

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

July 18, 2016  
6:30 P.M.

**PRESENT:** Dan Allen, Mel Olson, Steve Rice, Bev Robinson, Jeffrey Smith, Susan Tjarks, Dave Tronnes

**ABSENT:** Marty Barington

**PRESIDING:** Mayor Jerry Toomey

**APPOINT DEPARTMENT HEAD:**

Mayor Jerry Toomey recommended the appointment of Nathan Powell as the Parks & Recreation Director.

Moved by Olson, seconded by Tjarks, to approve the appointment of Nathan Powell as the Parks & Recreation Director. Motion carried.

**OATH OF OFFICE:**

Mayor Toomey issued the Oath of Office to Parks & Recreation Director Nathan Powell.

**AGENDA:**

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

- a. Council Minutes from Prior Meeting.
- b. Committee Minutes:
  1. Planning Commission June 27, 2016, and
  2. Finance July 5, 2016.
- c. Department Reports:
  1. Finance (June),
  2. Police (June),
  3. Mitchell Regional Ambulance(June),
  4. Fire(June),
  5. Building Permits (June),
  6. Airport (June),
  7. Mowing Abatements (May & June)
  8. World's Only Corn Palace (May & June)
  9. Palace Transit (June),

- 10. Lake Mitchell Advisory Committee (May),
- 11. Lakeview Golf (June) and
- 12. Water (June).
- d. Raffle Requests:
  - 1. Purr N Ruff Rescue with the drawing to be held on September 10<sup>th</sup>, 2016,
  - 2. L.B. Williams with the drawing to be held on October 8, 2016, and
  - 3. Palace City Pedaler's with the drawing on August 20, 2016.
- e. Set date of 08-01-16 on the following applications:  
 Jeanne Blaalid to transfer Retail (On-Off Sale) Malt Beverage License RB-20236 and Retail (On-Off Sale) Wine License RW-20237 from Jeanne Blaalid, 515 East Spruce Street, Mitchell, South Dakota to Jeanne Blaalid, 800 West Spruce, Mitchell, South Dakota. Licenses will be inactive.

Palace City Lions Club for a Special Event Malt Beverage License, located at the Southwest corner of Hitchcock Park on August 20<sup>th</sup>, 2016 for the Tour de Corn.

- f. Set date of 08-01-16 on the following applications of Mitchell Elks Lodge #1059 for Special Event Liquor Licenses, located at the Masonic Lodge
  - 1 on August 20<sup>th</sup>, 2016 for the Shriner's 60<sup>th</sup> Anniversary,
  - 4. on August 27<sup>th</sup>, 2016 for a wedding, and
  - 5. on September 8<sup>th</sup>, for the NRA Banquet.
- g. Approval on the application of Bates Enterprises dba Longhorn Bar, Mitchell for a Special Event Liquor License, located at Sabers Specialties at 700 East Kay Avenue for September 10, 2016 for Cruisin' For A Cause.
- h. Application of the World's Only Corn Palace to obtain a Consumption Permit on August 25, 2016 located on 6<sup>th</sup> and Main for the Judd Hoos concert.
- i. Gas & Diesel Fuel Competitive Quotations:

<b><u>Farmers Alliance</u></b>	Requested	Bid	Price per	Total Bid
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	1,600	1,600	\$1.8995	\$ 3,039.20
Unleaded Gas-				
10% Ethanol	5,900	5,900	\$1.7964	\$10,598.76
		Total Bid:		\$13,637.96

<b><u>Country Pride</u></b>	Requested	Bid	Price per	Total Bid
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	1,600	1,600	\$1.885	\$ <b>3,016.00*</b>
Unleaded Gas-				
10% Ethanol	5,900	5,900	\$1.789	<b>\$10,555.10*</b>
Unleaded Gas	5,900	5,900	\$2.084	\$12,295.60
		Total Bid:		<b>\$13,571.10*</b>

**Country Pride was the low bidder and was awarded the bid for the items marked with an asterisk.**

- j. Pay Estimates:

Pay Estimate #17A in the amount of \$1,084.67 for West End Bridge Repair (#2011-2) Project #2015-2 contracted to South Dakota Department of Transportation,

