

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

January 16, 2018  
6:00 P.M.

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

**PRESIDING** Mayor Jerry Toomey

**AGENDA:**

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

- a. City Council Minutes
  1. Council Minutes January 02, 2018.
- b. Committee Meeting Minutes
  1. Planning Commission December 11, 2017.
- c. Department Reports
  1. Finance (December),
  2. Sales Tax Collections (December),
  3. Code Enforcement Monitoring Report (January 10, 2018)
  4. Building Permits (December),
  5. Sidewalk Snow Removal (December),
  6. Police (December),
  7. Fire (December),
  8. EMS (December),
  9. Fire & EMS Combined (December),
  10. Airport (December),
  11. Water (December), and
  12. Water Distribution (December).
- d. Appointment of Harlan Quenzer to the City Planning Commission.
- e. Action to approve a grant application for the Mitchell Municipal Airport
- f. Set date for bid opening at 1:30 p.m., February 13, 2018 for Asphalt/Concrete Crushing City Project #2018-9.
- g. Change Order #1-Final Veteran's Park Schedules 8 & 9 City Project #2016-43 decreasing contract amount by \$8,000.00 for late completion by contractor contracted to Watertown Monument Works, adjust contract amount to \$20,000.00.
- h. Change Order #1 20<sup>th</sup> Avenue Utility & Street Improvements City Project #2017-11 decreasing contract amount by \$353.85 for actual as constructed quantities on the project contracted to Schoenfelder Construction, adjust contract amount to \$86,037.21.
- i. Gas & Fuel Quotation

<b><u>Country Pride Coop</u></b>	<b><u>Requested</u></b>	<b><u>Bid</u></b>	<b><u>Price per</u></b>	<b><u>Total Bid</u></b>
	<b><u>Gallons</u></b>	<b><u>Gallons</u></b>	<b><u>Gallons</u></b>	<b><u>Per Product</u></b>

On Road Diesel #2	500	500	\$2.469	\$ 1,234.50*
On Road Diesel #1	500	500	\$2.784	\$ 1,392.00*
			<b>Sub Total:</b>	<b>\$ 2,626.50*</b>
Off Road Diesel #2	2,750	2,750	\$2.189	\$ 6,019.75*
Off Road Diesel #1	2,750	2,750	\$2.503	\$ 6,883.25*
			<b>Sub Total:</b>	<b>\$12,903.00*</b>
			<b>Total</b>	<b>\$15,529.50*</b>

<b><u>Howes Oil Company</u></b>	<b><u>Requested Gallons</u></b>	<b><u>Bid Gallons</u></b>	<b><u>Price per Gallons</u></b>	<b><u>Total Bid Per Product</u></b>
On Road Diesel #2	500	500	\$2.4125	\$ 1,206.25
On Road Diesel #1	500	500	\$3.0215	\$ 1,510.75
			Sub Total:	\$ 2,717.00
Off Road Diesel #2	2,750	2,750	\$2.1375	\$ 5,878.12
Off Road Diesel #1	2,750	2,750	\$2.7465	\$ 7,552.87
			Sub Total:	\$13,430.99
			Total:	\$16,147.99

**Country Pride was the low bidder for items marked with asterisk.**

j. Pay Estimates January 16, 2018

Pay Estimate #11 in the amount of \$440,762.95 for Mitchell Aquatic Center #2016-11 contracted to Puetz Corporation,

Pay Estimate #10 in the amount of \$16,000.00 for Sanborn Design Contract #2016-22 contracted to SPN & Associates,

Pay Estimate #1-Final in the amount of \$20,000.00 for Veterans Park Schedules 8 & 9 #2016-43 contracted to Watertown Monument Works,

Pay Estimate #1 in the amount of \$6,277.60 for 20<sup>th</sup> Avenue Utility & Street Improvements #2017-11 contracted to SPN & Associates,

Pay Estimate #2-Final in the amount of \$5,280.36 20<sup>th</sup> Avenue Utility & Street Improvements #2017-11 contracted to Schoenfelder Construction,

