

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

March 15, 2021

6:00 P.M.

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

ABSENT:

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 1. City Council March 1, 2021.
- b. Committee Meeting Minutes
 1. Planning Commission February 22, 2021,
 2. Golf/Cemetery Board Minutes January 11, 2021, and
 3. Park Board Minutes January 14, 2021.
- c. Department Reports
 1. Sales Tax Collections (February),
 2. Finance (January and February),
 3. Building Permits (February),
 4. Code Enforcement (February),
 5. Sidewalk Snow Removal (February),
 6. Airport (February),
 7. Fire and EMS (February),
 8. Police (February),
 9. Palace Transit (December and January), and
 10. Water (February).
- d. Raffle Permit
 1. Mitchell Lions Club with the drawing to be held on May 11, 2021.
- e. Authorize Application for the Recreation Trails Program (RTP) Grant.
- f. Set date of 04-05-21 for hearings
 1. On the application of Mitchell Area Big Friend Little Friend for a Special Event Liquor/Malt Beverage License located on Main Street for the Memorial Weekend in Mitchell on May 29, 2021.
- g. Approve Change Order #1 for Public Safety SCBA & Confined Space Equipment Project #2020-45 increasing contract amount by \$10,220.60 to Alex Air Apparatus Inc., adjust

contract amount to \$224,769.60.

- h. Approve Change Order #2 for Asphalt/Concrete Crushing Project #2019-9 increasing contract amount by \$17,831.24 to Dakota Constructors Inc., adjust contract amount to \$266,071.24.
- i. Pay Estimates March 15, 2021
 - Pay Estimate #7 in the amount of \$23,544.17 for Asphalt/Concrete Crushing #2019-9 contracted to Dakota Constructors, Inc.,
 - Pay Estimate #6-2020 in the amount of \$8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,
 - Pay Estimate #8 in the amount of \$7,691.80 for Dailey Drive Lift Station #2020-12 contracted to SPN & Associates,
 - Pay Estimate #26 in the amount of \$204.00 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
 - Pay Estimate #27 in the amount of \$306.00 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
 - Pay Estimate #1 in the amount of \$214,549.00 for Public Safety SCBA & Confined Space Equipment #2020-45 contracted to Alex Air Apparatus, Inc.,
 - Pay Estimate #2 in the amount of \$10,220.60 for Public Safety SCBA & Confined Space Equipment #2020-45 contracted to Alex Air Apparatus, Inc.,
 - Pay Estimate #2 in the amount of \$18,069.90 for Landfill Cell #4 #2021-8 contracted to Helms & Associates,
 - Pay Estimate #1 in the amount of \$18,150.00 for West Harmon Utility Improvements #2021-16 contracted to Brosz Engineering,
 - Pay Estimate #1 in the amount of \$1,250.00 for Skate Park Expansion #2021-35 contracted to Geotek Engineering & Testing,
 - Pay Estimate #1 in the amount of \$45,337.86 for AIP '28 ALP/Master Plan contracted to Metcalf Archaeological Consultants, and
 - Pay Estimate #9 in the amount of \$7,439.26 for AIP '28 ALP/Master Plan contracted to Helms & Associates.
- j. 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 21, 2021 – MARCH 6, 2021: City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,296.46, Attorney \$4,401.38, Finance \$12,538.15, Human Resources \$3,542.92, Municipal Building \$3,172.21, Information Technology \$2,687.68, Police \$68,660.21, Traffic \$2,097.68, Fire \$31,643.43, Street \$27,410.39, Public Works \$23,285.64, Cemetery \$4,462.30, Animal Control \$1,559.28, Library \$13,790.12, Recreation & Aquatics \$5,701.19, Recreation Center \$18,521.77, Sports Complexes \$9,546.27, Parks \$10,291.96, Supervision \$5,696.47, E911 \$21,297.18, MVP \$770.15, Palace Transit \$24,045.17, JVCC \$1,074.75, Nutrition \$3,332.51, Water Distribution \$13,835.99, Sewer \$13,251.07, Airport \$3,067.96, Recycling Program \$6,157.11, Waste Collection \$5,774.41, Landfill \$9,092.28, Corn Palace \$19,316.11, Golf Course \$3,339.58, Emergency Medical Services \$29,704.38.

