

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

**May 6, 2019  
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 Rice, seconded by Allen, to approve the following items on the consent agenda.

- a. City Council Minutes
  1. City Council April 15, 2019,
  2. Special City Council April 29, 2019, and
  3. Work Session April 29, 2019.
- b. Committee Meeting Minutes
  1. Planning Commission April 8, 2019, and
  2. Public Health & Safety April 15, 2019.
- c. Raffle Permits
  1. Coborns/Heart and Sole with the drawing to be held on May 11, 2019,
  2. Moose Lodge #875 with the drawing to be held on August 31, 2019 or when all the tickets are sold, and
  3. Mitchell Aquatic Club with the drawing to be held no later than September 15, 2019.
- d. Approve new Taxi License Application for Patrick Murray.
- e. Change Order #1 for Sanborn Street Phases II & III Project #2019-22 increasing the contract amount by \$35,609.40 to extend sanitary sewer and water service from 2<sup>nd</sup> Avenue at Sanborn Blvd. contracted to H & W Contracting, LLC, adjust contract amount to \$7,995,726.07.
- f. Approve Application for DOT Capital Grant Funds.
- g. Authorize the purchase of a Field Mower for Cadwell Park Project #2019-35.
- h. Approve Airport Independent Fee Evaluation for Professional Services for AIP Reconstruct Runway 18/36 Project #2019-38.
- i. Action to authorize the application for the Wellmark Foundation Matching Assets for Community Health (MATCH) Grant.
- j. 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	1,200	1,200	\$2.55	\$ 3,060.00*

Unleaded Gas- 10% Ethanol	6,300	6,300	\$2.386	\$15,031.80*
			<b>Total Bid:</b>	<b>\$18,091.80*</b>

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

- k. Pay Estimates May 6, 2019
- Pay Estimate #4 in the amount of \$725.00 for South Side Water Tower Coating #2018-1R contracted to SPN & Associates,
  - Pay Estimate #5 in the amount of \$845.00 for South Side Water Tower Coating #2018-1R contracted to SPN & Associates,
  - Pay Estimate #1 in the amount of \$17,172.00 for Sanborn Bridge Repair Design #2018-22B contracted to H&W Contracting, LLC,
  - Pay Estimate #7 in the amount of \$16,050.00 for Waste Water Collection Evaluation #2018-34 contracted to SPN & Associates,
  - Pay Estimate #20 in the amount of \$4,400.00 for East Central Drainage-Storm Sewer #2018-39 contracted to SPN & Associates,
  - Pay Estimate #21 in the amount of \$1,600.00 for East Central Drainage-Water #2018-39 contracted to SPN & Associates,
  - Pay Estimate #22 in the amount of \$2,000.00 for East Central Drainage-Waste Water #2018-39 contracted to SPN & Associates,
  - Pay Estimate #10 in the amount of \$5,330.00 for Sanborn Phases II & III-WW & SS #2019-22 contracted to SPN & Associates,
  - Pay Estimate #11 in the amount of \$1,416.65 for Sanborn Phases II & III-WW & SS #2019-22 contracted to SPN & Associates,
  - Pay Estimate #1 in the amount of \$73,975.14 for Sanborn Phases II & III #2019-22 contracted to H&W Contracting, LLC,
  - Pay Estimate #1 in the amount of \$1,087.50 for Old Landfill Monitoring #2019-28 contracted to GeoTek Engineering & Testing, and
  - Pay Estimate #1 in the amount of \$9,458.75 for New Landfill Monitoring #2019-29 contracted to GeoTek Engineering & Testing.
- i. 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 24, 2019 – APRIL 6, 2019:** City Council \$3,106.48, Mayor \$1,292.65, City Administrator \$5,008.15, Attorney \$4,037.15, Finance \$13,604.05, Human Resources \$3,527.96, Municipal Building \$3,367.29, Information Technology \$2,526.91, Police \$66,841.40, Traffic \$4,417.36, Fire \$48,215.85, Street \$41,632.56, Public Works \$20,181.71, Cemetery \$3,764.74, Animal Control \$1,473.10, Emergency Medical Services \$6,538.52, Library \$14,033.37, Recreation & Aquatics \$5,353.98, Recreation Center \$14,241.62, Sports Complexes \$11,160.83, Parks \$9,520.73, Supervision \$5,225.02, E911 \$23,750.40, RSVP \$5,535.80, Palace Transit \$20,313.11, JVCC \$1,397.88, Nutrition \$753.75, Water Distribution \$14,433.28, Sewer \$15,942.72, Airport \$3,952.74, Waste Collection \$10,340.35, Landfill \$14,053.87, Corn Palace \$17,022.40, Golf Course \$6,761.72.