Pay Estimate #7 in the amount of \$2,938.46 for New Landfill Monitoring #2017-29 contracted to Leggette, Brashears & Graham Inc.,

Pay Estimate #5 in the amount of \$7,800.00 for Klock Werks Area Drainage Study #2017-31 contracted to SPN & Associates, and

Pay Estimate #1-Final in the amount of \$7,800.00 for Mattie Street Design-Phase II #2017-34 contracted to SPN & Associates.

k. 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 17, 2017 – DECEMBER 30, 2017:** City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,658.42, Attorney \$3,871.20, Finance \$12,834.72, Human Resources \$3,382.92, Municipal Building \$3,467.50, Information Technology \$2,312.00, Police \$70,396.90, Traffic \$4,114.26, Fire \$48,537.42, Street \$31,091.15, Public Works \$14,943.36, Cemetery \$3,488.01, Animal Control \$1,605.44, Emergency Medical Services \$11,329.70, Library \$13,033.90, Recreation & Aquatics \$6,314.05, Recreation Center \$9,376.06, Sports Complexes \$11,024.71, Parks \$8,785.46, Supervision \$4,969.80, E911 \$23,504.56, RSVP \$9,831.98, Palace Transit \$18,730.14, JVCC \$1,378.13, Nutrition \$904.14, Water \$6,272.77, Water Distribution \$6,348.19, Sewer \$13,450.31, Airport \$3,330.23, Waste Collection \$11,079.99, Landfill \$8,105.68, Corn Palace \$21,206.31, Golf Course \$5,454.18.

**NEW HIRES:**

SPORTS COMPLEX: Tobiah Powell-\$8.85.

CORN PALACE: Sophie Scott-\$8.85.

FIRE: Emily Carlson-\$20.18, Matthew Geidel-\$16.00.

**SALARY ADJUSTMENTS:**

REC CENTER: Thomas Gullede-\$24.60.

POLICE: Pete Arnold-\$25.85.

WATER: Kevin Sibson-\$20.95.

**WARRANTS:** A & G Diesel, Repairs-\$45.00; A-OX Welding Supply, Supplies-\$702.62; Advance Auto Parts, Supplies-\$13.99; African American Center, Books-\$292.10; AFSCME Council 65, Union Dues-\$565.53; Agsource Cooperataive Service, Supplies-\$150.12; Alex Air Apparatus, Supplies-\$658.87; American Garage Door, Supplies-\$1,642.66; American Library, Dues-\$300.00; Ameripride Services, Supplies-\$238.75; Aramark, Supplies-\$36.98; Arrow International, Supplies-\$583.33; Automatic Building Control, Repairs-\$198.80; Avera Occupational Medicine, Contract Services-\$3,795.70; Avera Queen of Peace Hospital, Supplies-\$72.23; Avon School District, Corn Palace Games-\$230.94; B-Y Water District, Usage-\$37,098.00; Bailey Metal Fabricators, Supplies-\$6,185.35; Baker & Taylor, Books-\$148.69; Barrier I, Supplies-\$6,100.00; Big Daddy D's, Contract Services-\$3,155.00; Blackstone Publishing, Supplies-\$263.47; Bound Tree Medical, Supplies-\$100.00; Break Time Portables, Rental-\$105.00; Breit Law Office, Garnishment-\$249.86; Bridgewater Emery School District, Corn Palace

