

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

**April 15, 2019
6:00 P.M.**

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

ABSENT: Steve Rice

PRESIDING: Mayor Bob Everson

AGENDA:

Moved by McCardle, seconded by Sabers, to change item "6" 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 to item "N" and to approve the following items on the consent agenda.

- a. City Council Minutes
 1. City Council April 1, 2019, and
 2. Special City Council April 5, 2019.
- b. Committee Meeting Minutes
 1. Planning Commission March 25, 2019.
- c. Department Reports
 1. Finance (March),
 2. Sales Tax Collections (March),
 3. Sales Tax Overview-1st Quarter 2019,
 4. Building Permits (March),
 5. Main Street Properties Code Violation Update,
 6. Police (March),
 7. Fire & EMS (March),
 8. Palace Transit Ridership (March),
 9. Airport (March), and
 10. Water (March).
- d. Raffle Permits
 1. Mitchell Heart & Sole Cancer Walk with the drawing to be held on May 11, 2019,
 2. Mitchell Heart & Sole Cancer Walk with the drawing to be held on June 14, 2019, and
 3. VFW Post #2750 Mitchell with the drawing to be held when all the tickets are sold or on August 31, 2019.
- e. Set date of 05-06-2019 for hearing

- 1. On the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Temple for June 14, 2019 for a wedding.
- f. Set date for bid opening May 14, 2019 at 1:30 p.m. for Curb & Gutter Project #2019-14.
- g. Set date for bid opening May 14, 2019 at 1:30 p.m. for Sidewalk Project #2019-4.
- h. Set date for hearing May 6, 2019 at 6:00 p.m. for 2019 Proposed Special Assessments for Sidewalk Construction.
- i. Set date for hearing May 20, 2019 at 6:00 p.m. for 2019 Proposed Special Assessments for Alley Project in the 201 Block of North Main Alley Between 2nd and 3rd on West Side of Main Street.
- j. Authorization to apply for the south Central Alcohol Task Force 2020 Budget.
- k. Authorization to apply for 2020 Speed Enforcement Grant.
- l. Fuel Quotes

| <u>Howes Oil Company</u> | <u>Requested Gallons</u> | <u>Bid Gallons</u> | <u>Price per Product</u> | <u>Total Bid</u> |
|--------------------------|--------------------------|--------------------|--------------------------|------------------|
| On Road Diesel-#2 | 2,000 | 2,000 | \$2.5075 | \$ 5,015.00* |
| Off Road Diesel-#2 | 5,500 | 5,500 | \$2.2325 | \$12,278.75* |
| | | Total Bid: | | \$17,293.75* |

Howes Oil was the only bidder for items marked with an asterisk.

- m. Pay Estimates April 15, 2019
Pay Estimate #7 in the amount of \$4,430.00 for Sanborn Bridge Repair Design #2018-22B contracted to Brosz Engineering.
- n. 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 MARCH 10, 2019 – MARCH 23, 2019: City Council \$3,106.48, Mayor \$1,292.65, City Administrator \$4,858.15, Attorney \$4,037.15, Finance \$13,561.20, Human Resources \$3,527.96, Municipal Building \$3,329.07, Information Technology \$2,496.10, Police \$62,836.99, Traffic \$4,125.09, Fire \$47,980.77, Street \$31,125.61, Public Works \$20,089.84, Cemetery \$3,847.12, Animal Control \$1,493.73, Emergency Medical Services \$8,691.90, Library \$14,517.70, Recreation & Aquatics \$5,999.61, Recreation Center \$15,908.08, Sports Complexes \$10,670.01, Parks \$9,246.06, Supervision \$5,225.01, E911 \$21,325.98, RSVP \$5,672.00, Palace Transit \$20,481.32, JVCC \$1,431.00, Nutrition \$1,056.31, Water Distribution \$11,731.53, Sewer \$14,942.29, Airport \$2,814.05, Waste Collection \$8,723.91, Landfill \$9,960.00, Corn Palace \$15,409.74, Golf Course \$5,712.93.

NEW HIRES:

REC & AQUATICS: Christina Siemsen-\$11.35.

LIBRARY: Jessica Burns-\$9.85.

LANDFILL: Spencer Morgan-\$12.85.

PUBLIC WORKS: Jordan Voorhees-\$12.85.

WASTEWATER: Thomas Holleman-\$17.663.