**SALARY ADJUSTMENTS:**

FIRE: Joe Dolezal-\$24.126, Zachary Dalrymple-\$21.327, Brandon Manchester-\$18.835.

PALACE TRANSIT: Don Trebil-\$17.663.

POLICE: Brad Buysse-\$30.797, Nick Jongeling-\$30.797, Sawyer Gibson-\$28.585.

LANDFILL: Jaylon Tollefson-\$28.249.

PUBLIC WORKS: Joseph Galpin-\$24.656.

PARKS: Brad Gates-\$22.617.

**WARRANTS:** A & B Business Solutions, Contract-\$4,478.64; AAA Collections, Contract Services-\$5.00; Adam Fosness, Contract Services-\$1,100.00; AFSCME Council 65, Union Dues-\$590.00; Alex Young, Reimbursement-\$45.00; Amazon Capital Services, Supplies-\$1,308.74; American Garage Door, Repairs-\$2,068.79; Ameripride Services, Supplies-\$185.10; Andrew Schneider, Reimbursement-\$45.00; Aqua-Pure, Supplies-\$3,050.00; Arctic Refrigeration, Repairs-\$125.51; Arrow International, Supplies-\$1,115.50; Avera Occupational Medicine, Contract Services-\$680.26; Bailey Metal Fabricators, Supplies-\$1,143.26; Barco Municipal Products, Supplies-\$699.00; Bender's Sewer Cleaning, Repairs-\$1,655.00; Big Daddy D's, Contract Services-\$5,825.25; Billie Kelly, Reimbursement-\$45.00; Blackburn Manufacturing, Supplies-\$95.40; Blarney's, Meals-\$224.54; Blue Ridge Technologies, Repair-\$566.00; Boyer Trucks Sioux Falls, Supplies-\$256.16; Brad Gates, Reimbursement-\$45.00; Brian Andersen, Reimbursement-\$45.00; Campbell Supply, Supplies-\$759.89; Carquest Auto Parts, Supplies-\$61.51; CDW Government, Supplies-\$649.28; Central Electric, Utilities-\$18,953.03; Century Link, Utilities-\$1,352.14; CHR Solutions, Contract Service-\$2,945.90; Clean Sweep, Maintenance-\$781.00; Coca Cola Bottling, Supplies-\$617.60; Cody Pohlen, Reimbursement-\$45.00; Core & Main, Supplies-\$21,239.43; Core-Mark Midcontinent, Supplies-\$7,360.88; Corn Palace Concessions, Supplies-\$12.00; Corporate Translation Service, Language Translation-\$10.73; County Fair, Supplies-\$161.92; Dakota Counseling, 2019 Allocation-\$10,000.00; Dakota Fluid Power, Supplies-\$57.58; Dakota Supply Group, Supplies-\$850.00; Daniel Dobesh, Reimbursement-\$45.00; Davison County Search and Rescue, 2019 Allocation-\$1,750.00; Dennis Geidel, Reimbursement-\$45.00; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$1,275.22; Dice Benefits Consulting, February Fees-\$1,017.00; DLT Solutions, Renewal-\$4,214.00; Don Everson, Travel-\$11.00; Doug Bormann, Contract Services-\$150.00; Dr. Hilary Rockwell, Contract Services-\$1,500.00; Elliott Equipment, Supplies-\$250.85; Emergency Education, Training-\$955.00; Eric Hieb, Contract Services-\$7,284.26;