NEW HIRES:

ANIMAL CONTROL: Mikayla Glowcheski-\$19.491

CORN PALACE: Carson Jennings-\$9.95, Dakota Becker-\$9.95

PALACE TRANSIT: Chad Mowry-\$18.552, Rex Crockett-\$18.552

SALARY ADJUSTMENTS:

CORN PALACE: Jeffery Hanson-\$26.881

FIRE: Andrew Shank-\$22.964

TRAFFIC: Joshua Harvey-\$26.221

WATER DISTRIBUTION: Darin Richey-\$21.521

TERMINATIONS:

PARKS: Matthew Hayes

WARRANTS:

A&B Business Solutions, Contract-\$4,110.78; A-Ox Welding Supply, Supplies-\$332.18; Accuproducts International, Supplies-\$218.33; Advantage Auto Glass, Repair-\$50.00; AFSCME Council 65, Union Dues-\$479.00; Alex Air Apparatus, 2020-45 P.E. #1-\$226,778.80; Amazon Capital Services, Supplies-\$668.10; Apco International, Membership-\$96.00; Aramark, Supplies-\$111.04; AT&T Mobility, Utilities-\$2,201.32; ATV Holdings, LLC DbA Mitchell Telecom, Utilities-\$2,541.20; Avera Patient Financial Service, Contract Service-\$533.35; B-Y Water District, Utilities-\$47,851.92; Bailey Metal Fabricators, Supplies-\$377.12; Bender's Sewer Cleaning, Maintenance-\$835.00; Big Daddy D's, Contract Services-\$3,729.54; Blackburn Manufacturing, Supplies-\$209.74; Brosz Engineering, 2021-16 P.E. #1-\$18,150.00; Butler Machinery, Supplies-\$785.22; C & B Mitchell, Supplies-\$130.79; C & B Operations, Supplies-\$115.47; Carquest Auto Parts, Supplies-\$42.18; CDW Government, Renewal-\$1,671.76; Cengage Learning, Books-\$100.42; Central Electric, Utilities-\$10,382.00; Centurion Technologies, Supplies-\$160.00; Century Link, Utilities-\$58.57; Chad Mowry, License-\$70.00; CHR Solutions, Billing-\$3,006.25; City of Mitchell, Utilities-\$7,789.74; Coborns, Contract Services-\$375.00; Coca Cola Bottling, Supplies-\$664.10; Confluence, Professional Service-\$5,701.45; Core & Main, Supplies-\$38,719.84; Core-Mark Midcontinent, Supplies-\$1,660.70; Corn Palace, Supplies-\$12.00; Corsica Stickney School District, Corn Palace Games-\$5,369.50; County Fair, Contract Services-\$455.00; Cummins Sales and Service, Contract Services-\$473.00; Dakota Constructors, 2019-9 P.E. #7-\$23,544.17; Dakota Fluid Power, Supplies-\$1,499.56; Dakota Pump, Supplies-\$1,665.00; Dakota Supply Group, Supplies-\$365.48; Dakota Two-Way, Supplies-\$55.60; Dakotas ISA Associate Organ, Registration-\$185.00; Dale Steffen, CDL Testing-\$90.00; Darrington Water Conditioning, Cooler Rent-\$62.10; David Sarne, Reimbursement-\$91.97; Davison County Register of Deeds, Copy-\$93.00; Davison Rural Water System, Utilities-\$197.10; Department of Environment, Solid Waste Management Fee-\$1,829.35; Department of Social Services, Child Support-\$831.64; Dice Benefits Consulting, February Fees-\$492.00; Doug L Driggs, 2020-24 P.E. #26-\$510.00; Dug Out, Contract Services-