SALARY ADJUSTMENTS:

FIRE: Tiffany Boehmer-19.071.

COMMUNITY CENTER: Amy Hurt-\$22.899.

POLICE: Kelly Loudenburg-\$27.573.

REC CENTER: Joe Haiar-\$22.630.

WASTEWATER: Loren Skinner-\$29.331, Eugene Wagaman-\$29.331.

STREET: Troy Kokesh-\$24.679.

WARRANTS: A-Ox Welding Supply, Rental-\$66.43; AFLAC, Withholding-\$10,899.50; AFLAC Group, Critical Care-\$1,057.72; AFSCME Council 65, Union Dues-\$590.00; Amazing Space, Capital Improvement-\$824.59; Amazon Capital Services, Supplies-\$82.75; American Garage Door, Supplies-\$994.89; Ameripride Services, Supplies-\$338.09; AT& T Mobility, Utilities-\$1,035.20; Automatic Building Control, Utilities-\$240.00; Avera Occupational Medicine, Contract Services-\$2,612.45; Axon Enterprise, Supplies-\$19,636.00; B-Y Water District, March Usage-\$40,847.04; Baete-Forseth Hvac, Repair-\$461.23; Bailey Metal Fabricators, Supplies-\$331.39; Baker & Taylor, Books-\$1,337.76; Bender's Sewer Cleaning, Maintenance-\$605.00; Best Western Ramkota Inn, Travel-\$917.91; Big Daddy D's, Contract Services-\$4,730.25; Blackstone Publishing, Supplies-\$40.14; Bound Tree Medical, Supplies-\$1,558.94; Boyer Trucks Sioux Falls, Supplies-\$802.70; Brosz Engineering, 2018-22B P.E. #7-\$4,430.00; Butler Machinery, Supplies-\$247.92; C & B Operations, Repairs-\$130.75; Campbell Supply, Supplies-\$1,043.12; Carolina Software, Repairs-\$500.00; Carquest Auto Parts, Supplies-\$314.62; Center Point Large Print, Books-\$178.56; Century Link, Utilities-\$61.06; City of Mitchell, Utilities-\$54.85; Civicplus, Memberships-\$3,000.00; CMC Excavation, Repairs-\$16,926.82; Coborns, Contract Services-\$685.00; Coca Cola Bottling, Supplies-\$8.00; Commercial Asphalt/Spencer Quarries-\$1,429.40; Connections, Employee Assistance-\$1,539.90; Core & Main, Supplies-\$15,313.96; Core-Mark Midcontinent, Supplies-\$1,660.93; Corn Palace Concessions, Supplies-\$96.00; County Fair, Contract Services-\$525.00; Daily Republic, Renewal-\$175.00; Dakota Pump, Repair-\$844.39; Dakota Scuba, Supplies-\$701.00; Dakota Supply Group, Supplies-\$1,978.36; Dakota Wesleyan University, Supplies-\$902.45; Dale Steffen, Supplies-\$180.00; Dale's A-1 Transmission, Police Tow-\$145.00; Danko Emergency Equipment, Supplies-\$5,309.44; Darrington Water Conditioning, Rental-\$73.05; Davison County Register of Deeds, Copies-\$8.00; Davison Rural Water Systems, Utilities-\$70.75;

