield Publishing, Book-\$214.16; Runnings, Supplies-\$329.49; S & M Printing, Supplies-\$254.00; Sacred Hoops, Corn Palace Games-\$6,115.65; Safety Benefits, Registration-\$325.00; Saga Communications of South Dakota, Advertising-\$817.05; Sanitation Products, 2020-6 P.E. #1-\$262,675.89; Santel Communications, Utilities-\$106.16; Schmucker Paul & Nohr, 2019-39 P.E. #16-\$14,928.00; Schoenfelder Construction, Demo Old Palace Pawn Shop-\$83,035.86; Schumacher Elevator, Maintenance-\$205.41; Scott Supply, Supplies-\$115.00; South Dakota Association of Code Enforcement, Dues-\$40.00; South Dakota Chapter Apwa, Registration-\$150.00; South Dakota Department of Public Safety, Teletype Service-\$2,108.00; South Dakota Department of Labor and Regulations, Unemployment-\$216.51; South Dakota Department of Transportation, 2019 Bridge Inspection P.E. #2-\$592.80; South Dakota Newspaper Services, Advertising-\$1,791.43; South Dakota One Call, Professional Service-\$102.90; South Dakota Retirement System, Retirement Contributions-\$54,303.01; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,539.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$425.00; South Dakota Water & Wastewater, Registration-\$180.00; Secretary of State, Notary Filing Fee-\$30.00; Sign Pro, Supplies-\$669.70; Solarwinds, December Usage-\$194.96; Stacey's Sweet Treats, Supplies-\$150.00; Standard Insurance, Life Insurance-\$2,103.04; Staples, Supplies-\$535.05; Sturdevant's Auto Parts, Supplies-\$2,252.53; Subway, Meals-\$31.45; Sun Gold Sports, Supplies-\$392.04; Tessier's, Supplies-\$4,042.84; Thomson Reuters West, December Fees-\$779.99; Thune True Value Hardware, Supplies-\$473.63; Ticketforce, December Usage Fees-\$763.20; TK Electric, Repairs-\$7,246.81; TMA Stores, Supplies-\$300.09; Tobins Transfer, Repair-\$249.00; Top Grade Concrete, 2019-4 P.E. #3C-\$11,364.57; Toter, Supplies-\$333,930.00; Tractor Supply Credit Plan, Supplies-\$134.97; United Laboratories, Supplies-\$1,139.24; United Parcel Services Store #4227, Shipping-\$1,310.20; United States Postal Service, Postage-\$75.33; Verizon Wireless, Utilities-\$1,528.24; Vern Eide Chevrolet Buick, Supplies-\$463.47; Walmart, Supplies-\$245.20; Wells Fargo Bank, Redemption Fee-\$500.00; Wheelco Brake & Supply, Supplies-\$981.79; Wholesale Electronics, Supplies-\$107.65; Youth Athletic Foundation, Corn Palace Games-\$16,033.25.

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

CITIZENS INPUT:

Mitchell resident Dwight Stadler suggested to City Council Members that when a homeowner applies for a building permit there should be a requirement to install a backup valve to prevent sewer backup in the house.

DISCUSSION & ACTION:

Holy Family Finance Committee Chairman Nathan Sparks spoke to City Council regarding the demolition of the Knights of Columbus Hall to construct a parking lot. The Committee is asking City Council to waive the tipping fees at the landfill. The church is in need of additional parking spaces and plans to allow the public to use the parking lot. City Council Member Doescher asked if the City and Holy Family Church would agree to a formal written agreement. Moved by Rice, seconded by Allen, to waive the tipping fees with an acceptable agreement. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer RB-2842 Retail (On-Off Sale) Malt Beverage License from I-90 Fuel Services Inc dba I-90 Travel Plaza #101, 1821 S Burr St, Suite A, Mitchell to Holiday Stationstore #490, 1821 S Burr St, Mitchell. Notice of hearing has been given and affidavit of publication is on file. Moved by Smith, seconded by McCardle, to approve said application. Motion carried.