Etterman Enterprises, Supplies-\$158.38; Evident, Supplies-\$95.25; Farmers Alliance, Supplies-\$877.96; Fastenal, Supplies-\$147.25; Fedex, Express Services-\$15.03; First National Bank Omaha, Supplies-\$12,257.61; Fisher Scientific, Supplies-\$666.54; Formulations, Supplies-\$232.19; Fox Paint & Blinds, Supplies-\$23.73; Frontier Precision, Supplies-\$154.74; Galls, Supplies-\$214.95; Gary Walton, Reimbursement-\$45.00; Gaylen's Homegrown Popcorn, Supplies-\$403.20; GCR Tires & Service, Supplies-\$894.50; Geotek Engineering, 2019-28 P.E. #1-\$10,546.25; GF Advertising Services, Supplies-\$63.60; Government Finance Officers, Renewal-\$240.00; Graham Oil, Supplies-\$1,500.00; Grainger, Supplies-\$161.68; H & R Salvage, Maintenance-\$1,590.00; H & W Contracting, 2018-22B P.E. #1-\$91,147.14; Hannah Willis, Travel-\$77.00; Harlow's Bus Sales, Supplies-\$345.32; Hawkins, Supplies-\$1,480.71; Headsets, Supplies-\$76.95; Henry Schein, Supplies-\$1,337.92; Highland Conference Center, Employee Recognition-\$3,888.10; Holiday Inn & Suites, Travel-\$314.25; Honda of Mitchell, Supplies-\$1,389.92; Howes Oil, Supplies-\$35,390.09; Independent Viking Glass, Supplies-\$26.80; Innovative Office Solution, Supplies-\$164.39; Integrity Transcription, Transcribing Service-\$288.55; Interstate Glass & Door, Supplies-\$63.97; Interstate Office Products, Supplies-\$85.03; Jacki Larson, Reimbursement-\$45.00; Jamie Henkel, Reimbursement-\$45.00; Jaylon Tollefson, Reimbursement-\$45.00; JCL Solutions, Supplies-\$449.93; Jeff Hanson, Reimbursement-\$45.00; Jeri Mickelson, Reimbursement-\$45.00; Jessica Pickett, Travel-\$141.20; Joe Galpin, Reimbursement-\$45.00; Joe Haiar, Reimbursement-\$45.00; John Hegg, Reimbursement-\$45.00; Jolynn Hanson, Reimbursement-\$45.00; Jon Vermeulen, Reimbursement-\$45.00; Jones Supplies, Supplies-\$846.68; Justice Fire & Safety, Supplies-\$91.98; Kathy Brink, Reimbursement-\$79.99; Kathy Hanks, Reimbursement-\$45.00; Kevin Devries, Reimbursement-\$45.00; Kevin Roth, Reimbursement-\$45.00; Kone, Maintenance-\$781.53; Krohmer Plumbing, Repairs-\$78.57; KTTW Fox 7, Advertising-\$300.00; Kyle Croce, Reimbursement-\$45.00; Kyle McLaughlin, Travel-\$118.00; Larry's I-90 Service, Supplies-\$622.44; Lawson Products, Supplies-\$524.46; Lewis Family Drug, Supplies-\$2.49; Lifequest, Supplies-\$80.85; Lincoln County Sheriff's Office, Supplies-\$85.00; Locators and Supplies, Supplies-\$1,163.53; Lyndon Overweg, Travel-\$92.00; Lynn Peavey, Supplies-\$162.45; M & T Fire and Safety, Supplies-\$53,073.00; Make It Mine Designs, Supplies-\$823.25; McKenzy Pickner, Reimbursement-\$109.59; McLeod's Printing, Supplies-\$704.13; Menard's, Supplies-\$1,409.92; Mettler Implement, Supplies-\$243.67; Meyers Oil, Supplies-\$2,343.40; Michael J Koster, Travel-\$47.00; Michael Todd & Company, Supplies-\$5,053.33; Michelle Bathke, Reimbursement-\$45.00; Microsoft, Supplies-\$910.00; Mid-American Research Chemical, Supplies-\$246.20; Midstates Equipment & Supply, Supplies-\$22,667.96; Midwest Turf & Irrigation, Supplies-\$25.68; Mitchell Area Chamber of Commerce, Supplies-\$20.00; Mitchell Concrete Product, Supplies-\$52.00; Mitchell Main Street and Beyond, Corn Palace Games-\$6,995.00; Mitchell Plumbing & Heating, Repairs-\$839.70; Mitchell Rotary Club, Dues-\$120.00; Mitchell School District, Utilities-\$1,520.11; Mitchell Telecom, Utilities-\$71.53; Mitchell United Way, United Way-\$188.11; MJ Dalsin, Repairs-\$991.70; Mobotrex, Maintenance-\$243.75;