DB Electric, Repairs-\$1,501.79; Delta Dental Plan of South Dakota, Dental Premiums-\$14,113.44; Demco, Supplies-\$105.57; Department of Social Services, Child Support-\$1,275.22; Dug Out. Contract Services-\$640.50; Emergency Education, Training-\$480.00; Environmental Resource, Lab-\$384.81; Extreme Clean Carpet Cleaning, Repair-\$425.87; Farmers Alliance, Supplies-\$305.10; Fastenal, Supplies-\$13.19; Forum Communications, Advertising-\$6,640.79; Fox Paint & Blinds, Supplies-\$211.60; Framer, Supplies-\$169.50; Future IQ Partners, Professional Service-\$13,300.00; Gale, Books-\$881.10; Ginga Stars, Entertainment-\$3,000.00; Golden West Technologies, Utilities-\$307.50; Grainger, Supplies-\$95.90; Grey House Publishing, Books-\$487.05; Hali-Brite, Supplies-\$312.14; Happy Memories Band, Contract Services-\$150.00; Harve's Pro Prints, Supplies-\$1,062.50; Hawkins, Supplies-\$1,158.06; Henry Schein, Supplies-\$503.86; Howes Oil, Supplies-\$16,585.80; Info USA Marketing, Supplies-\$470.00; Ingram Library Services, Books-\$121.45; Innovative Office Solution, Supplies-\$181.25; Integrity Transcription, Transcribing Service-\$667.00; Interstate Office Products, Supplies-\$44.63; International Public Management, Supplies-\$547.00; Jaylon Tollefson, Travel-\$45.00; JCL Solutions, Supplies-\$90.00; Jones Supplies, Supplies-\$741.26; Karl's, Supplies-\$39.99; KDLT-TV, Advertising-\$1,478.00; Kevin Roth, Travel-\$45.00; Kimball-Midwest, Supplies-\$172.26; KO Pest Control, Supplies-\$315.00; Krohmer Plumbing, Supplies-\$1,993.76; Lakeview Veterinary Clinic, Supplies-\$1,448.42; Lawless Electronics, Repairs-\$42.00; Lawson Products, Supplies-\$159.03; Learning Opportunities, Books-\$596.81; Locators and Supplies, Supplies-\$635.35; Long Rider Books, Books-\$1,822.11; Lookout Books, Books-\$831.03; Maguire Iron, Repairs-\$3,755.00; Make It Mine Designs, Supplies-\$65.00; McLeod's Printing, Supplies-\$844.70; Menard's, Supplies-\$1,363.12; Meyers Oil, Supplies-\$4,211.03; Michael Todd & Company, Supplies-\$1,385.25; Microsoft, Supplies-\$910.00; Midcontinent Communication, Publishing-\$3,086.00; Midwest Turf & Irrigation, Supplies-\$149.93; Claggett, Water Refund-\$90.73; Mitchell Area Chamber of Commerce, Employee Recognition Banquet-\$7,300.00; Mitchell Area Convention Visitors Bureau, 2019 Funding-April-\$22,750.00; Mitchell Area Development, 2019 Allocation-\$35,750.00; Mitchell Iron & Supply, Supplies-\$117.29; Mitchell Main Street and Beyond, Supplies-\$840.60; Mitchell Plumbing & Heating, Repair-\$420.71; Mitchell Power Equipment, Supplies-\$22.53; Mitchell Show Choir, Dinner Theatre-\$39,588.40; Mitchell Telecom, Utilities-\$2,672.14; Mitchell United Way, United Way Deductions-\$188.11; Mount Vernon School District, Contract Services-\$56.10; Mueller Lumber, Supplies-\$193.99; Muth Electric, Repair-\$675.52; Naeir, Supplies-\$129.75; Napa Auto Parts, Supplies-\$2,206.23; Nedved Media, Advertising-\$6,867.22; Noridian Medicare, Refund-\$402.03; Northwestern Energy & Communications, Utilities-\$57,744.77; One Source, Professional Service-\$67.00; Overdrive, Supplies-\$1,045.00; Palace City Lion's Club, Supplies-\$840.60; Palace City Pawn, Supplies-\$20.00; Parkston Boom's Restaurant, Contract Services-\$2,388.25; Paulson Air, Repairs-\$1,323.73; Penguin Random House, Supplies-\$90.00; Perfect Touch Auto Detailing, Employee Recognition-\$100.00; Porta Pros, Rental-\$150.00; Porter Distributing, Supplies-\$1,618.50; Powerplan-