BOARD OF ADJUSTMENT:

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

HEARINGS:

It was advised that this is the date and time set for hearing on the application of Daren, Devon, and Dustin Long for a height variance of 28' vs 22' and a side-yard on a corner variance of 2' vs 20' for construction of an addition to the existing building located at 520 S Rowley, legally described as Lots 7, 8, 9, Block 9, Van Eps 1st Addition, City of Mitchell, South Dakota. The property is zoned R3 Medium Density Residential District. The Planning Commission recommended approval of said application. Moved by Allen, seconded by Sabers, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Alexis Jennings for a conditional use permit to operate a family residential child care business located at 1309 E 5th Ave, legally described as Lot 4, Block 1, Bridle Acres Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. The Planning Commission recommended approval of said application with the following conditions: the permit is nontransferable, if the operation ceases for a period of six months or longer then a new application would be required, pass a fire inspection, and the existing fence remain as long as a childcare business is operating. Moved by Barington, seconded by Rice, to approve said

application with the following conditions: the permit is nontransferable, if the operation ceases for a period of six months or longer then a new application would be required, pass a fire inspection, and the existing fence remain as long as a childcare business is operating. Motion carried.

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

DISCUSSION:

Terry Aaker, Professional Engineer with Schmucker Paul & Nohr, updated the City Council and public on the findings of the Waste Water Collection study recently conducted. Aaker reported that there is approximately 499,644 feet of sanitary sewer pipe within the City of Mitchell with a large amount of clay pipe installed. Aaker's evaluation showed that the primary issues found were that the lift stations are undersized, sanitary pipe found to be outdated, accumulation of grease or solids built up, and odors coming from the pipes. Aaker estimated that costs for Sanitary Sewer Improvements and Lift Station Improvements to be \$122,602,168.00.

CONSIDER APPROVAL:

Moved by Barington, seconded by McCardle, to table decision on One-Way Streets to April 6, 2020 City Council meeting. Motion carried.

Moved by Allen, seconded by McCardle, to approve and authorize the Chief of Public Safety to sign Agreement #A2020-03, GeoComm Dispatch Mapping Software. Motion carried.

Moved by Rice, seconded by Sabers, to approve and authorize the Mayor to sign Agreement #A2020-04, L.L. Jirsa, Architect for Professional Services for Roof Replacement at the Public Safety Building Project #2020-16. Motion carried.

Moved by Barington, seconded by Allen, to approve and authorize the Mayor to sign Agreement #A2020-06, Equitable Sharing Agreement & Certification. Motion carried.

Moved by Rice, seconded by McCardle, to approve and authorize the Mayor to sign Agreement #A2020-07, A Solid Waste Management Program Grant for the Landfill Compactor purchase. Motion carried.

Moved by Allen, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2020-08, A Solid Waste Management Program Grant Agreement. Motion carried.

Moved by McCardle, seconded by Rice, to approve the purchase of Dumpsters for Recycling Project #2020-6D. Motion carried.

Moved by Smith, seconded by Allen, to approve the purchase of a Payloader in the amount of \$120,509.00 for Mitchell Recycling Facility Project #2020-6E. Motion carried.

Moved by Rice, seconded by McCardle, to approve the purchase of a Payloader in the amount of \$218,217.00 for Landfill Project #2020-19. Motion carried.

Moved by Rice, seconded by Allen, to approve the purchase of a 2019 Bomag in the amount of \$597,796.00 for the Mitchell Regional Landfill Project #2020-22. Motion carried.

RESOLUTIONS:

Moved by Allen, seconded by McCardle, to approve Resolution #R2020-04, Vacation of the North-South Alley Within Block 24, M.H. Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2020-04
ON PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, the petition and consent in writing of Francisco Contreras Vazquez and Janel Contreras, the owners of the East Half of Lots Nine (9), Ten (10), Eleven (11) and Twelve (12); The Dwight Daniel Stadler and Barbara May Stadler Living Trust (Trustees Dwight Daniel Stadler and Barbara May Stadler) owner of Lots Five (5), Six (6), Seven (7), and Eight (8); Bechen Electric LLC owner Lots One (1), Two (2), Three (3), Four (4), Thirteen (13), and Fourteen (14); Northwestern Public Service Co. owner of Lots Fifteen (15) and Sixteen (16), all in Block Twenty-four (24), Subdivision of Outlot Six (6), M.H. Rowley's 2nd Addition to the Town (now City) of Mitchell, Davison County, South Dakota, have petitioned the City Council of the City of Mitchell to vacate the alley right-of-way described below;

The alley right-of-way running north and south between the 701 Block of West 8th Avenue and the 700 Block of West 7th Avenue and west of Lots One (1) through Eight (8) and east of Lots Nine (9) through Sixteen (16), Block 24, Subdivision of Outlot 6, M.H. Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota.

