

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

**March 21, 2022
6:00 P.M.**

PRESENT: Dan Allen, Kevin McCardle, Steve Rice, Dan Sabers, Susan Tjarks

ABSENT: Marty Barington, John Doescher, Jeffrey Smith

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 - 1. City Council March 7, 2022.
- b. Committee Reports
 - 1. Planning Commission February 28, 2022,
 - 2. Library Board January 26, 2022,
 - 3. Park Board November 9, 2021,
 - 4. Community Services March 10, 2022, and
 - 5. Golf-Cemetery Board February 8, 2022.
- c. Department Reports
 - 1. Sales Tax Collections (February),
 - 2. Finance (January and February),
 - 3. Building Permits (February),
 - 4. Police (February),
 - 5. Fire/EMS (February),
 - 6. Code Enforcement (February),
 - 7. Airport (February), and
 - 8. Water (February).
- d. 2021 Annual Report.
- e. Special Event Permit for the Corn Palace Shrine Circus April 24-28, 2022.
- f. Special Event Permit for Big Friend Little Friend Annual Street Festival May 28, 2022.
- g. Request to apply for a MidCo Foundation Grant.
- h. Request to apply for AARP Grant.
- i. Declare 3 Xybix Dispatch Consoles surplus property to be sold to the Meade County Communication Center at the Meade County Sheriff's Office, Sturgis, SD.
- j. Raffle Permits
 - 1. Kiwanis Club of Mitchell with the drawing to be held on April 23, 2022,
 - 2. Davison County Democrats with the drawing to be held on May 23, 2022,

- 3. Big Friend Little Friend with the drawing to be held on July 18, 2022, and
- 4. Pheasant Country with the drawing to be held on October 14, 2022.

k. Current active City volunteers.

l. Set date of April 4, 2022 for hearing

- 1. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on April 9, 2022 for a Corn Hole Tournament,
- 2. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on May 7, 2022 for a wedding dance,
- 3. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on June 4, 2022 for a wedding dance,
- 4. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on June 11, 2022 for the Shrine Club Open House,
- 5. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on July 29, 2022 for the Lakeview Golf Banquet,
- 6. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on August 6, 2022 for the 2002 Class Reunion,
- 7. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on September 10-11, 2022 for a wedding dance,
- 8. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on September 23-24, 2022 for a wedding dance, and
- 9. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on October 1-2, 2022 for a wedding dance.

m. Approval of Gas and Fuel Quotations

<u>Howe's Oil</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel-#2	1,200	1,200	\$3.7365	\$ 4,483.80
On Road Diesel-#1	1,200	1,200	\$3.8410	\$ 4,609.20
Off Road Diesel-#2	2,550	2,550	\$3.4615	\$ 8,826.83
Off Road Diesel-#1	2,550	2,550	\$3.5660	\$ 9,093.30
		Total Bid:		\$27,013.13

n. Pay Estimates March 21, 2022

- Pay Estimate #6-2021 in the amount of \$8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,
- Pay Estimate #2-Final in the amount of \$34,077.00 for Rec Center Pool Infill #2020-25 contracted to Mueller Lumber Company,
- Pay Estimate #10 in the amount of \$6,202.50 for Foster Street Bridge #2021-02 contracted to Brosz Engineering,
- Pay Estimate #11 in the amount of \$1,846.91 for 9th-Sanborn to Lawler and 5th-Sanborn to Main #2021-07 contracted to McLaury Engineering,
- Pay Estimate #12 in the amount of \$127,134.54 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,
- Pay Estimate #4 in the amount of \$2,340.00 for Spruce Street Railroad Crossing #2021-39 contracted to Brosz Engineering,
- Pay Estimate #5 in the amount of \$34,898.95 for Corn Palace Renovation Planning #2021-44 contracted to Schemmer,

Pay Estimate #7 in the amount of \$2,200.00 for Highway 37 Utility Design #2021-45 contracted to SPN & Associates,

Pay Estimate #8 in the amount of \$2,126.25 for Highway 37 Utility Design #2021-45 contracted to SPN & Associates,

Pay Estimate #9 in the amount of \$3,850.00 for Recreation Center Fitness Room contracted to Schemmer and

Pay Estimate #19 in the amount of \$3,719.63 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates.