Pay Estimate #1 in the amount of \$27,850.00 for Water Distribution System Analysis Project #2015-35 contracted to SPN & Associates,

Pay Estimate #2 in the amount of \$7,095.04 for 6<sup>th</sup> Street Plaza Project #2016-18 contracted to Confluence,

Pay Estimate #6 in the amount of \$38,421.15 for 5<sup>th</sup> Street & Utilities Improvement Project contracted to SPN & Associates, and

Pay Estimate #5 in the amount of \$8,000.00 for Sanborn Design Contract 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 JUNE 19, 2016 – JULY 2, 2016:** City Council \$2,913.84, Mayor \$1,212.23, City Administrator \$4,434.00, Attorney \$3,636.72, Finance \$11,705.53, Human Resources \$3,031.28, Municipal Building \$2,835.68, Information Technology \$2,201.52, Police \$59,637.22, Traffic \$4,592.09, Fire \$43,069.65, Street \$25,904.04, Public Works \$19,341.46, Cemetery \$4,518.33, Animal Control \$1,446.24, Emergency Medical Services \$9,832.65, Library \$11,851.33, Recreation & Aquatics \$31,893.35, Recreation Center \$9,159.03, Sports Complexes \$18,157.57, Parks \$22,627.41, Supervision \$1,416.73, E911 \$21,211.70, RSVP \$5,588.73, Palace Transit \$16,655.70, Nutrition \$1,057.01, Water \$5,315.05, Water Distribution \$9,302.82, Sewer \$13,679.37, Airport \$1,921.84, Waste Collection \$9,771.34, Landfill \$8,047.93, Corn Palace Maintenance \$29,724.28, Golf Course \$9,409.83.

**NEW HIRES:**

PARKS: Cody Pohlen-\$15.947.

**SALARY ADJUSTMENTS:**

PUBLIC SAFETY POLICE: Terry Reyelts-\$26.467.

CORN PALACE: Jeff Hanson-\$16.658.

WASTE COLLECTION: Troy Sipes-\$18.936.