Oib, Supplies-\$307.52; Premier Equipment, Supplies-\$249.46; Premier Pest Control, Contract Services-\$175.00; Qualified Presort, Contract Services-\$542.49; Recorded Books, Supplies-\$60.29; Ron's Bicycle and Locksmith, Repair-\$370.00; Rowman & Littlefield Publishing, Book-\$49.58; S & M Printing, Supplies-\$552.00; Saga Communications of South Dakota, Advertising-\$2,290.03; San Diego Indoor, Entertainment-\$4,300.00; Santel Communications, Utilities-\$106.16; Satcom Global, Supplies-\$42.75; Scholastic, Books-\$195.21; Schumacher Elevator, Repairs-\$497.39; Scott Supply, Supplies-\$412.60; South Dakota Department of Health, Lab-\$90.00; South Dakota Department of Revenue, Title & Plate-\$21.20; South Dakotas Federal Property, Supplies-\$188.00; South Dakota Newspaper Services, Advertising-\$1,434.00; South Dakota Public Assurance Alliance, Insurance Coverage-\$358,124.18; South Dakota Retirement System, Retirement Contribution-\$49,364.17; South Dakota-Supplemental Retirement, Retirement Contributions-\$8,684.33; South Dakota-Supplemental Roth 457, Retirement Contributions-\$425.00; Sherwin-Williams, Supplies-\$85.63; Sioux Equipment, Repair-\$562.38; Soccer, Entertainment-\$10,000.00; Special Olympics South Dakota, Sports Authority Promotion-\$6,000.00; Spencer Quarries, Supplies-\$542.23; Stan Houston Equipment, Supplies-\$112.00; Standard Insurance Company, Life Insurance-\$2,193.06; Staples Advantage, Supplies-\$282.77; Stephen Laughlin, Travel-\$45.00; Stitchtogether, Supplies-\$24.00; Sturdevant's Auto Parts, Supplies-\$1,081.53; Subway, Meals-\$45.03; Sun Gold Sports, Supplies-\$346.50; Swiftel Communications, Utilities-\$767.00; Tessier's, Repairs-\$227.96; Thomas Holleman, Travel-\$15.00; Thomas L Price, Professional Service-\$350.00; Thomson Reuters-West, Supplies-\$642.76; Thune True Value Hardware, Supplies-\$64.50; Ticketforce, Usage Fees-\$3,446.90; TK Electric, Repairs-\$35.71; TMA Stores, Repair-\$211.64; Tractor Supply Credit Plan, Supplies-\$19.99; Transource, Supplies-\$4,418.35; United Parcel Service Store #4227, Shipping-\$430.44; United States Postal Service, Postage-\$75.33; USA Blue Book, Supplies-\$55.51; Verizon Wireless, Utilities-\$1,677.12; Vern Eide Chevrolet Buick, Supplies-\$323.40; Vern Eide Ford Lincoln, Supplies-\$791.39; Walmart, Supplies-\$80.12; Washington National Insurance, Refund-\$102.56; Wellmark Blue Cross & Blue Shield, Refund-\$616.60; Wheelco Brake & Supply, Supplies-\$830.24; Wholesale Electronics, Supplies-\$14.74; WNAX FM, Advertising-\$500.00; Wright Brothers Aviation, Airport Administration-\$500.00; Xtreme Cheer & Dance, Sports Authority Promotion-\$75.00; Zimco Supply, Supplies-\$1,432.00; Purple Wave Auction, Lawn Mower-\$3,520.00; South Dakota State Treasurer, Sales Tax Payment-\$14,845.04; Library, Fines-\$716.34; Wellmark of South Dakota, Medical Expenses-\$258,686.05; Wage Works, Medical Expenses-\$15,596.00.

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

CITIZENS INPUT:

Mayor Bob Everson recognized Macy Miller and proclaimed April 15, 2019 to be Macy Miller Day and congratulated her for her selection in the WNBA draft with the Seattle Storm.

BOARD OF ADJUSTMENT:

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

SET DATE:

Moved by Allen, seconded by Tjarks, to set date for May 6, 2019 on the application of Brenda Oleson & Dan Hauser for a front yard variance of 10 feet vs 25 feet as required for moving of an existing accessory building located at 721 W Hanson Avenue, legally described as Lot 12, Block 8, Railroad Addition, City of Mitchell, Davison County, South Dakota. The said property is zoned R2 Single Family Residential District. Motion carried.

Moved by Barington, seconded by Tjarks, to set date for May 6, 2019 on the application of Gary & Sandy Butterfield for a backyard variance of 20 feet vs 25 feet as required and an oversize variance of 1,848 square feet vs 1,200 square feet as required for the purpose of constructing an accessory building located at 700 W Pine Avenue, legally described as Lot 1, Block 6, MLC Addition, City of Mitchell, Davison County, South Dakota. The property is zoned PD Mueller Lumber Morningview Subdivision Planned Development District. Motion carried.

Moved by Allen, seconded by Barington, to set date for May 6, 2019 on the application of On Sight Storage LLC for a conditional use permit to operate a self-service storage facility located at 120 S Lawler, legally described as Lots 10 & 11, Block 20, Original Addition, City of Mitchell, Davison County, South Dakota. The property is zoned CB Central Business District. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the application of Yvonne Steward, applicant, and Mid Dakota Properties, owner, for a conditional use permit to operate a family residential child care center located at 517 N Duff St, legally described as S 1/2 of Lots 1 & 2, Block 14 and N 1/2 of vacated alley, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R4 Multi-Family Residential District. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended denial of said application citing yard size, neighborhood opposition, and traffic as factors. The applicant was present and spoke to City Council regarding passing the home fire inspection and being licensed by the Department of Social Services. Neighbors also spoke in opposition of the proposed conditional use permit. Moved by Tjarks, seconded by Barington, to approve said application. Council members cited neighborhood opposition prior to roll call vote.