\$603.75; Easy Picker Golf Products, Supplies-\$307.02; Etterman Enterprises, Supplies-\$289.34; Evident, Supplies-\$44.50; Farmers Alliance, Supplies-\$1,042.80; Fastenal, Supplies-\$114.34; Fisher Scientific, Supplies-\$155.48; Galls, Supplies-\$533.52; Geotek Engineering, 2021-35 P.E. #1-\$1,350.00; Grainger, Supplies-\$790.96; Hanson School District, Corn Palace Games-\$3,365.90; Hawkins, Supplies-\$5,479.38; Helms and Associates, 2021-8 P.E. #2-\$25,509.16; Henry Schein, Supplies-\$422.43; Hohn's Services, Maintenance-\$7,718.90; Honda of Mitchell, Supplies-\$171.43; Howes Oil, Supplies-\$5,140.00; Hydro Tech Service, Repair-\$816.00; ICAN, Publishing-\$750.00; Ingram Library Services, Books-\$276.29; Intellipro Security, Supplies-\$417.50; Interstate Office Products, Supplies-\$1,314.56; JCL Solutions, Supplies-\$68.95; Johnson Controls, Maintenance-\$4,871.28; Jones Supplies, Supplies-\$1,054.37; Josh's Tools, Supplies-\$275.90; JT Carpenter Properties, Snow, Snow Removal-\$85.00; Justin Adams, Reimbursement-\$115.00; Kehn's Carpet Cleaning, Professional Service-\$915.00; Kelly Kidwiler, Travel-\$35.00; Kimball-Midwest, Supplies-\$113.04; KORN/KQRN Radio, Publishing-\$5,543.80; Krohmer Plumbing, Repair-\$3,306.12; Lakeview Veterinary Clinic, Service Dog Tommy-\$1,123.69; Lifequest, 2021 Allocation-\$6,750.00; McLeod's Printing, Supplies-\$1,193.03; Menard's, Supplies-\$1,041.14; Metcalf Archaeological Consultant, AIP '28 P.E. #1-\$45,337.86; Meyers Oil, Supplies-\$1,594.44; Michael Todd & Company, Supplies-\$2,676.32; Midcontinent Communication, Utilities-\$110.42; Midcontinent Communication, Publication-\$1,490.00; Midwest Turf & Irrigation, Supplies-\$1,119.19; Mikayla Glowcheski, Reimbursement-\$99.99; Miscellaneous Vendor, Hanson, Gloria Refund-\$36.31; Mitchell Area Development, Quarterly Disbursement-\$41,750.00; Mitchell Convention & Visitors Bureau, 2021 Funding March-\$20,800.00; Mitchell Power Equipment, Supplies-\$81.85; Mitchell School District, Utilities-\$1,594.24; Mitchell School District, Corn Palace Games-\$9,139.16; Mitchell United Way, Deductions-\$195.00; Mount Vernon School District, Contract Services-\$34.10; Mueller Lumber, Supplies-\$235.15; Muth Electric, Repair-\$3,495.00; Napa Auto Parts, Supplies-\$644.53; Northwestern Energy & Communications, Utilities-\$53,648.61; Online Computer Library Center, Cataloging Subscription-\$354.63; One Source the Background, Background Checks-\$245.00; Overdrive, Books-\$943.41; Overtime Steak House and Sports Bar, Contract Services-\$506.50; Parkston Boom's Restaurant, Contract Services-\$1,531.25; Paulson Sheet Metal, Supplies-\$90.00; Pepsi Cola, Supplies-\$1,709.54; Peterbilt of Sioux Falls, Supplies-\$90.30; Premier Pest Control, Pest Control-Waste Water-\$150.00; Public Health Laboratory, Lab-\$90.00; Qualified Presort, Mailing Service-\$472.59; Quality Cut Lawn & Tree Service, Snow Removal Contract-\$8,666.66; Rink-Tec International, Maintenance-\$11,243.81; Rob Parker, Training-\$283.00; Ron's Bicycle and Locksmith, Supplies-\$132.00; Runnings Supply, Supplies-\$1,467.95; S & M Printing, Supplies-\$160.00; SAE Warehouse, Supplies-\$13.18; Saga Communications of South Dakota, Publishing-\$943.00; Schmucker Paul & Nohr, 2020-12 P.E. #8-\$7,691.80; Schumacher Elevator, Corn Palace Packing-\$2,357.00; Scott Supply, Supplies-\$67.50; South Dakota Newspaper Services, Publishing-\$642.40; South Dakota Retirement System, Retirement Contribution-\$51,201.09; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,854.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,258.50; South Dakota Retirement System, Retirement Contribution-\$74.05; Shafer Memorials, Capital Improvement-\$750.00; Sherwin-Williams, Supplies-\$60.94; Solarwinds Msp Canada, February Backup & Recovery-\$188.10; Standard Insurance, Life Insurance-\$408.29; Staples, Supplies-\$168.78; Stitchtogether, Supplies-\$284.00; Stryker Sales, Supplies-\$407.25; Sturdevants Mitchell, Supplies-\$2,348.85; Sturdevants Sioux Falls, Supplies-

\$3.71; Subway, Meals-\$41.94; Teamsters Local No. 120, Union Dues-\$830.00; Tessier's, Supplies-\$2,673.20; Thomson Reuters West, February Charges-\$803.39; Thune True Value Hardware, Supplies-\$168.36; TK Electric, Repair-\$1,802.79; TMA Stores, Supplies-\$ 531.60; Tractor Supply Credit Plan, Supplies-\$17.99; Trail King Industries, Supplies-\$55.02; Transource, Supplies-\$1,693.67; Trizetto Provider Solution, Professional Service-\$143.40; Two Way Solutions, Equipment-\$374.95; Verizon Wireless, Utilities-\$709.78; Vern Eide Ford Lincoln, Supplies-\$256.96; Walmart, Supplies-\$111.59; Wheelco Brake & Supply, Supplies-\$1,259.30; Wholesale Electronics, Supplies-\$131.33; Wellmark, Administration, Prescription, Medical-\$170,706.32; Wage Works, Flex Expense-\$17,238.31; US Bank, Mitchell DW #4-16,014.12.