Mueller Lumber, Supplies-\$76.36; Muth Electric, Repairs-\$2,178.19; Napa Auto Parts, Supplies-\$511.65; Nate Hegg, Reimbursement-\$45.00; Nathan Powell, Reimbursement-\$45.00; Nebraska Salt & Grain, Supplies-\$1,674.41; Newman Signs, Supplies-\$5,380.83; Nicholas Jongeling, Reimbursement-\$100.00; Niko Arnold, Reimbursement-\$100.00; Northwestern Energy & Communications, Utilities-\$49,690.85; O'Connor & Son Trucking, Maintenance-\$4,015.00; Palace City Lion's Club, Contract Services-\$1,018.94; Palace Transit, Entertainment-\$600.00; Patrick Marler, Reimbursement-\$100.00; Patzer Woodworking, Supplies-\$55.00; Paul's Sandblasting, Maintenance-\$167.20; Peace of Mind Counseling, Contract Services-\$270.00; Pepsi Cola, Supplies-\$662.88; Porter Distributing, Supplies-\$341.60; Premier Pest Control, Contract Services-\$175.00; Qualified Presort, Mailing Service-\$420.59; R & R Products, Supplies-\$87.26; Ramkota Hotel-Pierre, Travel-\$208.00; Reeves, Supplies-\$78.88; Roger Prewett, Reimbursement-\$45.00; Ron's Bicycle and Locksmith, Supplies-\$73.00; S & M Printing, Supplies-\$503.00; S & P Global, Professional Services-\$12,500.00; Santel Communications, Professional Services-\$1,543.00; Schmucker Paul & Nohr, 2018-1R P.E. #4-\$32,366.65; Scott Schmidt, Reimbursement-\$45.00; Scott Supply, Supplies-\$5.81; South Dakota Department of Health, Lab-\$450.00; South Dakota Federal Property Agency, Supplies-\$78.00; South Dakota Newspaper Services, Publishing-\$143.40; South Dakota One Call, Professional Service-\$102.90; South Dakota Public Assurance Alliance, Insurance Coverage-177.56; South Dakota Retirement System, Retirement Contributions-\$52,657.99; South Dakota-Supplemental Retirement, Retirement Contributions-\$2,341.33; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$425.00; Sherwin-Williams, Supplies-\$1,623.99; Standard Insurance, Premium Insurance-\$406.59; Staples Advantage, Supplies-\$677.46; Stephanie Ellwein, Reimbursement-\$90.00; Steve Anderson, Reimbursement-\$45.00; Stitchtogether, Repair-\$74.00; Streicher's, Supplies-\$57.98; Sturdevant's Auto Parts, Supplies-\$2,489.63; Subway, Meals-\$26.16; Sun Gold Sports, Supplies-\$534.50; Susan Kiepke, Meals-\$20.13; Target Solutions, Training-\$710.29; Teamsters Local No. 120, Union Dues-\$905.00; Teledyne Instruments, Supplies-\$1,509.00; Terry Johnson, Reimbursement-\$45.00; Test America Laboratories, Lab-\$63.03; Thomas L Price, Professional Service-\$700.00; Thune True Value Hardware, Supplies-\$633.21; Ticketforce, Usage Fees-\$1,357.30; TK Electric, Repairs-\$9,191.54; TMA Stores, Repair-\$516.52; Todd Cavanaugh, Reimbursement-\$45.00; Tractor Supply Credit Plan, Supplies-\$33.99; Traditions Meal Solutions, Contract Services-\$2,037.00; Transource, Parts-\$152.86; Trizetto Provider Solution, Service Contract-\$101.66; Two Way Solutions, Repairs-\$500.00; Tyler Vetch, Reimbursement-\$45.00; Upper Midwest Garage Door, Repairs-\$596.93; United Parcel Service Store #4227, Shipping-\$16.51; US Bank, TID #10 64-3310025330-\$191,973.00; United States Postal Service, Postage-\$75.33; Verizon Wireless, Utilities-\$437.01; Vern Eide Chevrolet Buick, Supplies-\$172.92; Vern Eide Ford Lincoln, Supplies-\$308.78; Wade London, Reimbursement-\$45.00; Walmart, Supplies-\$219.82; Weisser's A-1 Air Conditioning, Repairs-\$958.77; Wheelco Brake & Supply, Supplies-\$1,462.48; Wholesale Electronics, Supplies-\$39.61; Williams & Ree, Entertainment-\$7,000.00; C & B Operations, Maintenance-\$6,157.77; City of