Games-\$1,162.25; Brown & Saenger, Supplies-\$1,155.25; Bryce Holter, Contract Services-\$50.00; Campbell Supply, Supplies-\$860.55; Carolina Software, Repairs-\$200.00; Carquest Auto Parts, Supplies-\$345.33; Center Point Large Print, Books-\$89.28; Centurion Technologies, Renewal-\$160.00; Century Link, Utilities-\$107.31; City Of Mitchell, Utilities-\$368.45; Coborn's, Supplies-\$555.00; Coca Cola Bottling, Supplies-\$498.10; Core-Mark Midcontinent, Supplies-\$2,951.58; Corporate Translation Services, Translating Service-\$4.09; Counsilman Hunsaker Operations, Professional Service-\$4,224.00; Country Pride Coop, Supplies-\$14,056.92; County Fair, Supplies-\$17.89; County Fair, Supplies-\$415.00; Daily Republic, Renewal-\$175.00; Dakota Fluid Power, Supplies-\$39.79; Dakota Pump, Supplies-\$562.25; Danko Emergency Equipment, Supplies-\$1,330.31; Darrington Water Conditioning, Rental-\$65.90; Davison County, TID #5-Iverson-\$8,071.29; Davison County Register of Deeds, Copies-\$30.00; Davison Rural Water Systems, Utilities-\$87.10; Demco, Supplies-\$453.90; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$1,147.99; Dice Benefits Consulting, December Fees-\$ 1,041.00; Dick's Towing, Police Tow-\$295.00; Diesel Machinery, Supplies-\$201.55; Dougherty & Company, Contract Services-\$900.00; Dr. Martin Christensen, Contract Services-\$1,500.00; Dug Out, Contract Services-\$679.00; ELO, Professional Service-\$2,000.00; Ethan School District, Corn Palace Games-\$1,004.85; Evident, Supplies-\$83.00; Farmers Alliance, Supplies-\$4,088.21; Fastenal, Supplies-\$148.54; Formulations, Supplies-\$231.44; Forum Communications, Advertising-\$2,944.86; Fox Paint & Blinds, Supplies-\$42.27; G & R Controls, Supplies-\$1,924.10; Gale, Books-\$249.66; Galls, Supplies-\$76.50; Gaylen's Homegrown Popcorn, Supplies-\$161.70; Golden West Technologies, Utilities-\$307.50; Grainger, Supplies-\$21.74; Grey House Publishing, Supplies-\$537.30; Hanson School District, Corn Palace Games-\$230.94; Happy Memories Band, Contract Services-\$300.00; Harve's Pro Prints, Supplies-\$36.00; Harve's Sport Shop, Supplies-\$2,163.40; Heartland Paper, Supplies-\$72.43; Henry Schein, Supplies-\$1,229.78; Honda of Mitchell, Supplies-\$61.17; I-State Truck Center, Supplies-\$709.74; International Association of Chiefs of Police, Membership-\$300.00; Ingram Library Services, Books-\$2,683.14; Integrity Transcription, Transcribing Service-\$384.25; Interstate Tire & Auto Center, Repair-\$35.00; Iroquois School District, Corn Palace Games-\$230.93; JCL Solutions, Supplies-\$1,475.98; Junior Library Guild, Books-\$1,244.40; Kone, Service Contract-\$756.72; KORN/KQRN Radio, Advertising-\$1,217.70; KYBB-FM, Advertising-\$186.00; Lakeview Veterinary Clinic, Supplies-\$1,049.66; Larry's I-90 Service, Supplies-\$735.64; Lavoy Gerlach, Supplies-\$144.91; Leggette, Brashears & Graham, 2017-29 P.E. #7-\$2,938.46; Lewis Drug, Supplies-\$76.90; Library Furniture, Supplies-\$2,322.00; Lori Schmidt, Contract Services-\$120.00; Marco Technologies, Supplies-\$332.00; Marilee Johnson-Geary, Contract Services-\$180.00; Matt Geidel, Reimbursement-\$100.00; MC&R Pools, Supplies-\$882.72; McFarland Supply, Supplies-\$121.09; McLeod's Printing, Supplies-\$333.47; Menard's, Supplies-\$896.85; Menno School District, Corn Palace Games-\$230.94; Meyers Oil, Supplies-\$3,258.72; Midcontinent Communication, Advertising-\$841.00; Midwest Fire & Safety, Repair-\$45.00; Mike Miller Foundation, Corn Palace Games-\$17,065.00; Miracle Recreation, Supplies-