- o. 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 FEBRUARY 20, 2022 – MARCH 5, 2022: City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,536.92, Attorney \$4,601.23, Finance \$13,124.33, Human Resources \$3,703.81, Municipal Building \$3,139.60, Information Technology \$2,809.76, Police \$69,457.61, Traffic \$3,966.65, Fire \$34,223.92, Street \$28,162.58, Public Works \$19,145.88, Cemetery \$4,711.88, Animal Control \$1,630.08, Library \$16,555.97, Recreation & Aquatics \$5,853.41, Recreation Center \$19,362.71, Sports Complexes \$9,516.14, Parks \$10,225.92, Supervision \$1,939.12, E911 \$21,398.57, MVP \$752.02, Palace Transit \$22,801.66, JVCC \$1,076.33, Nutrition \$3,879.22, Water Distribution \$12,724.51, Sewer \$15,529.05, Airport \$3,538.16, Recycling Program \$6,847.27, Waste Collection \$6,203.97 Landfill \$9,116.82, Corn Palace \$18,338.80, Golf Course \$3,427.95, Emergency Medical Services \$30,624.88.

NEW HIRES:

STREET: Spencer James-\$21.143

SALARY ADJUSTMENTS:

ANIMAL CONTROL: Mikayla Brown-\$20.376

CORN PALACE: Jeffery Hanson-\$28.101

FIRE: Andrew Shank-\$24.006

STREET: Chad Mowry-\$21.143

TRAFFIC: Joshua Harvey-\$27.412

WARRANTS: A-Ox Welding Supply, Rental-\$570.17; AAA Collections, Service-\$135.00; Accounts Management, Garnishment-\$396.64; Advance Auto Parts, Supplies-\$104.19; AFSCME Council 65, Union Dues-\$487.08; Al's Engraving, Supplies-\$6.95; Alignment X-Perts, Repair-\$25.00; All Flags, Supplies-\$74.77; Amazon Capital Services, Supplies-\$872.80; Aqua-Pure, Supplies-\$1,862.50; Aramark Uniform Services, Supplies-\$257.47; Arctic Refrigeration, Supplies-\$686.29; AT&T Mobility, Utilities-\$1,379.98; ATV Holdings, LLC dba Mitchell