Mitchell, Ball Park Concessions-\$1,500.00; Vern Eide Ford Lincoln, Pickup-\$30,500.00.

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

### **CITIZENS INPUT:**

Mayor Bob Everson congratulated Golf and Cemetery Director Kevin Thurman, Clubhouse Manager Eric Hieb, and staff for Lakeview Golf Course being voted the Best of Mitchell.

Mayor Bob Everson thanked the Street Department and the Park Department for extending the City Wide Cleanup from one week to two weeks, and working together on cleaning up the branches from the snowstorm.

### **COMMITTEE REPORTS:**

#### **Public Health & Safety Committee**

The Public Health & Safety Committee met at 6:00 p.m. on May 6, 2019 to approve and waive the fee for a fireworks permit for the Heart & Sole Cancer Walk on June 14, 2019.

Moved by Allen, seconded by McCardle, to approve the Public Health & Safety Committee report. Motion carried.

#### **Sidewalk Committee**

The Sidewalk Committee met at 6:05 p.m. to review the 2019 Sidewalk Plan. Terry Johnson, Engineering Project Supervisor, reviewed the layout of the properties scheduled for sidewalks. The areas included are as follows: Spruce Street and Cabela Drive, South Rowley from Norway Avenue south to Miedema's North Driveway on the west side, 7<sup>th</sup> Avenue from Edgerton to Iowa, 8<sup>th</sup> Avenue west of Iowa Street, 8<sup>th</sup> Avenue between Montana and Minnesota, Sidewalk on the Bypass from Bankwest to Main Street and then south along the gas station and mall to connect the existing curb side sidewalk that ends at the south driveway.

The Sidewalk Committee approved that the City of Mitchell remove the snow off the bike trail from Burr Street to Cabela Drive. City Administrator Stephanie Ellwein stated that a resolution would be needed to add this area for snow removal.

Johnson reviewed a proposed bike trail for the North side of Norway from Burr Street to Norway Avenue as part of the 2020 Sidewalk Plan and the Committee approved Johnson to share his proposed plan with the DOT on Phase 2 ADA Pedestrian/Bike trail along the Bypass and Highway 37 North of Mitchell.

Moved by Tjarks, seconded by Rice, to approve the Sidewalk Committee report. Motion carried.

**HEARINGS:**

It was advised that this is the date and time set for hearing on the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Lodge for June 7, 2019 for a wedding. Notice of hearing has been given and affidavit of publication is on file. Moved by Tjarks, seconded by Rice, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Lodge for June 14, 2019 for a wedding. 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.