\$187.00; Mitchell Area Chamber of Commerce, 2018 Funding-January-\$17,417.00; Mitchell Area Convention Visitors Bureau, 2018 Funding-January-\$17,333.00; Mitchell Area Safehouse, 2018 Allocation-\$4,500.00; Mitchell Iron & Supply, Supplies-\$88.86; Mitchell Municipal Band, Summer Concert Performances-\$7,850.00; Mitchell Music Boosters, Labor/Ushers-\$685.00; Mitchell Prehistoric Indian Village, 2018 Allocation-\$17,000.00; Mitchell School District, Utilities-\$1,531.97; Mitchell Skating & Hockey, Sports Authority Promotion-\$5,000.00; Mitchell Telecom, Utilities-\$2,367.45; Mitchell United Way, United Way Deductions-\$181.67; MOCIC, 2018 Membership-\$200.00; Mount Vernon School District, Contract Services-\$42.90; Napa Auto Parts, Supplies-\$70.62; Nedved Media, Advertising-\$1,747.63; Newman Traffic Signs, Supplies-\$444.90; Northwestern Energy & Communications, Utilities-\$54,804.18; O'Reilly Automotive, Supplies-\$113.99; Online Computer Library Center, Cataloging-\$329.45; Omnigraphics, Book-\$202.23; Overdrive, Supplies-\$5,717.13; Palace Cleaners, Service-\$36.00; Palace Transit, Contract Rides-\$584.00; Parkston Boom's Restaurant, Contract Services-\$2,415.00; Pat Dockendorf, Contract Services-\$195.00; Patricia Gallo, Refund-\$100.00; Penguin Random House, Supplies-\$26.25; Penworthy, Books-\$285.69; Pepsi Cola, Supplies-\$663.16; Physio-Control, Supplies-\$302.40; Planning & Development District, Dues-\$24,592.00; Premier Pest Control, Contract Services-\$175.00; Puetz, 2016-11 P.E. #11-\$440,762.95; Qualified Presort, Mailing Service-\$355.56; Rink-Tec International, Supplies-\$595.85; Ron's Bicycle and Locksmith, Supplies-\$27.00; Rowman & Littlefield Public, Book-\$194.35; RR Construction, Repairs-\$141.56; Ryan Titze, Supplies-\$49.99; S & P Global Market, Book-\$627.00; Safe Sitter, Supplies-\$232.00; Saga Communications of South Dakota, Contract-\$458.00; Santel Communications, Utilities-\$1,649.16; Satcom Global, Supplies-\$42.75; Schmucker Paul & Nohr, 2016-22 P.E. #10-\$37,877.60; Schoenfelder Construction, 2017-11 P.E. #2 Final-\$5,280.36; Scholastic Library Publish, Books-\$553.80; Scott Dey, Reimbursement-\$33.00; Scott Supply, Supplies-\$631.34; South Dakota Building Officials, Dues-\$50.00; South Dakota Department of Environment & Natural Resources, December Fees-\$2,063.83; South Dakota Department of Health, Lab-\$120.00; South Dakota Department of Health, Registration-\$75.00; South Dakota Municipal League, Registration-\$75.00; South Dakota Retailers Association, 2018 Membership-\$240.00; South Dakota Retirement System, Retirement Contributions-\$49,806.94; South Dakota Unemployment Insurance Division, Unemployment-\$788.30; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$400.00; Sioux Falls Two-Way Radio, Repairs-\$225.00; SS-Supplemental Retirement, Supplemental Retirement-\$2,776.66; Standard Insurance Company, Life Insurance-\$413.16; Sturdevant's Auto Parts, Supplies-\$1,743.63; Subway, Meals-\$45.75; Sun Gold Sports, Supplies-\$375.80; Teamsters Local No. 120, Union Dues-\$807.00; Tessier's, Supplies-\$4,574.36; Test America Laboratories, Lab-\$287.38; The Center for Western Studies, Books-\$27.00; Thomson Reuters – West, Law Base Charges-\$612.15; Three-D Specialties, Supplies-\$3,748.76; Thune True Value Hardware, Supplies-\$223.01; Ticketforce, Supplies-\$859.40; TK Electric, Repairs-\$11,935.31; TMA, Supplies-\$172.26; Transource, Supplies-\$522.50; Trizetto Provider Solution,