Telecom, Utilities-\$2,557.10; Avera Occupational Medicine, Contract Services-\$440.00; Avera Queen of Peace Hospital, Supplies-\$265.46; B-Y Water District, Utilities-\$43,928.22; Bailey Metal Fabricators, Supplies-\$103.91; Baker & Taylor, Books-\$546.38; Better Containers, Supplies-\$195.20; Big Daddy D's, Contract Services-\$6,088.50; Blackstone Publishing, Books-\$151.17; Brooks Oil, Supplies-\$312.65; Brosz Engineering, 2021-2 P.E. #10-\$8,542.50; Buhl's Dry Cleaning, Supplies-\$52.00; Butler Machinery, Supplies-\$232.60; Carquest Auto Parts, Supplies-\$44.76; Cengage Learning Inc/Gale, Books-\$204.73; Center Point Large Print, Books-\$91.68; Central Electric, Utilities-\$11,290.80; Certified Laboratories, Supplies-\$442.39; Chad Mowry, CDL Renewal-\$123.00; City of Mitchell, Utilities-\$10,456.93; City of Mitchell, Central Task Force-\$1,000.00; Climate Systems, Repair-\$553.50; Coborns, Contract Services-\$509.25; Coca Cola Bottling, Supplies-\$2,404.25; Converge One, Maintenance/Managed Services-\$4,218.30; Core & Main, Supplies-\$14,239.86; Core-Mark Midcontinent, Supplies-\$7,150.60; Corn Palace, Supplies-\$14.00; Corsica Stickney School District, Corn Palace Games-\$3,849.00; County Fair, Contract Services-\$714.39; Culligan Water, Rental-\$50.00; Dakota Fluid Power, Supplies-\$622.21; Dakota Supply Group, Supplies-\$278.55; Darrington Water Conditioning, Rental-\$49.40; Davison Rural Water Systems, Utilities-\$90.10; Department of Social Services, Child Support-\$600.87; Dice Benefits Consulting, February Fees-\$492.00; Dick's Towing, Tow-\$170.00; Dimock Dairy, Supplies-\$48.60; DLT Solutions, Supplies-\$4,930.20; Dug Out, Contract Services-\$591.50; Echo Group, Supplies-\$64.90; Emergency Education, Training-\$225.00; Farmers Alliance, Supplies-\$4,451.50; Fastenal, Supplies-\$272.41; Galls, Supplies-\$193.65; Grainger, Supplies-\$82.40; HDR Engineering, 2021-31 P.E. #12-\$127,134.54; Helms and Associates, AIP '28 P.E. #19-\$3,719.63; Henry Schein, Supplies-\$1,127.48; Howes Oil, Supplies-\$27,013.13; Hub International, Professional Service-\$5,750.00; Ican, Publishing-\$750.00; Icma Membership Renewals, Dues-\$1,151.00; Ingram Library Services, Books-\$2,243.51; Innovative Office Solution, Supplies-\$140.25; Interstate Glass & Door, Maintenance-\$3,928.00; Interstate Office Products, Supplies-\$68.43; Iverson Chrysler Center, Rental-\$59.95; JCL Solutions, Supplies-\$2,391.69; Joe Dolezal, Renewal-\$75.00; Jones Supplies, Supplies-\$972.45; Kimball-Midwest, Supplies-\$403.38; Krohmer Plumbing, Repair-\$303.57; Lakeview Veterinary Clinic, Monthly Fee-\$900.00; Lawson Products, Supplies-\$1,783.89; Leighton Family Farms, Supplies-\$450.00; Lewis Family Drug, Supplies-\$7.98; Lori Schmidt, Corn Palace Games-\$80.00; M&T Fire and Safety, Supplies-\$1,250.00; McCrossan Boys Ranch, Fundraiser-\$35.00; McLaury Engineering, 2021-7 P.E. #11-\$1,846.91; McLeod's Printing, Supplies-\$181.96; Menard's, Supplies-\$842.30; Mettler Implement, Supplies-\$59.99; Meyers Oil, Supplies-\$13,655.23; Midwest Fire & Safety, Professional Service-\$560.45; Mitchell Convention & Visitors Bureau, 2022 Funding March-\$20,800.00; Mitchell Exchange Club, Membership 2021-22-\$27.00; Mitchell Gun Club, Sports Authority Promotion-\$2,000.00; Mitchell Iron & Supply, Supplies-\$172.40; Mitchell School District, Utilities-\$1,743.22; Mitchell School District, Corn Palace Games-\$7,033.55; Mitchell United Way, United Way Deductions-\$199.66; Mount Vernon School District, Contract Services-\$85.50; Mueller Lumber, 2020-25 P.E. #2-Final-\$34,285.86; Muth Electric, Maintenance-\$10,704.77; N-Able Solutions, Supplies-\$228.76; Napa Central, Supplies-\$299.05; Nicole Peterson, Reimbursement-\$104.97; Noren Products, Repair-\$1,907.16; Northwestern Energy & Communications, Utilities-\$58,644.68; Online Computer Library Center, Subscription-\$361.72; One Source The Background, Background Checks-\$134.00; Overtime Steak House and Sports Bar, Contract Services-\$1,597.75; Papa Murphy's Pizza, Pizza-\$1,805.00; Pat Dockendorf, Corn Palace

Games-\$80.00; Pepsi Cola, Supplies-\$1,503.81; Peterbilt of Sioux Falls, Supplies-\$157.90; Ppct Management System, Travel-\$425.00; Qualified Presort, Mailing Service-\$309.52; Quality Cut Lawn & Tree Service, 2019-53R2 P.E. #6-2021-\$8,666.66; Quick Med Claims, Service-\$4,132.07; Riverside Technologies, Maintenance-\$3,040.00; Robert B Everson Jr, Travel-\$128.10; Ron's Saw Sales, Supplies-\$60.46; Roy King, Band Fee-\$225.00; Runnings Supply, Supplies-\$1,112.78; Saber Shred Solutions, Maintenance-\$5,998.00; Savvik, Supplies-\$776.16; Schemmer, 2021-44 P.E. #5-\$38,748.95; Schmucker Paul & Nohr, 2021-45 P.E. #7-\$4,857.50; Schoenfelder Portables, Rental-\$150.00; South Dakota Department of Public Safety, Service Contract-\$2,108.00; South Dakota Retirement System, Retirement Contributions-\$52,344.50; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,409.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,353.50; SDSUSBC Women's Tournament, Sports Authority Promotion-\$3,000.00; South Dakota Waste Water Association, Registration-\$200.00; Sherwin-Williams, Supplies-\$4,606.73; South Dakota 811, Supplies-\$29.40; Standard Insurance, Life Insurance-\$418.65; Steve Stanforth, Corn Palace Games-\$80.00; Sturdevants Mitchell, Supplies-\$1,245.45; Subway, Meals-\$22.47; Sun Gold Sports, Supplies-\$10.00; Teamsters Local No. 120, Union Dues-\$1,506.00; Thomas L Price, Professional Service-\$350.00; Thomson Reuters West, Subscription Fee-\$789.98; Three D Security, Maintenance-\$688.55; Thune True Value Hardware, Supplies-\$85.38; TK Electric, Repair-\$701.49; TMA Stores, Repair-\$25.75; Tracker Boat Center, Equipment-\$3,202.50; Traditions Prepared Meals, Contract Services-\$3,006.41; Traffic Control, Supplies-\$7,704.00; Trizetto Provider Solution, Claims-\$74.40; United Parcel Service Store #4227, Shipping-\$109.16; USA Blue Book, Supplies-\$504.95; Van Diest Supply, Supplies-\$1,600.00; Verizon Wireless, Utilities-\$723.92; Vern Eide Ford Lincoln, Supplies-\$214.34; Walmart, Supplies-\$56.49; Wholesale Electronics, Supplies-\$35.54; Xtreme Fire Protection, Maintenance-\$1,337.23; Ellwein Brothers, Supplies-\$594.00; South Dakota State Treasurer, Sales Tax Payment-\$16,295.35.