Roll call vote: Members present voting aye: Barington, McCardle, Tjarks. Members present voting nay: Allen, Doescher, Sabers, Smith. Motion denied.

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

DISCUSSION:

Mark Vaux, Executive Director of the Mitchell Area Development Corporation and Chamber of Commerce presented to the City Council their first quarterly report for 2019. Vaux explained the different organizations that are located at 601 North Main and their commitment to the economic growth and success of the Mitchell community. Vaux highlighted several marketing plans including new brochures, digital marketing campaigns, print advertising and partnerships with local boards.

AWARD BID:

Bids were opened and read on the East Central Drainage Project #2018-39 on the 4th day of April, 2019 in the Council Chambers of City Hall. Moved by Allen, seconded by Barington, to award the project contingent on the approval of SDDENR, as follows:

**EAST CENTRAL DRAINAGE
PROJECT #2018-39**

Menning Backhoe, LLC, 25462 Cornerstone Ave, Mitchell, SD 57301

Bid Schedule A and Alternate 1 \$3,507,332.05

Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Sabers, to approve the application of the Corn Palace for a Special Event License for Food Truck Fridays located on Main Street by closing North Main Street between 6th & 7th Street for the following Fridays, May 17th, June 21st, July 19th and August 16th from 10:00 a.m. to 3:00 p.m. Motion carried.

Moved by Allen, seconded by Smith, to approve and authorize the Mayor to sign Agreement #A2019-18. City of Mitchell & Mitchell Township Fire Agreement. Motion carried.

Moved by Barington, seconded by Allen, to approve and authorize the Mayor to sign Agreement #A2019-19, Lakeview Lawn Bowling Facility Use Agreement contingent that the Lakeview Lawn Bowling Association pays the \$3,500.00 fees from 2018 and the 2019 fees are to be set at \$6,500.00. Motion carried.

Moved by Smith, seconded by Tjarks, to approve and authorize the Mayor to sign Agreement #A2019-20, A Lease Agreement Between the City of Mitchell & Mitchell Area Development

Corporation at 512 North Main for a period of eight years, renewable annually after and to allow subleasing of the building for the duration of the lease. Motion carried.

RESOLUTIONS:

Moved by Allen, seconded by Barington, to approve Resolution #R2019-28, A Plat of Lot 1 Block 6, MLC Addition, and a Portion of West Pine Avenue. A Subdivision of Block 3, and Lot 4B, Block 4, Morningview Addition to the City of Mitchell. Davison County, South Dakota, as follows:

RESOLUTION #R2019-28

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 April, 2019; and

WHEREAS, it appears from an examination of the plat of LOT 1, BLOCK 6, MLC ADDITION, AND A PORTION OF WEST PINE AVENUE, A SUBDIVISION OF BLOCK 3 AND LOT 4B, BLOCK 4, MORNINGVIEW ADDITION TO THE CITY OF MITCHEL, 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 1, BLOCK 6, MLC ADDITION AND A PORTION OF WEST PINE AVE, A SUBDIVISION OF BLOCK 3 AND LOT 4B, BLOCK 4, MORNINGVIEW ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, 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 Barington, seconded by Tjarks, to approve Resolution #R2019-29, A Resolution Declaring an Emergency for Repairs to City Hall, as follows:

RESOLUTION #R2019-29

A RESOLUTION DECLARING AN EMERGENCY FOR REPAIRS TO CITY HALL

WHEREAS the air condition system at City Hall is of a type which is no longer commercially available or viable and that such system has suffered a critical failure; and

WHEREAS the timeline to replace the system extends several months even if equipment were ordered immediately; and

WHEREAS the lack of adequate temperature regulation in the building poses a serious threat to occupant health and safety, including staff and the public.

THEREFORE, IT IS RESOLVED by the City Council of the City of Mitchell, SD that, pursuant to SDCL 5-18A-9, there is hereby declared an emergency on the basis of public health and safety due to an inability to adequately regulate building temperature.