Service Contract-\$68.20; United Way & Volunteer Service, Copies-\$0.95; United Parcel Service Store #4227, Shipping-\$161.85; United States Postal Service, Postage-\$75.33; Vallen Distribution, Supplies-\$575.81; Vast Broadband, Utilities-\$57.12; Verizon Wireless, Utilities-\$2,678.29; Vern Eide of Mitchell, Repair-\$379.59; Walmart, Supplies-\$468.50; Watertown Monument Works, 2016-43 P.E. #1 Final-\$20,000.00; Wells Fargo Bank, Supplies-\$1,025.00; Wheelco Brake & Supply, Supplies-\$873.28; Wholesale Electronics, Supplies-\$131.44; World Book, Books-\$999.00; Wright Brothers Aviation, Maintenance Contract-\$500.00; First Dakota National Bank, TID #17 Woods-\$103,379.22; South Dakota State Treasurer, Sales Tax Payment-\$13,222.08; Library Fines-\$315.84; Wage Works, Flex Expense-\$5,928.91; Wellmark, Medical Expenses-\$292,348.29; Ellwein Brothers, Supplies-\$184.60.

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

**CITIZENS INPUT:**

Council Member Kevin McCardle asked for an update on the construction of Third Avenue. Building Inspector John Hegg informed City Council that there has been no action and work has stopped on the building and it is unknown at this time when Third Avenue will reopen.

Council Member Steve Rice informed the City Council and the public that a 5th grade Gerte Belle Rogers Elementary class is looking into an improvement project at the Third Avenue and Main Street Park.

Council Member Steve Rice updated City Council and the public that the Mitchell Public Library Board met and the 2017 totals are in. They are excited to have had a record increase at the circulation desk, the number of library cards issued, books checked out and the number of people using the Children's Library.

**HEARING:**

It was advised that this is the date and time set for hearing on the application of Karmen McCain dba Café Teresa, 312 North Main Street, Mitchell, SD for a new retail (On/Off) Sale Wine License. Notice of hearing has been given and affidavit of publication is on file. Moved by Barington, seconded by Rice, 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.

**SET DATE:**

Moved by Rice, seconded by Tjarks, to set date for February 5<sup>th</sup>, 2018 on the application of Gary & Margaret Schlaffman for a conditional use/variance to replace existing off-premise signs (11 billboards) and increase the size more than 300 square feet in sign area, but less than 600 square feet on the property legally described as SE 1/4 including Lot A of Moneke's Subdivision, Ex H2 & Schlaffman Tract 1, Mitchell Township, Section 26-103-60 and SW 1/4 Ex H2 & H2 & Lot A of Mitchell Landfill 1st Addition, Mitchell Township, 25-103-60, Davison County, SD. The property is in the process of being rezoned. Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on the application of Amber Kurtenbach for a conditional use permit to operate a family residential child care center at her residence located at 801 W. 7th Ave, legally described as Lots 1 & 2, Block 27, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application with the following conditions: the permit is nontransferable and if the operation ceases for a period of six months or longer then a new application would be required. Moved by Olson, seconded by Tjarks, to approve said application with the following conditions: the permit is nontransferable and if the operation ceases for a period of six months or longer then a new application would be required. Motion carried.

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

**DISCUSSION:**

Mitchell Area Community Theatre representative Tim Goldhammer spoke to City Council regarding their lease agreement with the City of Mitchell. ACT is facing the inability to borrow funds against the building to repair a leaking roof. City Attorney Justin Johnson advised the City Council to keep the current resolution in force and that the city could offer better terms to borrow ACT funds for roof repairs.