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

CITIZENS INPUT:

Dwight Stadler, resident of Ward 4, suggested the Board of Adjustment response letters need to be revised. It should not state, 'No response will indicate approval.'

Sonya Vanerdewyk, Mitchell Township resident, spoke regarding the health dangers of 5G.

Scott Bauer, resident of Ward 4, stated many people became sick from 5G and excessive use of phones should be limited.

Beth Bauer, resident of Ward 4, stated she would like a discussion with City Council about 5G and the health problems it creates.

BOARD OF ADJUSTMENT:

Moved by Allen, seconded by Tjarks, for the City Council to recess and sit as the Board of

Adjustment. Motion carried.

Moved by Allen, seconded by Tjarks, to set date for April 4, 2022 on the application of Robert Kummer of Infrastructure Design Group, Inc. representing Cory Marek for a front yard variance of 9' vs 25' for an existing dwelling located at 710 North Kittridge Street, legally described as Lot A, Block 2, Robert Wilkinson's Addition, City of Mitchell, Davison County, South Dakota, currently legally described as Lots 5 & 6, Block 2 & S ½ of vacated 8th Ave & N ½ of vacated alley abutting, Robert Wilkinson's Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Rice, seconded by McCardle, to set date for April 4, 2022 on the application of Robert Kummer of Infrastructure Design Group, Inc. representing Larry Weisser for a front yard variance of 19' vs 25' for an existing dwelling in Lot A and a front yard variance of 19' vs 25' for an existing dwelling, a side yard corner variance of 12.2' vs 20' for an existing dwelling, a minimum lot width variance of 67.06' vs 70', and a minimum lot area variance of 9,580 square feet vs 10,000 square feet all in Lot B located at 1510 and 1512 East 1st Avenue, legally described as Lots A & B, Block 10, ST Greene's Addition, a replat of Lots 10, 11, and 12, Block 10, ST Greene's Addition, City of Mitchell, Davison County, South Dakota, currently legally described as Lots 10, 11, & 12, Block 10, ST Greene's Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

It was advised that this is the date and time set for hearing on the application of Carey and Darlene Buhler for a variance of 2,160 square feet vs 2,000 square feet for an attached garage and accessory building combination and maximum height for an accessory building of 30' vs 22' located at 600 Greenridge Lane, legally described as Lot 3, Block 2, Greenridge Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R1 Single Family Residential District. The Planning Commission tabled said application. Moved by McCardle, seconded by Rice, to table said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of DLJ LLC for a variance of approximately 867 feet vs 1,000 feet from another cannabis dispensary located at 501 East Juniper Avenue, legally described as Lot S-3A, except the East 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Business District. The Planning Commission recommended denial of said application. Multiple parties spoke in opposition of the approval. Moved by Tjarks, seconded by Rice, to table said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Genesis Farms LLC for a conditional use permit to operate a Medical Cannabis Dispensary located at 106 West 5th Avenue, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned CB Central Business District. The Planning Commission recommended approval of said application. Moved by Rice, seconded by Sabers, to table said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Genesis Farms LLC for a variance of 101' vs 300' from a religious institution located at 106 West 5th Avenue, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned CB Central Business District. The Planning Commission recommended denial of said application. Moved by Allen, seconded by McCardle, to table said application. Motion carried.