It was advised that this is the date and time set for hearing on the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Lodge for September 21, 2019 for a wedding. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

**BOARD OF ADJUSTMENT:**

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

**SET DATE:**

Moved by Rice, seconded by Barington, to set date for May 20, 2019 on the application of Terrance and Michelle Lynde for a front yard variance of 13 feet vs 25 feet as required to construct a covered porch and placement of an accessory building located at 324 East 14<sup>th</sup> Avenue, legally described as Lot 4, Block 1, Fullerton Terrace Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

Moved by Rice, seconded by Smith, to set date for May 20, 2019 on the application of Carlos and Alayna Reyes for a conditional use permit to operate a family residential child care center located at 412 East 12<sup>th</sup> Avenue, legally described as Lot 11, Block 1, Frosts Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

**HEARINGS:**

It was advised that this is the date and time set for hearing 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. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application with the following conditions: no parking over the sidewalk and that the roofline of

the garage may not be past the existing roofline of the house. Moved by Allen, seconded by McCardle, to approve said application with the following conditions: no parking over the sidewalk and that the roofline of the garage may not be past the existing roofline of the house. Motion carried.

It was advised that this is the date and time set for hearing 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. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application. Moved by Smith, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing 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. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application with the condition that there will not be any outside storage. Moved by Rice, seconded by McCardle, to approve said application with the condition that there will not be any outside storage. Motion carried.

Moved by Rice, seconded by Allen, 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 Paving & Overlay Project #2019-15 on the 23rd day of April, 2019 in the Council Chambers of City Hall. Moved by Tjarks, seconded by Rice, to award as follows:

#### **PAVING & OVERLAY CITY PROJECT#2019-15**

Commercial Asphalt, 25254 413<sup>th</sup> Avenue, Mitchell, South Dakota 57301.

Total Bid:               \$594,652.00

Motion carried.

#### **HEARING:**

It was advised that this is the date and time set for hearing on the proposed resolution of necessity for the Construction of Sidewalk on Certain Streets in the City of Mitchell, South Dakota including Spruce from Burr Street to Cabela Drive, Cabela Drive from Spruce to include Kelly



Inn, South Rowley from Miedema driveway to Norway, West 7<sup>th</sup> Avenue from Edgerton to Iowa, West 8<sup>th</sup> between Edgerton and Iowa and between Montana and Minnesota, Bypass from Bankwest to Main Street, Main Street from Bypass to existing sidewalk in front of Mall, and Miscellaneous Hazardous Sidewalk areas. Terry Johnson, Engineering Project Supervisor, reviewed the area for the proposed construction. Discussion took place with no opposition from property owners in the proposed project area.

**RESOLUTIONS:**

Moved by Barington, seconded by Rice, to approve Resolution #R2019-30, Amended Proposed Resolution Declaring the Necessity for the Construction of Sidewalk. Motion carried and resolution declared duly adopted. This resolution will be published separately from these proceedings.

Moved by Rice, seconded by McCardle, to approve Resolution #R2019-32, An Application for SDDENR Grant for Tire Recycling, as follows:

**RESOLUTION #R2019-32**

Supporting an application for a tire recycling grant  
between the City and South Dakota DENR

**WHEREAS**, the City of Mitchell wishes to provide an opportunity for the City of Mitchell, Davison County, Sanborn County, Miner County, Hanson County, Hutchinson County and area residents to recycle tires: and

**WHEREAS**, The South Dakota Department of Environmental and Natural Resources may have grant funding available for tire recycling efforts in Davison County; and

**WHEREAS**, The City of Mitchell Regional Landfill which is a joint venture of the City of Mitchell and surrounding areas would be an ideal location to recycle tires for Davison County; and

**WHEREAS**, the DENR grant would reimburse the City of Mitchell Regional Landfill 80% for the costs to have a vendor remove the tires recycled by the residents.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the City of Mitchell authorizes the tire recycling grant application and supports the South Dakota Department of Natural Resources efforts to encourage tire recycling and offers the City of Mitchell Regional Landfill as a potential collection site.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Tjarks, to approve Resolution #R2019-33, An Encroachment Easement in Relation to the Estate of Vicki L. Phillips, as follows:

**RESOLUTION #R2019-33**

**A RESOLUTION GRANTING AN ENCROACHMENT EASEMENT REGARDING  
CITY OWNED PROPERTY SOUTH OF 101 WEST CEDAR AVE**

WHEREAS the City has been informed of an encroachment of a longstanding structures onto a property owned by the City of Mitchell; and