**WARRANTS:** A & B Business Solutions, Supplies-\$1,219.14; A-OX Welding Supply, Supplies-\$248.56; Advance Auto Parts, Supplies-\$359.34; Advantage Auto Glass, Repair-\$55.00; AFLAC, Aflac Withholding-\$4,310.34; AFLAC Group, Critical Care-\$791.36; AFSCME Council 65, Union Dues-\$1,080.00; Agronomy Plus, Supplies-\$299.78; Ameripride Services, Supplies-\$134.15; Aqua-Pure, Supplies-\$1,912.50; Automatic Building Control, Repairs-\$630.36; Avera Queen of Peace Hospital, Service-\$4,689.39; Avera Queen of Peace Hospital, Supplies-\$180.40; B-Y Water District, Usage-\$87,957.00; Bailey Metal Fabricators, Repairs-\$368.28; Bender's Sewer Cleaning, Repairs-\$545.00; Bernan, Books-\$200.00; Better Containers, Supplies-\$265.25; Big Daddy D's, Contract Services-\$3,835.00; Bill Marquardt, Sports Authority-\$900.00; Blackstone Audio, E-Books-\$329.97; Book Systems, Supplies-\$1,545.00; Booms Restaurant, Contract Services-\$2,910.25; Bound Tree Medical, Supplies-\$265.00; Break Time Portables, Contract Services-\$95.00; Brian Daughters, Travel-\$87.50; Brown & Saenger, Supplies-\$721.34; C & B Operations, Supplies-\$676.07; Campbell Supply, Supplies-\$340.27; Carolina Software, Repairs-\$200.00; Carquest Auto Parts, Supplies-\$120.38; CDW Government, Supplies-\$241.22; Center Point Large Print, Books-\$86.88; Central Electric, Utilities-\$10,715.05; Century Link, Utilities-\$52.46; Claims Associates, Liability Claims-\$972.01; Coca Cola Bottling, Supplies-\$546.48; Commercial Asphalt/Spencer Quarries, Supplies-\$6,404.94; Confluence, 2016-18 P.E. #2-\$7,095.04; Construction Products & Consultants, Supplies-\$395.00; Corn Palace Concessions, Supplies-\$139.28; Country Pride Coop, Supplies-\$23,857.94; County Fair, Advertising-\$535.54; County Fair, Contract Services-\$150.00; Craig Fuerst, Supplies-\$350.00; Daily Republic, Advertising-\$2,847.80; Dakota Counseling, Service-\$414.00; Dakota Fluid Power, Supplies-\$179.41; Dakota Pump & Control, Repairs-\$2,790.82; Dakota Pump, Supplies-\$1,142.52; Daniel Esh, Travel-\$65.52; Danko Emergency Equipment, Supplies-\$2,883.57; Darrington Water Conditioning, Rental-\$83.75; Davison Rural Water System, Utilities-\$84.70; Deb Overseth, Service Award-\$100.00; Debbie Vaughn, Reimbursement-\$100.00; Department of Social Services, Child Support-\$1,489.99; Dice Benefits Consulting, Consulting Fees-June-\$510.00; Dick's Body Shop, Service-\$65.00; Dug Out, Contract Services-\$698.25; Elliott Equipment, Supplies-\$496.52; Emergency Education, Training-\$80.00; Engineering Unlimited, Supplies-\$86.46; Express 2, Supplies-\$33.00; Express Stop, Supplies-\$84.99; Farmers Alliance, Repair-\$223.55; Farner-Bocken, Supplies-\$4,255.73; Fastenal, Supplies-\$1,609.17; Fedex, Transportation Charges-\$11.74; Gale, Books-\$1,436.96; Gaylen's Homegrown Popcorn, Supplies-\$600.00; Golden West Technologies, Utilities-\$225.00; Graham Tire, Repairs-\$46.47; Great Lakes Higher Education, Garnishment-\$192.01; Great Western Tire, Supplies-\$390.82; Grey House Publishing, Books-\$261.25; Harve's Sport Shop, Supplies-\$27.90; Hauge Associates, Garnishment-\$274.73; Hawkins, Supplies-\$4,244.49; HD Supply Waterworks, Supplies-\$3,412.20; Henry Schein, Supplies-\$678.50; Hohbach Electric, Repairs-\$3,365.39; Hohn's Services, Contract Services-\$225.00; Holiday Inn Spearfish Convention, Travel-\$407.80; I-State Truck Center, Supplies-\$47.49; Ingram Library Services, Books-\$1,825.57; Insurance Benefits, Renewal-