IT IS FURTHER RESOLVED that the Public Works Department shall purchase such equipment and engage a competent contractors to complete the installation of such equipment as is necessary to repair or replace the air conditioning system at City Hall. These procurements are to be made with such competition as is practicable under the circumstances. Public Works shall include a copy of this resolution and a written document explaining the basis for choosing the selected contractor in the contract file for this project.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Allen, seconded by McCardle, to place Ordinance #O2019-03, Bicycle Updates on second reading. Motion carried. Moved by Tjarks, seconded by Smith, to adopt Ordinance #O2019-03, as follows:

ORDINANCE #O2019-03

**AN ORDINANCE PROVIDING FOR THE USE AND REGULATION
OF ELECTRIC BICYCLES.**

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

Section 1.

That Mitchell City Code (MCC) Section 7-3-8(B) be AMENDED by adding a new sentence stating:

“This section does not apply to bicycles as defined in Chapter 7-8-1.”

Section 2.

That MCC Section 7-8-1 be AMENDED by modifying the definition of “BICYCLE” to read as follows:

“Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices. The term bicycle includes an electric bicycle.”

Section 3.

That MCC Section 7-8-1 be AMENDED by adding a new definition for the term “ELECTRIC BICYCLE” to read as follows:

“ELECTRIC BICYCLE: A bicycle or tricycle that is:

1. Equipped with a seat or saddle for the cyclist;
2. Equipped with operable pedals for propulsion by the cyclist;
3. Equipped with an electric motor of seven hundred fifty watts or less; and
4. Is designated as a Class I, II, or III electric bicycle by state law.”

Section 4.

That MCC Section 7-8-2 be AMENDED to read as follows:

“7-8-2 REGISTRATION AUTHORIZED:

Every owner of a bicycle may list and register with the Chief of Police or designated representative his name and address, the name of the manufacturer of his bicycle, its number, style and general description.”

Section 5.

That MCC Section 7-8-3(B) be AMENDED to read as follows:

B. Riding On Roadways, Sidewalks, Trails, and Paths:

1. No person may ride or propel any bicycle upon any public street, highway, sidewalk, trail or path in such a manner as to interfere with any pedestrian thereon.
2. No person may ride or propel a bicycle upon any public street, highway, sidewalk, trail or path except in a careful and prudent manner and unless such person is capable of efficient control and operation of such bicycle.
3. No person may operate a bicycle upon the streets, highways, sidewalks, trails and paths of the City carelessly, without due caution, or at a speed or in a manner so as to endanger any person or property.
4. Every person operating a bicycle upon a roadway must ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
5. Persons riding bicycles upon a roadway may not ride more than two (2) abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast must not impede the normal and reasonable movement of traffic and, on a laned roadway, must ride within a single lane.

Section 6.

That MCC Section 8-1-6(D) be AMENDED to read as follows:

D. Vehicles on Parkings or Sidewalks: See Section 7-3-8(B).

Section 7.

That MCC Section 8-3-4(C)(2) be AMENDED to read as follows:

2. Vehicles and Horses to Remain on Roadways: No person may operate any motor vehicle or ride any horse in any park or upon any city property, except upon drives and roadways specified for such purposes. A bicycle as defined in Section 7-8-1 is not considered a motor vehicle for the purposes of this section.

Section 8.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 9.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and as of July 1st 2019, unless the referendum is invoked, this ordinance shall become effective.

Members present voting aye: Allen, Barington, McCardle, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted. Doescher left the room temporarily.

Moved by Smith, seconded by Tjarks, to place Ordinance #O2019-04, Grass in Parks on second reading. Motion carried. Moved by Tjarks, seconded by Barington, to adopt Ordinance #O2019-04, as follows:

ORDINANCE #O2019-04

AN ORDINANCE.

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

Section 1.

That Mitchell City Code Section 8-3-5(D) be AMENDED to read as follows:

“D. Injuring Trees Or Plants: No person may pluck, destroy, cut, deface, break, trample upon, remove, or interfere with the growth of any tree, shrub, or flower in any park or parkway, unless the Parks and Recreation Director has approved such action in writing prior to its occurrence.”

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.