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

HEARINGS:

It was advised that this is the date and time set for hearing on the application of DLJ, LLC for a Medical Cannabis Dispensary License located at 501 East Juniper Street. Multiple parties spoke in opposition of the approval. Moved by McCardle, seconded by Allen, to table said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Genesis Farms, LLC for a Medical Cannabis Dispensary License located at 105 West 5th Avenue. Moved by Tjarks, seconded by Rice, to table said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of FSST Pharms, LLC dba Native Nations Cannabis for a Medical Cannabis Dispensary License located at 1620 South Burr, Ste 5. Moved by McCardle, seconded by Rice, to approve said application with the conditions the establishment goes through the building permit process and passes a fire inspection. Motion carried.

CONSIDER APPROVAL:

Moved by Allen, seconded by Sabers, to approve the Special Event Permit for Lost and Found Advocates 5K on April 9, 2022. Motion carried.

Moved by Rice, seconded by Tjarks, to approve Amendment #1 to Agreement #A2021-14, Risk & Resiliency Assessment Project #2021-36 with HDR in an amount not to exceed \$37,380.00. Motion carried.

AWARD BIDS:

Bids were opened and read on 9th & 5th Reconstruction Project #2021-07 on the 15th day of March, 2022. Moved by Rice, seconded by Tjarks, to award, as follows:

9th & 5th RECONSTRUCTION PROJECT #2021-07

Menning Excavating, Inc., 25462 Cornerstone Avenue, Mitchell, SD 57301

Total Bid	\$2,874,261.22
less Items #2-#8 and #10	\$ <u>(229,841.75)</u>
Revised Bid	\$2,644,419.47

Motion carried.

Bids were opened and read on Dry Run Creek Lighting Project #2022-33 on the 15th day of March, 2022. Moved by Tjarks, seconded by Allen, to award, as follows:

**DRY RUN CREEK LIGHTING
PROJECT #2022-33**

Builders Electric LLC, 47174 258th Street, Sioux Falls, SD 57107

Base Bid	\$122,649.15
Alternate #1	\$ <u>17,286.00</u>
Total Bid	\$139,935.15

Motion carried.

RESOLUTIONS:

Moved by Allen, seconded by McCardle, to approve Resolution #R2022-08, Plat of Lots 1 Thru 15 and 22 thru 28 of Airport Addition, a Subdivision of Previously Platted Lots 2 and 3 of Fiala's Addition in the East ½ of the NW ¼ of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-08

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 14th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of LOTS 1 THRU 15 AND 22 THRU 28 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 4, T 103 N R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said 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 LOTS 1 THRU 15 AND 22 THRU 28 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 4, T 103 N R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as 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 Sabers, to approve Resolution #R2022-09, Plat of Tract 1 in the West 626.84 Feet of Lot 5 of Crane's Addition, in the SE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-09

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 14th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY SOUTH DAKOTA as prepared by Thomas Lynn Week, a duly licensed Land Surveyor in and for the State of South Dakota, that said 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 TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY SOUTH DAKOTA as prepared by Thomas Lynn Week, 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.

ORDINANCE:

Moved by McCardle, seconded by Sabers, to place Ordinance #O2022-03, Rezoning of Lot 1, Block 1 of Fullerton Properties Second Addition, a Subdivision of the North ½ of Section 16, and a portion of previously platted Outlot B-2, a Subdivision of Outlot B, Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from PL Public Lands District to R3 Medium Density Residential District. Tjarks voting nay. Motion carried. Moved by Allen, seconded by Rice, to adopt Ordinance #O2022-03, Rezoning of Lot 1, Block 1 of Fullerton Properties Second Addition, a Subdivision of the North ½ of Section 16, and a portion

of previously platted Outlot B-2, a Subdivision of Outlot B, Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from PL Public Lands District to R3 Medium Density Residential District, as follows:

ORDINANCE NO. O2022-03

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota; from PL Public Lands District to R3 Medium Density Residential District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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


Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS Lot 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota; from PL Public Lands District to R3 Medium Density Residential District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Members present voting aye: Allen, McCardle, Rice, Sabers. Members present voting nay: Tjarks. Motion carried and ordinance declared duly adopted.

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 _____.