\$3,140.00; Integrity Transcription, Professional Services-\$329.40; Interstate Glass & Door, Repairs-\$656.15; Interstate Office Products, Supplies-\$200.71; Iverson Chrysler Center, Rental-\$49.95; James Valley Community Center, 3rd 1/4 2016 Allocation-\$3,750.00; James Valley Nursery, Supplies-\$76.74; JCL Solutions, Supplies-\$42.01; JD Concrete Products, Supplies-\$225.00; Jessica Pickett, Travel-\$11.00; Jones Supplies, Supplies-\$3,168.99; KDLT-TV, Contract-\$250.00; Kelly Hohn, Contract Services-\$550.00; KO'S Pro Service, Service-\$37.35; Krohmer Plumbing, Supplies-\$90.46; Law Towing & Recovery, Police Tow-\$170.00; Lawson Products, Supplies-\$180.58; Lifequest, Supplies-\$302.72; Locators and Supplies, Supplies-\$524.18; LTS Distributing, Supplies-\$595.00; M & T Fire and Safety, Repairs-\$836.30; Marco Technologies, Repairs-\$37.47; Marilee Johnson-Geary, Training-\$270.00; Maximum Promotions, Supplies-\$360.82; Mayer Lawn Service, Contract Services-\$245.00; McFarland Supply #3342 #22, Supplies-\$254.03; McLeod's Printing, Supplies-\$887.11; Mebius Nursery & Landscaping, Supplies-\$55.00; Mega Wash, Repairs-\$24.00; Menard's, Supplies-\$811.84; Meyers Oil, Supplies-\$5,006.75; Mid-America Drilling, Deposit-\$1,500.00; Midcontinent communications, Utilities-\$185.00; Midwest Turf & Irrigation, Supplies-\$228.80; Mitchell Area Chamber of Commerce, 2016 Funding-July-\$3,125.00; Mitchell Area Convention Visitors Bureau, Supplies-\$26,225.00; Mitchell Area Development, Jobfair-\$26,570.00; Mitchell Baseball Association, Tournament-\$3,000.00; Mitchell Concrete Product, Supplies-\$9.00; Mitchell Exchange Club, 2016 Allocation-\$10,000.00; Mitchell Iron & Supply, Supplies-\$1,969.87; Mitchell Plumbing & Heating, Supplies-\$84.65; Mitchell Telecom, Utilities-\$2,199.75; Mitchell United Way, United Way-\$175.42; Morris Equipment, Supplies-\$38.99; Mueller Lumber, Supplies-\$1,323.09; Muth Electric, Repairs-\$4,311.80; Naeir, Supplies-\$40.00; Napa Auto Parts, Supplies-\$207.91; Nathan Powell, Travel-\$2,000.00; National Pawn Company of South Dakota, Supplies-\$35.00; Neve's Uniforms, Supplies-\$158.77; Newman Traffic Signs, Supplies-\$978.66; Noridian Medicare JF Part B Refunds South Dakota, Refund-\$350.40; Northwestern Energy & Communications, Utilities-\$48,022.20; On Sight, Supplies-\$1,997.58; One Source, Professional Services-\$497.65; Overdrive, Supplies-\$706.84; Palace Cleaners, Service-\$53.50; Papa Murphy's Pizza, Pizza-\$182.00; Paulson Air, Supplies-\$78.60; Penguin Random House, Supplies-\$60.00; Pepsi Cola, Supplies-\$466.20; Premier Pest Control, Contract Services-\$175.00; Prestige Flag, Supplies-\$305.25; Pro-Build, Supplies-\$409.90; Project Lifesaver International, Supplies-\$312.49; Public Safety Center, Supplies-\$270.00; Qualified Presort, Mailing Service-\$458.76; Quill, Supplies-\$287.96; Rausch, Sturm, Israel, Enerson & Hornik Attorney at Law-Garnishment-\$233.38; Reader's Den, Book-\$12.80; Recorded Books, Supplies-\$2,554.81; Rita's Place, Contract Services-\$924.00; Riverside Technologies, Supplies-\$3,396.00; S & S Willers, Supplies-\$1,498.37; Santel Communications, Utilities-\$106.16; Schmucker Paul & Nohr, 2015-35 P.E. #1-\$74,271.15; Scott Supply, Supplies-\$109.98; South Dakota Department of Environment & Natural Resources, June Fees-\$2,618.03; South Dakota Department of Health, Lab-\$192.00; South Dakota Department of Transportation, 2015-2 P.E. #17A-\$1,084.67; South Dakota Federal Property