**AWARD BIDS:**

Bids were opened and read on the 2008 or Newer Regenerative Air Sweeper City Project #2018-20 on the 9th day of January 2018 in the Council Chambers of City Hall. Moved by Smith, seconded by Allen, to award the project, as follows:

**2008 OR NEWER REGENERATIVE AIR SWEEPER  
CITY PROJECT #2018-20**

Environmental Equipment & Services Inc., 27365 Zachary Avenue, Elko, Minnesota 55020.

2008 or Newer Regenerative Air Sweeper as per Specs	
Lump Sum	\$139,750.00

Delivery date shall be 60 days after award.

Motion carried.

Moved by Rice, seconded by Olson, to award the Cemetery Utility Dump Vehicle #2018-23 under the National IPA bid including the contingency amount of \$1,800.00 to allow for the transfer of the trade-in to the Traffic Department, as follows:

**CEMETERY UTILITY DUMP VEHICLE  
CITY PROJECT #2018-23**

Midwest Turf & Irrigation, 14201 Chalco Valley Parkway, Omaha, Nebraska 68138.

<b><u>Model</u></b>	<b><u>Description</u></b>	<b><u>List</u></b>
07386	Workman HDX 4WD	\$31,750.00

Motion carried.

**RESOLUTIONS:**

Moved by Rice, seconded by Olson, to approve Resolution #R2018-03, A plat of D.W.U, Lot RH-1, A Subdivision of the replat of Dakota Wesleyan University Campus, City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2018-03**

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 8<sup>th</sup> day of January, 2018; and

Whereas, it appears from an examination of the plat of D.W.U. Lot RH-1, A Subdivision of the Replat of Dakota Wesleyan University Campus, 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 D.W.U Lot RH-1, A Subdivision of the Replat of Dakota Wesleyan Campus, 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 Allen, seconded by Tjarks, to approve Resolution #R2018-04, Dissolving Tax Increment District #5, as follows:



**RESOLUTION #R2018-04**

**Resolution Dissolving Tax Increment District #5**

PREAMBLE:

WHEREAS, Tax Increment District #5, hereinafter referred to as TID #5, was established on or about February 21, 2005; and

WHEREAS, the positive tax increments during the term of this TID have been deposited in a special fund denominated "Tax Increment District Number Five", for the payment of the incurred authorized debt and expenses of the TID; and

WHEREAS, all debts and expenses of TID #5 have been paid in full, and pursuant to SDCL 11-9-46, the TID shall terminate and the District will be dissolved when the payment of all projected costs and all tax incremental bonds and notes have been paid;

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

That Tax Increment District #5 be, and it is hereby, dissolved, inasmuch as the payment of all projected costs and all tax incremental bonds and notes have been paid in full.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Barington, to approve the hearing and Resolution #R2018-05 Approval of Jitters Demolition Plan, as follows:

**RESOLUTION NO. R2018-05**

**A RESOLUTION APPROVING DEMOLITION OF  
BUILDING AT 512 NORTH MAIN STREET**

WHEREAS, the City of Mitchell is the owner of certain real property at 512 North Main Street, commonly referred to as the Jitters Building, and which is legally described as:

**Lot Thirteen (13) in Block Eleven (11), Rowley's First Addition  
to the City of Mitchell, Davison County, South Dakota.**

WHEREAS the above described premises are a contributing resource in the Mitchell Commercial Historic District which is listed on the National Register of Historic Places.

WHEREAS state law puts certain processes in place which must be followed prior to any governmental action that may damage, destroy, or encroach upon any historic property.

WHEREAS, in consideration of such laws, the City of Mitchell as owner of the property did provide notice of the demolition plan to the State Historic Preservation Office on November 14,

2016 at which point the Preservation Office did request an abbreviated case report be prepared and submitted regarding the proposed demolition of the 512 N Main building.

WHEREAS said case report was compiled, reviewed by the Mitchell Historic Preservation Commission on January 18, 2017, and subsequently submitted to the Preservation Office on March 15, 2017.

WHEREAS the Preservation Office did issue a letter finding, pursuant to state law, that the demolition project would “encroach upon, damage and destroy historic property” and that the City Council must determine that “all feasible and prudent alternatives have been considered” in relation to the building.