WHEREAS, the petition was presented to the City Council of Mitchell, South Dakota, in a regular meeting assembled on the 21st day of January 2020.

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 right-of-way was signed by all 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 21st day of January, 2020 deemed 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 the 21st day of January, 2020 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 21st day of January, 2020 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 this 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*, the legal newspaper for the City of Mitchell, South Dakota for two successive weeks, to-wit: December 26, 2019 and January 2, 2020.
2. That the Petitioners are the sole owners of all the property abutting the 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 street and which consent is made part of the said Petition.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 21st day of January, 2020, that said alley right-of-way identified as; The alley right-of-way running north and south between the 701 Block of West 8th Avenue and the 700 Block of West 7th Avenue and west of Lots One (1) through Eight (8) and east of Lots Nine (9) through Sixteen (16), Block 24, Subdivision of Outlot 6, M.H. Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota is hereby vacated.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Sabers, to approve Resolution #R2020-05, Authorize Mayor to accept Employee Release Agreement, as follows:

RESOLUTION #R2020-05
A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT
AN EMPLOYEE RELEASE AGREEMENT

WHEREAS the Mayor and City staff have been addressing a personnel issue; and

WHEREAS said issue has been discussed previously in executive session.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the Mayor is authorized to accept an employee release agreement in relation to said matter so long as said agreement is consistent with discussions previously held in executive session.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Rice, to approve Resolution #R2020-06, Authorize Abatement of a Nuisance at 414 S Montana, as follows:

RESOLUTION #R2020-06

**A RESOLUTION AUTHORIZING THE ABATEMENT
OF A NUISANCE AT 414 S MONTANA**

WHEREAS the City of Mitchell issued an Order to Correct to Richard Jennings, 414 S Montana Street, SD 57301, on December 20, 2019 regarding property at 414 S Montana, Mitchell, SD legally described as the "Lot 9, Block 21, Railroad Addition, City of Mitchell, Davison County, South Dakota"; and

WHEREAS the property described in the Order to Correct is hereby declared a public nuisance upon the same grounds stated therein; and

WHEREAS the City has given notice and order to abate or otherwise cure the nuisance condition of the property to the record owner of the premises; however, the record owner of the premises has failed to abate or otherwise cure the nuisance conditions upon the property above described; and

WHEREAS the City has a statutory right to abate nuisances and assess such costs against the nuisance property.

THEREFORE, IT IS RESOLVED by the City Council of the City of Mitchell, SD that the City authorizes the abatement of nuisance conditions at 414 S Montana by demolition of the structure and backfilling the lot so as to remove all nuisance conditions from the property.

BE IT FURTHER RESOLVED that the City Attorney is authorized to take any further legal action deemed appropriate to address the nuisance.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by McCardle, to approve Resolution #R2020-07, Approve Ambulance Billing Services Contract, as follows:

RESOLUTION #R2020-07

**A RESOLUTION APPROVING AN AGREEMENT FOR
AMBULANCE BILLING SERVICES**

WHEREAS the Department of Public Safety for the City of Mitchell operates the EMS Division which provides ambulance services; and

WHEREAS the Department of Public Safety has completed research in ways to improve the cost efficiency of ambulance billing and collection services; and

WHEREAS, after discussing the matter with several providers, the Department of Public Safety has received an offer to provide ambulance billing and collection services from Quick Med Claims, LLC, which offer presents the best value in the opinion of the Department of Public Safety; and

WHEREAS the terms of this agreement have been reviewed by City Council in executive session, due to the fact that Quick Med Claims, LLC has asserted confidentiality over the specific terms of the agreement, and said agreement is acceptable to the Council, was procured through a competitive process, and represents the most cost effective method of pursuing ambulance billing and collection services at this time.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the Mayor is authorized to execute the agreement with Quick Med Claims, LLC so long as said agreement is consistent with discussions previously held in executive session.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Allen, seconded by Barington, to place Ordinance #O2020-01, Establishing Airport Ramp Regulations on first reading. Motion carried.

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 _____.