Agency, Supplies-\$605.80; South Dakota Magazine, Renewal-\$23.00; South Dakota Newspaper Services, Supplies-\$401.52; South Dakota One Call, Professional Service-\$255.15; South Dakota Retirement System, South Dakota Retirement System-\$43,650.66; South Dakota Unemployment Insurance Division, Unemployment-\$1,464.00; South Dakota-Supplemental Retirement, Supplemental Retirement-\$3,941.66; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$300.00 ; Sheehan Mack Sales & Service, Supplies-\$320.24; Sherwin-Williams, Supplies-\$60.37; Shopko Stores Operating, Supplies-\$71.90; Sign Pro, Service-\$514.00; Siteone Landscape Supply, Parts-\$1,900.58; Southeast South Dakota Tourism, Membership-\$230.00; Sport Videos, Supplies-\$143.00; Standard Insurance Company, Life Insurance-\$1,131.59; State Disbursement Unit, Child Support-\$200.00; Sturdevant's Auto Parts, Supplies-\$1,403.91; Subway, Meals-\$80.50; Sun Gold Sports, Supplies-\$853.00; Superior Lamp, Supplies-\$500.59; Tate Martin, Contract Services-\$1,365.00; Teamsters Local No. 120, Union Dues-\$715.00; Tessier's, Repairs-\$1.45; Test America Laboratories, Lab-\$2,620.18; Thomson Reuters – West Information Charges, \$583.00; Three-D Specialties, Supplies-\$385.50; Thune True Value Hardware, Supplies-\$294.59; Ticketforce, Usage Fees-\$415.80; TK Electric, Repairs-\$371.68; TMA Stores, Repair-\$663.64; Trizetto Provider Solution, Service Contract-\$66.10; United Parcel Service Store #4227, Shipping-\$642.14; United States Postmaster, Postage-\$47.00; Van Diest Supply, Supplies-\$1,426.00; Verizon Wireless, Utilities-\$2,233.69; Vessco, Supplies-\$1,144.95; Walmart, Supplies-\$254.33; Wellmark Blue Cross & Blue Shield, Refund-\$89.39; West River Beverage, Supplies-\$462.00; Wheelco Brake & Supply, Supplies-\$440.43; Wholesale Electronics, Supplies-\$53.54; Wright Brothers Aviation, Maintenance Contract-\$2,500.00; X-Treme Cheer, Sports Authority-\$345.00; Yankton Daily Press & Dakotan, Renewal-\$186.33; City of Mitchell, Health Insurance-\$173,283.00; Wells Fargo, Sales Tax Revenue-\$18,926.25; Wells Fargo, Sales Tax Revenue Bonds, Series 2012-\$122,968.75; Wells Fargo, Sales Tax Revenue Refunding Bonds, Series 2009-\$62,618.75; Great Western Bank, Hitchcock Pool-Lease/Purchase-\$171,849.21; South Dakota Department of Revenue, May 2016 Sales Tax Payment-\$15,399.39; Dakotacare, Health & Wellness Services-\$1,521.00; Library, Library Fines, \$2,248.43; DakotaCare, Flex Services-\$251.75; DakotaCare Flex Fees-\$3,074.18; DakotaCare, Health Insurance Expenses-\$189,856.71.

Members present voting aye: Allen, Olson, Rice, Robinson, Smith, Tjarks, Tronnes. Motion carried.

### **CITIZENS INPUT:**

Ron Fuchs, a citizen of the City of Mitchell, informed the City Council that he witnessed skateboarders breaking windows at the old Carnegie Library. He has called the police on several occasions of vandalism in the area and it is getting out of control.

Mayor Jerry Toomey invited the City Council and the public to attend an appreciation event on the second floor of the Corn Palace from 6:30 p.m. – 9:00 p.m., Friday, July 22, 2016.

Council Member Susan Tjarks thanked the Mitchell Public Safety Department for their service and support and how they are appreciated by the City of Mitchell.

Council Member Susan Tjarks informed the City Council and the public that she was pleased with the weekend activities in Mitchell including baseball tournaments, the Corn Palace Stampede Rodeo, and the parade.

### **COMMITTEE REPORT:**

The Traffic Commission met on July 18, 2016 with the following items:

A request for a crosswalk in the 800 block of North Gamble in the handicap crossing area was approved.

A request from the Tour de Corn Committee was approved to block off a portion of the City Hall parking lot and the 100 block of East 7th Avenue on August 20th, 2016 from 7:00 a.m. to 9:30 a.m. for registration.

A request from the Tour de Corn Committee for a parade permit was approved with a police escort and traffic control on August 20<sup>th</sup> 2016 at 12<sup>th</sup>, 23<sup>rd</sup>, and Main Street at 9:30 a.m.

A request from the Scoreboard was approved to remove the “15 Minute Parking” sign in front of their business in the 500 block of North Main.

Cory Pratt, Locations Manager / Hap & Ashley, requests a street closure on North Main Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> Avenue from 9 a.m. to 1 p.m. on August 2, 2016 for filming a movie scene which includes the outside entrance of the Corn Palace was approved.

A request from the Mitchell Convention & Visitor Bureau was approved for the closure of the 600 block of North Main Street from 4:30 a.m.-5:00 p.m. on August 4<sup>th</sup> and 5<sup>th</sup> for the annual Sturgis Biker event.

A request from the Corn Palace Festival Committee was approved for the following: closure of North Main Street and a half block in each direction from 1st Avenue to 7th Avenue at 4:30 a.m. on Tuesday, August 23rd until 4:30 a.m. on Monday, August 29th; closure of the west half of the City Hall parking lot from 4:30 a.m. on August 23rd until 4:30 a.m. on August 29th; closure of the 5<sup>th</sup> and Main parking lot from 4:30 a.m. August 23rd until noon on August 29th; and to allow overnight camping in the Disco lot for carnival workers.