WHEREAS the City has determined that the most equitable solution in regards to the encroachment is to grant a conditional easement in relation to the structures.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the Mayor of Mitchell, SD, is by these presents authorized, pursuant to SDCL 9-1-5, on behalf of the City of Mitchell, to execute the Easement as to the City's property located south of 101 West Cedar Avenue, Mitchell, SD, and any supplementary documentation, so long as such are in substantially the same form as has been presented to the Council.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Rice, to approve Resolution #R2019-34, A Plat of Lots 1 & 2 of GRS in the S 1/2 of the N 1/2 of the N 1/2 of the SE 1/4 of Section 3, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

**RESOLUTION #R2019-34**

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 22<sup>nd</sup> day of April, 2019; and

WHEREAS, it appears from an examination of the plat of LOTS 1 AND 2 OF GRS ADDITION IN THE S1/2 OF THE N1/2 OF THE N1/2 OF THE SE1/4 OF SECTION 3, T 102 N, 60 W OF THE 5<sup>TH</sup> 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 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 1 AND 2 OF GRS ADDITION IN THE S1/2 OF THE N1/2 OF THE N1/2 OF THE SE1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, 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 Allen, to approve Resolution #R2019-35, A Plat of Lot 4, Block 5 of the Woods First Addition, A Subdivision of the East 1/2 of the SW 1/4 of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2019-35**

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 22<sup>nd</sup> day of April, 2019; and

WHEREAS, it appears from an examination of the plat of LOT 4, BLOCK 5 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ 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 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 4, BLOCK 5 OF THE WOODS FIRST ADDITON, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ 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, 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 McCardle, to approve Resolution #R2019-36, Avera Queen of Peace has submitted a Petition to Vacate a a portion of N. Langdon Street, Running North and South Between the West Side of Lot 8, Block 3 and Lot 1, Block 1 all in Greenridge Addition, Subject to Existing Utilities, as follows:

**RESOLUTION #R2019-36**

**ON PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, the petition and consent in writing of Avera Queen of Peace, a South Dakota non-profit corporation, respectfully in due and proper form, are requesting the Governing Body of the City of Mitchell to vacate the portion of the street right-of-way described as that portion of North Langdon street running north and south between the west side of Lot 8 in Block 3 and the east side of Lot 1, Block 1 all in Greenridge Addition to the City of Mitchell, Davison County, South Dakota and the said street right- of- way set forth below pursuant to statutes in such cases made, and provided, particularly SDCL 9-4-7, et. Seq. and the petitioners respectfully show and represent the following:

WHEREAS, the petition was presented to the City Council of Mitchell, South Dakota, in a regular meeting assembled on the 6<sup>th</sup> day of May, 2019.

WHEREAS, This Council did thereupon consider said Petition and did find that said Petition and Consent in writing requesting and consenting to the vacation of said street was signed by all of the owners of the property abutting the street right-of-way sought to be vacated; and,

WHEREAS, This Council did, by proper motion, made, seconded and carried in regular meeting assembled on the 6<sup>th</sup> day of May, 2019 deem it proper and that the matter be proceeded with and did order that the said Petition be filed with the City Finance Officer and did order said Petition had been filed and that the same would be heard and considered by the Governing Body of the said City on 6<sup>th</sup> day of May, 2019 at 6:00 p.m., in the Chambers of the City Council of the City of Mitchell, South Dakota; and

WHEREAS, Said Council did meet to consider and hear said Petition on the 6<sup>th</sup> day of May, 2019 at the time and place specified in said Notice, and that the said Petition was duly heard and considered by this Council, the Petitioners and consideration of those objecting were heard by Council were presented in regards to said Petition, writing or otherwise; and,

WHEREAS, This Council having duly heard and considered said Petition finds:

1. That due notice of the hearing of said Petition was given by the City Finance Officer by publication of a Notice thereof in the form as provided by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota, for two successive weeks, to-wit: April 11 and April 18, 2019.
2. That the Petitioners are the sole owners of all the property abutting the street right-of-way requested to be vacated and have requested that the said right-of-way be vacated. Said owners having consented in writing to the vacation of said street and which consent is made part of the said Petition pursuant to the terms contained in the Petition.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 6<sup>th</sup> day of May, 2019, that said street right-of-way identified as that portion of North Langdon street running north and south between the west side of Lot 8 in Block 3 and the east side of Lot 1, Block 1, all in Greenridge Addition to the City of Mitchell, Davison County, South Dakota is hereby to be vacated.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Smith, to approve Resolution #R2019-38, A Resolution Amending Resolution #R2018-60 passed November 5, 2018, as follows:

**RESOLUTION #R2019-38  
AMENDING RESOLUTION #R2018-60  
PASSED NOVEMBER 5, 2018**

## RECITALS

WHEREAS, the City has passed on May 6, 2019 Resolution #R2019-38 Amending Resolution No. R2018-60 which was passed November 5, 2018 authorizing a loan with the South Dakota Conservancy District;

### **BE IT RESOLVED as follows:**

The Resolution No. R2018-60 adopted November 5, 2018 shall be amended as follows:

All references to the dollar amount of \$821,000 shall be amended to \$1,028,000.

All other provisions of the resolution shall remain in force and effect as passed.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Barington, to approve Resolution #R2019-39, A Resolution Amending Resolution #R2018-61 passed November 5, 2018, as follows:

### **RESOLUTION #R2019-39 A RESOLUTION AMENDING RESOLUTION #R2018-61 PASSED NOVEMBER 5, 2018**

## RECITALS

WHEREAS, the City has passed on May 6, 2019 Resolution #R2019-39 Amending Resolution No. R2018-61 which was passed November 5, 2018 authorizing a loan with the South Dakota Conservancy District;

### **BE IT RESOLVED as follows:**

The Resolution No. R2018-61 adopted November 5, 2018 shall be amended as follows:

All references to the dollar amount of \$7,524,000 shall be amended to \$8,612,750.

References to Series 2018A and NPS Series 2018 shall be amended to Series 2019A and NPS Series 2019.

All other provisions of the resolution shall remain in force and effect as passed.

Motion carried and resolution declared duly adopted.

### **ORDINANCE:**

Moved by Tjarks, seconded by McCardle, to place Ordinance #O2019-06, An Ordinance that changes the Zoning District Classification of the Real Property legally described as Lot C in the E 1/2 of the NE 1/4, Section 30, T 103 N, R 60 W of the 5th P.M., Davison County, SD from TWC Transportation, Warehousing and Commercial District to UD Urban Development District on second reading. Motion carried. Moved by Rice, seconded by Smith, to adopt Ordinance #O2019-06, as follows:

### **ORDINANCE #O2019-06**

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot C in the E ½ of 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 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: AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot C in the E1/2 of NE1/4 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 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 and ordinance declared duly adopted.

### **CONSIDER APPROVAL:**

Moved by Rice, seconded by Allen, to approve and authorize the Mayor to sign Agreement #A2019-22, Proposal for Consulting Services for Design and Permitting Services for Dry Run Creek Project #2019-33 for professional services with Infrastructure Design Group with an estimated cost of \$80,000.00. Motion carried.

Moved by Sabers, seconded by McCardle, to approve and authorize the Mayor to sign Agreement #A2019-23, Proposal for Consulting Services for Project 2019-3 North American Wetlands Conservation Act (NAWCA) Grant-U.S. Fish & Wildlife Services with Steve Donovan with an estimated cost of \$9,400.00. Motion carried.

Moved by Rice, seconded by Tjarks, to approve and authorize the Mayor to sign Agreement #A2019-24, Consulting Services for East Central Drainage Basin Improvements-Phase II with SPN & Associates. Motion carried.

**EXECUTIVE SESSION:**

Moved by McCardle, seconded by Rice, 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 Everson declared the board out of executive session at 8:44 p.m. and the City Council to reconvene in regular session at 8:45 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 \_\_\_\_\_.