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

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of MPR Real Estate Holdings LLC (Pizza Ranch) for a parking space variance of 73 spaces vs 78 spaces as required for the property located at 502 East Norway Avenue, legally described as Lot S-11, Replat of Lot S, NW ¼ of Section 27, T 103 N, R 60 W, City of Mitchell, Davison County, South Dakota. The owner wishes to construct an addition. The said real property is zoned HB Highway Oriented Business District. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Rice, to approve said application with the condition the variance will be reviewed in a year if parking regulations are not resolved. Motion carried.

It was advised that this is the date and time set for hearing on the application of David Baker for a side-yard on a corner variance of 8 feet vs 15 feet, a backyard variance of 24 feet vs 25 feet, and a height variance on an attached accessory building of 25 feet vs 22 feet as required for construction of an attached garage located at 400 West 14th Avenue, legally described as Lot 12, Block 12, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Rice, to approve said application. Motion carried.

Moved by Rice, seconded by Tjarks, to set date for April 5, 2021 on the application of Nancy Getty for a conditional use permit to operate a family residential childcare center in her home located at 1511 Pebble Beach Road, legally described as Lot 6, Block 5, Lakeview 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

Moved by Allen, seconded by McCardle, to set date for April 5, 2021 on the application of Ryan Kirkpatrick for a side-yard on a corner variance of 11 feet vs 20 feet as required to construct a

new home located at 823 East 5th Avenue, legally described as Lot 1, Block 11, FM Greene Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

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

CONSIDER APPROVAL:

Moved by Sabers, seconded by Tjarks to approve Mitchell Main Street & Beyond temporary street and parking closure and consumption permit request for 2021 First Friday Events (May 2021 through September 2021). Option A street closures were approved, which would close Main Street between 5th and 7th Avenues with the Option of Plan B street closures with Mayor approval, which would reduce the portion of Main Street that is blocked off between 5th and 6th Avenues. Motion carried.

Moved by McCardle, seconded by Tjarks, to approve Council Member Allen to the Consolidated Board of Equalization and Council Member Doescher as the alternate. Motion carried.

Moved by Tjarks, seconded by Rice, to approve a 15 minute parking sign, Monday-Friday from 1 pm to 5pm, for Sew 605 on the east side of the 300 block of Lawler Street. Motion carried.

Moved by Allen, seconded by Barington, to approve a quote for Loma Linda Sanitary Sewer Project #2020-30 to Menning Excavating, Inc. in the amount of \$98,002.00. Motion carried.

AWARD BID:

Bids were opened and read on Rock Chips Project #2021-10 on the 3rd day of March, 2021. Moved by Smith, seconded by Barington, to award as follows:

**ROCK CHIPS
PROJECT #2021-10**

Spencer Quarries Inc., 25341 430th Avenue, Spencer, SD 57374

| | | |
|---------------------|-------------|-------------|
| Rock Chips-3000 ton | \$13.80/ton | \$41,400.00 |
|---------------------|-------------|-------------|

Motion carried.

Bids were opened and read on Petroleum Products Project #2021-13 on the 3rd day of March, 2021. Moved by McCardle, seconded by Rice, to award as follows:

**PETROLEUM PRODUCTS
PROJECT #2021-13**

Jebro Inc., 2303 Bridgeport Drive, Sioux City, IA 51111

| | | |
|----------------|--------------|--------------|
| Item 1-300 ton | \$557.50/ton | \$167,250.00 |
| Item 2-100 ton | \$387.50/ton | \$38,750.00 |

Motion carried.

CONSIDER APPROVAL:

Moved by Allen, seconded by McCardle, to approve Agreement #A2021-04, Sanborn Signal Lights Upgrade for Pedestrian Push Button Project #2021-21A with TK Electric in the amount of \$69,840.00. Motion carried.

Moved by Rice, seconded by Sabers, to approve Agreement #A2021-05, Sanborn Street Lights Fixture Upgrade Project #2021-21B with Muth Electric in the amount of \$23,540.00. Motion carried.