A request to close the south half of the 300 block of S. Mattie Street and close Mattie Street at the intersection of E. Birch Avenue until Mattie Street is completed was approved.

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

**HEARING:**

It was advised that this is the date and time set for hearing on the application of the Exchange Club of Mitchell for a Special Event Malt Beverage License located at Cadwell Park on August 3-14, 2016 for the State Amateur Baseball Tournament. Moved by Olson, seconded by Rice, to approve said application with the condition that the certificate of liability insurance is current. Motion carried.

**BOARD OF ADJUSTMENT:**

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

**SET DATE:**

Moved by Rice, seconded by Tronnes, to set date for 08-01-2016 for hearing on the application of Brad Bauer for a height variance of 25' vs 23' as required for construction of a storage building located at 2501 Anthony Avenue, legally described as Lot 14, Block 9, CJM 2<sup>nd</sup> Addition, Northwest ¼ of Section 32, Township 104 North, Range 60 West, City of Mitchell, Davison County, South Dakota. Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on the application of Gloria and Terry Hanson for a side-yard variance of 10' vs 3' as required for construction of an addition located at 1326 West 4<sup>th</sup> Avenue, legally described as Lot 1 and 2 of Outlot 1 of C.R. Johnson's Addition, City of Mitchell, Davison County, South Dakota. The Planning Commission recommended approval for the first 36 inches or 3 feet of the addition and the remainder of the addition will be in compliance with the city code of three feet. Moved by Olson, seconded by Tjarks, to approve the proposed original application instead of the Planning Commission's recommendation.

Roll call vote: Members present voting aye: Allen, Olson, Rice, Robinson, Smith, Tjarks, Tronnes. Motion carried.

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

**AWARD BID:**

Bids were opened and read on the Surplus Hot Shot Vehicle-City Project #2016-41, on the 11<sup>th</sup> day of July, 2016 in the Council Chambers of City Hall. Moved by Tjarks, seconded by Robinson, to award as follows:

**SURPLUS HOT SHOT VEHICLE  
CITY PROJECT #2016-41**

Western SD Senior Services Inc., 303 North Maple Avenue, Rapid City, South Dakota 57701.

1. One Hot Shot Vehicle as per specs  
2006 Chevy 1500 4 x 4  
Approx. mileage 58,931  
Serial #3GCWK14X96G16856 \$5,432.00

Successful bidder must provide payment in full within 20 days of bid award by Council.

10% Bid Bond Check must be included to make you bid proper.

Motion carried.

**PUBLIC HEARING:**

It was advised that this is the time and place set for hearing on the Special Assessment Roll for 2014 and 2015 Construction Projects and 2015 Nuisance Abatements. Terry Johnson, Deputy Director of Public Works, reviewed the areas for the proposed construction. No testimony was heard from those in favor and those in opposition of the proposed project areas.

**RESOLUTION:**

Moved by Olson, seconded by Tronnes, to adopt Resolution #3355, Providing for Collection of Special Assessment Rolls for 2014 and 2015 Construction Projects and 2015 Nuisance Abatements. Motion carried and resolution declared duly adopted.

This resolution will be published separately from these proceedings.

**PUBLIC HEARING:**

It was advised that this is the time and place set for hearing on the Amended Proposed Resolution Declaring the Necessity for the construction of Sidewalk on Certain Streets in the City of Mitchell, South Dakota. Terry Johnson, Deputy Director of Public Works, reviewed the areas for the proposed construction. Testimonies were heard from those in opposition of the proposed project areas.

Moved by Olson, seconded by Smith, to remove segments 2017-03 and 2017-04 Item #51. Motion carried with Tronnes voting nay.

Citizen Jim Loomer donated \$5,000.00 to the Mitchell Parks and Recreation Department to benefit kids.

**RESOLUTIONS:**

Moved by Olson, seconded by Allen, to adopt Resolution #3356, Amended Proposed Resolution Declaring the Necessity for the Construction of Sidewalk on Certain Streets in the City of Mitchell, South Dakota with the removal of segments 2017-03 and 2017-04, Item #51. Motion carried and resolution declared duly adopted.

This resolution will be published separately from these proceedings.