WHEREAS such a hearing by the City Council was scheduled, noticed, and held on January 16<sup>th</sup>, 2018 during regular session and that at such hearing interested parties were afforded an opportunity to comment on the matter and the City Council did consider and discuss relevant facts relating to such demolition plan.

**NOW THEREFORE**, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City Council does hereby make the following findings of fact and conclusions:

1. The City of Mitchell is the owner of the relevant property above described.
2. The above described property is a contributing resource in the Mitchell Commercial Historic District which is listed on the National Register of Historic Places.
3. The City of Mitchell, as owner of the property, did submit a notice and abbreviated case report as required by state law and as requested by the State Historic Preservation Office.
4. The City Council, in its capacity as the governing body designated to make a final determination of project acceptability under SDCL 1-19A-11.1, must determine that, “based on the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property.”
5. The City Council has taken into consideration all relevant factors including all testimony provided at the above described hearing, all documentation provided at or for use in such hearing, and specifically, the March 15, 2017 letter from the State Historic Preservation Office, the notice and case report materials submitted to the State Historic Preservation Office, and Renovation Report dated December 11, 2017 from L.L. Jirsa Architect. In addition, as is stated in the above referenced materials, the property has numerous nuisance code violations and has, after inspection by the Fire Marshall, been placarded for no entry by emergency services – meaning that if the building were on fire the existing condition of the building would not be safe for firefighters to enter the premises in order to extinguish the fire.
6. Based upon all relevant factors, there is no feasible and prudent alternative to the proposed demolition. Restoration is neither feasible nor prudent as evidenced by the cost of

renovation far exceeding the value of the structure. Leaving the building in its current state is similarly neither feasible nor prudent as the building is uninhabitable and unusable in its current state and its continuation as a nuisance is detrimental to the community and the historic district as a whole. Sale of the property is neither feasible nor prudent as the property has little value in its current condition and there is little assurance or incentive for a subsequent owner to make adequate renovations at a cost which far exceeds the value of the structure. Furthermore, the City's developmental needs can only be secured by maintaining control over this critical property located next to the Corn Palace Plaza and the World's Only Corn Palace. As such, demolition of the structure is the only feasible and prudent alternative to addressing the nuisance conditions at the above described property.

7. Based upon all relevant factors and the nature of the proposed demolition plan, the program includes all possible planning to minimize harm to the historic property.
8. That in recognition of these findings and conclusions, the State Office of History shall be provided with notice of this determination by certified mail, to include a complete record of factors considered.
9. That after ten days from sending such notice, the appropriate permit for demolition of the structure shall be issued and such demolition plan may then be carried out.

Motion carried and resolution declared duly adopted.

**ORDINANCE:**

Moved by Allen, seconded by Barington, to place Ordinance #O2018-01 An Ordinance of the City of Mitchell, Davison County, South Dakota, that changes the Zoning District Classification of the real property legally described as; SE 1/4 Including Lot A of Moneke's Subdivision, Ex H2 & Schlaffman Tract 1, Mitchell Township 25-103-60 and SW 1/4 Ex H2 & H2 & Ex Lot A of Mitchell Landfill 1st Addition, Mitchell Township 25, 103-60, Davison County, SD from UD Urban Development District to Highway Oriented Business District and the Official Zoning Map be changed to reflect the same on first reading. Motion carried.

**CONSIDER APPROVAL:**

Moved by Allen, seconded by Tjarks, to approve and authorize the Mayor to sign Agreement #A2018-01 An Agreement for Professional Services between the City of Mitchell & SPN for the Sanborn Construction Project (Phase I) to include the bidding and construction phases. Motion carried.

Moved by Smith, seconded by Olson, to approve and authorize the Mayor to sign Agreement #A2018-02 An Engineering Services Agreement between the City of Mitchell & SPN for the West Side Water Tank Painting and South Side Water Tank Paint Repairs. Motion carried.

**ADJOURN:**

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

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Michelle Bathke  
Finance Officer

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