Members present voting aye: Allen, Barington, Doescher, McCardle, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

Moved by Smith, seconded by Sabers, to place Ordinance #O2019-05, Supplemental Appropriations on second reading. Motion carried. Moved by Allen, seconded by Barington to adopt Ordinance #O2019-05, as follows:

**ORDINANCE #O2019-05
 SUPPLEMENTAL APPROPRIATION ORDINANCE
 CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**

BE IT ORDAINED, BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, that the following sums be appropriated to authorize certain expenditures and to meet certain obligations for the year 2019 according to statute:

**GENERAL FUND
 CITY COUNCIL**

| | | |
|-----------------|-----------------------|-------------|
| 101-41110-42200 | Professional Services | \$66,900.00 |
| 101-41110-42600 | Supplies | \$2,000.00 |

CITY ADMINISTRATOR

| | | |
|-----------------|-----------------------|------------|
| 101-41220-42200 | Professional Services | \$1,300.00 |
|-----------------|-----------------------|------------|

FINANCE

| | | |
|-----------------|-----------------------|------------|
| 101-41420-42200 | Professional Services | \$4,925.00 |
|-----------------|-----------------------|------------|

MUNICIPAL BUILDINGS

| | | |
|-----------------|-------------------|--------------|
| 101-41920-43410 | Repairs-City Hall | \$300,000.00 |
|-----------------|-------------------|--------------|

INFORMATION TECHNOLOGY

| | | |
|-----------------|-------------------|-------------|
| 101-41935-43510 | Computer Hardware | \$45,000.00 |
| 101-41935-43511 | Computer Software | \$45,000.00 |

POLICE

| | | |
|-----------------|----------------------|-------------|
| 101-42110-41700 | Compensated Absences | \$44,000.00 |
|-----------------|----------------------|-------------|

STREET

| | | |
|-----------------|-------------|-------------|
| 101-43100-42500 | Repairs | \$3,252.00 |
| 101-43100-42600 | Supplies | \$33,132.00 |
| 101-43100-42620 | Asphalt Mix | \$46,700.00 |

STREET & SIDEWALK

| | | |
|-----------------|-------------------------------|--------------|
| 101-43120-43300 | Street Overlay Maintenance | \$554,992.00 |
| 101-43120-43309 | Rec Center/School Parking Lot | \$175,000.00 |
| 101-43120-43319 | Burr Street | \$300,000.00 |

SNOW REMOVAL

| | | |
|-----------------|----------|-------------|
| 101-43130-42500 | Repairs | \$4,600.00 |
| 101-43130-42600 | Supplies | \$10,921.00 |

STORM DRAINAGE

| | | |
|-----------------|---------------|-------------|
| 101-43150-43328 | Kibbee Ditch | \$8,000.00 |
| 101-43150-43329 | Dry Run Creek | \$80,000.00 |

CEMETERY

| | | |
|-----------------|-------------------|-------------|
| 101-43700-43300 | Paving | \$20,000.00 |
| 101-43700-43405 | Irrigation System | \$9,000.00 |

ECONOMIC DEVELOPMENT

| | | |
|-----------------|--------------------|-------------|
| 101-46500-42905 | MADC-Looping Grant | \$75,000.00 |
|-----------------|--------------------|-------------|

OTHER FINANCING USES

| | | |
|-----------------|----------------------|-------------|
| 101-49000-51101 | Transfer Out to Park | \$60,000.00 |
|-----------------|----------------------|-------------|

The funding will come from the General Fund cash balance.

SPECIAL REVENUE FUNDS

RECREATION CENTER

| | | |
|-----------------|----------------------|-------------|
| 201-45140-43300 | Capital Improvements | \$12,000.00 |
|-----------------|----------------------|-------------|

PARKS

| | | |
|-----------------|-------------------|-------------|
| 201-45210-43200 | Capital Buildings | \$86,003.83 |
|-----------------|-------------------|-------------|

The funding will come from the Park Fund cash balance.

Members present voting aye: Allen, Barington, Doescher, McCardle, Sabers, Smith, Tjarks.
Members present voting nay: none. Motion carried and ordinance declared duly adopted.

Moved by Tjarks, seconded by McCardle, to place Ordinance #O2019-06, An Ordinance that Changes the Zoning District Classification of the Real Property Described as Lot C in the E ½ of the NE ¼ of Section 30, T 103 N, R 60 W. Davison County, South Dakota from TWC Transportation, Warehousing, and Commercial District to UD Urban Development District on first reading. Motion carried.

ADJOURN:

There being no further business to come before the meeting, Mayor Everson adjourned the meeting.


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.