Moved by Allen, seconded by Rice, to adopt Resolution #3359, Plat of Lot 1 of Crago's Addition, in the West ½ of the Northeast. ¼ of Section 29, Township 103 North, Range 60 West of the 5<sup>th</sup> P.M., Davison County, South Dakota, as follows:

**RESOLUTION #3359  
RESOLUTION OF CITY COUNCIL**

**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 11th day of July, 2016; and

**WHEREAS**, it appears from an examination of the plat of PLAT OF LOT 1 OF CRAGO'S ADDITION, IN THE W ½ OF THE N.E. ¼ OF SECTION 29, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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 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 as PLAT OF LOT 1 OF CRAGO'S ADDITION, IN THE W ½ OF THE N.E. ¼ OF SECTION 29, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA prepared by Thomas Lynn Week a duly licensed Land Surveyor in and for the State of South Dakota, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Olson, seconded by Robinson, to adopt Resolution #3367, Plat of Lot 1 of Denne's Addition, in the West ½ of the Northeast. ¼ of Section 29, Township 103 North, Range 60 West of the 5<sup>th</sup> P.M., Davison County, South Dakota, as follows:

**RESOLUTION #3367  
RESOLUTION OF CITY COUNCIL**

**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 11th day of July, 2016; and

**WHEREAS**, it appears from an examination of the plat of LOT 1 OF DENNE'S ADDITION, IN THE W ½ OF THE N.E. ¼ OF SECTION 29, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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 plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

**THEREFORE**, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 1 OF DENNE'S ADDITION, IN THE W ½ OF THE N.E. ¼ OF SECTION 29, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA prepared by Thomas Lynn Week a duly licensed Land Surveyor in and for the State of South Dakota, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Robinson, to adopt Resolution #3368, Plat of Lot 14 in Tract H Wild Oak Golf Club Addition, to the City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #3368  
RESOLUTION OF CITY COUNCIL**

**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 11th day of July, 2016; and

**WHEREAS**, it appears from an examination of the plat of LOT 14 IN TRACT H WILD OAK GOLF CLUB ADDITION, TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Nathan L. Jibben, 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 alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

**THEREFORE**, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 14 IN TRACT H WILD OAK GOLF CLUB ADDITION, TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA prepared by Nathan L. Jibben, a duly licensed Land Surveyor in and for the State of South Dakota, be and the same is hereby 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 Robinson, to adopt Resolution #3369, Plat of Lot 55 of Maui Farms Second Addition, and a Portion of Colette Street, a Subdivision of the Southeast ¼ of

Section 31, Township 104 North, Range 60 West of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #3369  
RESOLUTION OF CITY COUNCIL**

**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 11th day of July, 2016; and

**WHEREAS**, it appears from an examination of the plat of LOT 55 OF MAUI FARMS SECOND ADDITION, AND A PORTION OF COLETTE STREET, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

**THEREFORE**, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 55 OF MAUI FARMS SECOND ADDITION, AND A PORTION OF COLETTE STREET, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Robinson, seconded by Rice, to adopt Resolution #3370, Plat of Lot 3, Block 4 of the Woods First Addition, A Subdivision of the East ½ of the Southwest 1/4 of Section 23, Township 103 North, Range 60 West of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #3370  
RESOLUTION OF CITY COUNCIL**

**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 11th day of July, 2016; and

**WHEREAS**, it appears from an examination of the plat of LOT 3, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and

alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

**THEREFORE**, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 3, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Tronnes, seconded by Rice, to adopt Resolution #3371, Plat of Lots 15 and 16, Block 9 of CJM Second Addition, a Subdivision of a Portion of Blocks 9 and 9A of CJM Second Addition in the Northwest ¼, and a Portion of Irregular Tract No. 3 in the Southwest ¼, All in Section 32, Township 104 North, Range 60 West of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #3371  
RESOLUTION OF CITY COUNCIL**