Moved by McCardle, seconded by Barington, to approve Agreement #A2021-13, James Valley Drug Task Force Multi-Jurisdictional Joint Powers Agreement. Motion carried.

Moved by Allen, seconded by Tjarks, to approve Agreement #A2021-14, Risk and Resilience Assessment for Water Supply Project #2021-36 in an amount not to exceed \$25,880.00. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Rice, to approve Resolution #R2021-13, Bridge Reinspection Program with SDDOT and to Hire Broz Engineering, as follows:

**RESOLUTION #R2021-13
BRIDGE REINSPECTION**

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650 Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are to be reinspected at intervals not to exceed four years.

THEREFORE, the City of Mitchell is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City of Mitchell requests SDDOT to hire Broz Engineering, Inc. Consulting Engineers for the inspection work. SDDOT will secure federal approvals, make payment to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City of Mitchell will be responsible for the required 20% matching funds.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Allen, to approve Resolution #R2021-14, A Plat of Tract 2 of Amy's Addition in the SW ¼ of the SE ¼ of Section 35, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-14

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 8th day of March, 2021; and

WHEREAS, it appears from an examination of the plat TRACT 2 OF AMY'S ADDITION IN THE SW 1/4 OF THE SE 1/4 OF SECTION 35, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, 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 TRACT 2 OF AMY'S ADDITION IN THE SW1/4 OF THE SE1/4 OF SECTION 35, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, 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 Rice, seconded by Smith, to approve Resolution #R2021-15, A Plat of Lot 6, Block 6 of Woodland Heights First Addition, a Subdivision of Lot 3, Crane's Addition in the SE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-15

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 8th day of March, 2021; and

WHEREAS, it appears from an examination of the plat LOT 6, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, 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 LOT 6, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITON IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., 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 McCardle, seconded by Rice, to approve Resolution #R2021-16, A Plat of Lot 5-B, Block 7 of Westwood First Addition, a Subdivision of the SW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-16

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 8th day of March, 2021; and

WHEREAS, it appears from an examination of the plat LOT 5-B, BLOCK 7 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF SW ¼ OF SECTION 16, 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 LOT 5-B, BLOCK 7 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF SW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., 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 Rice, seconded by McCardle, to approve Resolution #R2021-17, A Plat of Lot 1 in Tract H, Wild Oak Golf Club Addition, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-17

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 8th day of March, 2021; and

WHEREAS, it appears from an examination of the plat LOT 1 IN TRACT H, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, 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 LOT 1 IN TRACT H, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, 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.

ORDINANCES:

Moved by Sabers, seconded by Rice, to place Ordinance #O2021-01, Rezoning of Certain Lots Platted and Unplatted within The Island First Addition, City of Mitchell from UD Urban Development to R1 Single Family Residential District on second reading. Planning commission recommended denial of the rezoning. Roll call vote: Members present voting aye-Rice, Sabers. Members present voting nay-Allen, Barington, Doescher, McCardle, Smith, Tjarks. Motion failed.

Moved by Allen, seconded by McCardle, to place Ordinance #O2021-02, Rezoning of Lots 9, 10 & East ½ of Lots 11 & 12, Block 12, Van Eps 1st Addition, City of Mitchell from R3 Medium Density Residential District to HB Highway Oriented Business District on second reading. Motion carried. Moved by Smith, seconded by Barington, to adopt Ordinance #O2021-02, Rezoning of Lots 9, 10 & East ½ of Lots 11 & 12, Block 12, Van Eps 1st Addition, City of Mitchell from R3 Medium Density Residential District to HB Highway Oriented Business District, as follows:

ORDINANCE NO. O2021-02

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lots 9, 10 and the East ½ of Lots 11 & 12, Block 12, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota from R3 Medium Residential District to HB Highway Oriented Business 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; Lots 9, 10 and the East ½ of Lots 11 & 12, Block 12, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota from R3 Medium Residential District

to HB Highway Oriented Business 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, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried.

Moved by Barington, seconded by Rice, to place Ordinance #O2021-03, An Ordinance Changing the Name of Home Federal Avenue to Iverson Avenue on first reading. Motion carried.


EXECUTIVE SESSION:

Moved by Rice, seconded by Smith, to go into Executive Session as permitted by SDCL 1-25-2(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Motion carried.

Mayor Everson declared the board out of executive session at 7:30 p.m. and the City Council to reconvene in regular session at 7:31 p.m.

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 _____.