**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 11th day of July, 2016; and

**WHEREAS**, it appears from an examination of the plat of LOTS 15 AND 16, BLOCK 9 OF CJM SECOND ADDITION, A SUBDIVISION OF A PORTION OF BLOCKS 9 AND 9A OF CJM SECOND ADDITION IN THE NW ¼, AND A PORTION OF IRREGULAR TRACT NO. 3 IN THE SW1/4 , ALL IN SECTION 32, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, 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 LOTS 15 AND 16, BLOCK 9 OF CJM SECOND ADDITION, A SUBDIVISION OF A PORTION OF BLOCKS 9 AND 9A OF CJM SECOND ADDITION IN THE NW ¼, AND A PORTION OF IRREGULAR TRACT NO. 3 IN THE SW1/4 , ALL IN SECTION 32, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA a prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Olson, seconded by Tronnes, to adopt Resolution #3372, A Plat of Portions of Block 2, Block 3, Block 7, Block 8 and Block 9 of CJM Second Addition, and Portions of Michael Avenue, Livesay Lane and Jamaica Street, All in the Northwest ¼ of Section 32, Township 104 North, Range 60 West of the 5<sup>th</sup> P.M., Davison County, South Dakota, as follows:

**RESOLUTION #3372  
RESOLUTION OF CITY COUNCIL**

**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 11th day of July, 2016; and

**WHEREAS**, it appears from an examination of the plat of PORTIONS OF BLOCK 2, BLOCK 3, BLOCK 7, BLOCK 8 AND BLOCK 9 OF CJM SECOND ADDITION, AND PORTIONS OF MICHAEL AVENUE, LIVESAY LANE AND JAMAICA STREET, ALL IN THE NW ¼ OF SECTION 32, 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 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 PORTIONS OF BLOCK 2, BLOCK 3, BLOCK 7, BLOCK 8 AND BLOCK 9 OF CJM SECOND ADDITION, AND PORTIONS OF MICHAEL AVENUE, LIVESAY LANE AND JAMAICA STREET, ALL IN THE NW ¼ OF SECTION 32, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA a prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Robinson, seconded by Allen, to adopt Resolution #3373, Amend Resolution #3327, Providing for a Salary Schedule for the Officers and Full Time Employees of the City of Mitchell, South Dakota. Motion carried and resolution declared duly adopted.

This resolution will be published separately from these proceedings.

**ORDINANCES:**

Moved by Robinson, seconded by Tjarks, to place Ordinance #2547, An Ordinance Revising Sections 2-4-2 and 2-4-4 of the Mitchell City Code regarding the imposition of the Lodgings, Alcoholic Beverages and Prepared Food Tax and the appropriation of the funds thereof on first reading. Motion carried.

Moved by Olson, seconded by Allen, to place Ordinance #2546, An Ordinance Creating the Community Services Advisory Board on second reading. Motion carried with Rice voting nay. Moved by Olson, seconded by Tjarks, to adopt Ordinance #2546, as follows:

**ORDINANCE NO. 2546**

AN ORDINANCE ADDING Chapter 3-11, COMMUNITY SERVICES ADVISORY BOARD, to the Mitchell City Code establishing the Community Center Board.

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

Section 1.

That A NEW CHAPTER be added to the Mitchell City Code as Chapter 3-11, COMMUNITY SERVICES ADVISORY BOARD, with sections to read as follows:

3-11-1: BOARD ESTABLISHED:

For the purposes of recommending and advising the Community Services Director on departmental functions, there is established the Community Services Advisory Board which shall consist of nine (9) members, the makeup and appointment of which are as further provided in this chapter.

3-11-2: BOARD MEMBERSHIP AND TERMS:

The Community Services Advisory Board shall consist of one (1) member of the Mitchell City Council, two (2) members from the Palace Transit division, two (2) members from the RSVP division, two (2) members from the Nutrition division, and two (2) members from the James Valley Community Center membership. Each member of the board shall be appointed in accordance with Section 3-1-1 of this code.

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.

Adopted by majority vote of the Mitchell SD City Council in regular session this 18<sup>th</sup> day of July, 2016.

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

**EXECUTIVE SESSION:**

Moved by Tronnes, seconded by Tjarks, to go into Executive Session as permitted by SDCL 1-25-2 (4)-Preparing for contract negotiations or negotiating with employees or employee representatives. Motion carried.

Mayor Toomey declared the board out of executive session at 10:20 p.m. and the City Council to reconvene in regular session at 10:21 p.m.

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

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Michelle Bathke  
Finance Officer

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