

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

**May 18, 2020
6:00 P.M.**

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

ABSENT: Jeffrey Smith

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 1. City Council May 4, 2020.
- b. Committee Meeting Minutes
 1. Planning Commission April 27, 2020.
- c. Department Reports
 1. Finance (April),
 2. Building Permits (April),
 3. Police (April),
 4. Fire and EMS (April)
 5. Palace Transit Ridership (April),
 6. Airport (April), and
 7. Water (April).
- d. Approval of Volunteer Board Appointment
 1. To appoint Deb Everson to the Mitchell Public Library board to fill an unexpired term to run May 2020-June 2021.
- e. Set date of June 1, 2020 for hearings
 1. On the application to transfer Retail (On-Off Sale) Malt Beverage License RB-26966 from Bathke Properties, 2412 Dean Drive, Mitchell, SD to Bathke Properties, 1101 East Havens Ave, Mitchell, SD (License is inactive),
 2. On the application to transfer Retail (On-Off Sale) Malt Beverage License RB-26967 Bathke Properties, 2412 Dean Drive, Mitchell, SD to Bathke Properties, 1101 East Havens Ave, Mitchell, SD (License is inactive),
 3. On the application to transfer Retail (On-Off Sale) Wine and Cider License RW-26246 from VV Inc. dba Sudz, 508 E Havens St, Mitchell, SD to VV Inc. dba The Hideout, 510 E Havens St Suite 2, Mitchell, SD due to configuration of the wine license, and

4. On the application to transfer Retail (On Sale) Liquor License RL-5765 from VV Inc. dba The Hideout, 508 E Havens St Ste 2, Mitchell, SD to VV Inc. dba Sudz, 508 & 510 E Havens St, Mitchell, SD due to configuration of the liquor license.
- f. Approve Change Order #2 for Sidewalk Schedule “D” Project #2019-4 increasing contract amount by \$70,135.00 for quantities for miscellaneous sidewalk corner ADA improvements contracted to Top Grade Concrete, adjust contract amount to \$83,613.25.
- g. Approve Change Order #2 for Sidewalk Schedule “E” Project #2019-4 increasing contract amount by \$55,794.40 for quantities for miscellaneous sidewalk contracted to Top Grade Concrete, adjust contract amount to \$126,967.24.
- h. Approve Change Order #5 for Sanborn Blvd Utility and Street Improvement Phase II & III Project #2019-22 increasing the 2020 construction year by 48 calendar days, no change in contract amount to H & W Contracting, LLC.
- i. Approve modifications to the June First Friday Event Application.
- j. Gas & Fuel Quotations

<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	2,200	2,200	\$1.3115	\$ 2,885.30*
Off Road Diesel-#2	5,300	5,300	\$1.0365	\$ 5,493.45*
				\$ 8,378.75*

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

- k. Pay Estimates 05-18-2020
- Pay Estimate #18 in the amount of \$2,275.00 for Sanborn Bridge Repair Construction #2018-22B contracted to Brosz Engineering,
- Pay Estimate #4 in the amount of \$13,000.00 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,
- Pay Estimate #2 in the amount of \$10,341.85 for Rock Chips #2020-10 contracted to Spencer Quarries, Inc,
- Pay Estimate #1 in the amount of \$326,120.90 for Paving & Overlay #2020-15 contracted to Commercial Asphalt,
- Pay Estimate #4 in the amount of \$570.00 for Public Safety Building Reroof #2020-16 contracted to LL Jirsa, Architect,
- Pay Estimate #3 in the amount of \$17,762.50 for Waste Water Treatment Plant Facility Plan #2020-17 contracted to HDR Engineering, and
- Pay Estimate #1-Final in the amount of \$3,500.00 for Airport Master Plan AIP ‘28 contracted to Mead & Hunt.
- l. 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 APRIL 19, 2020 – MAY 2, 2020: City Council \$3,199.68, Mayor \$1,331.42, City Administrator \$5,066.46, Attorney \$4,210.23, Finance \$14,047.68, Human Resources \$2,869.85, Municipal Building \$2,917.37, Information Technology \$2,861.27, Police \$71,723.57, Traffic \$4,695.66, Fire \$49,664.01, Street \$30,073.99, Public Works \$22,321.64, Cemetery \$5,331.94, Animal Control \$1,595.19, Library

\$11,905.71, Recreation & Aquatics \$5,146.19, Recreation Center \$9,417.05, Sports Complexes \$7,329.62, Parks \$9,401.65, Supervision \$5,449.05, E911 \$21,949.71, RSVP \$5,323.36, Palace Transit \$15,776.32, JVCC \$511.32, Nutrition \$351.22, Water Distribution \$10,117.81, Sewer \$13,356.38, Airport \$2,934.72, Recycling Program \$5,858.38, Waste Collection \$5,348.07, Landfill \$10,065.42, Corn Palace \$14,014.36, Golf Course \$9,376.64, Emergency Medical Services \$10,477.21.

SALARY ADJUSTMENTS:

FIRE: Dakota Gamber-\$19.400.

E-911: Debbie Vaughn-\$24.811.

NEW HIRES:

CEMETERY: Steve Thuringer-\$11.35.

GOLF: Nate Hohn-\$12.85.

WARRANTS: A-OX Welding Supply, Supplies-\$217.13; AAA Collections, Service-\$10.00; Advance Auto Parts, Supplies-\$30.59; AFSCME Council 65, Union Dues-\$542.80; Agronomy Plus, Supplies-\$284.20; Amazon Capital Services, Supplies-\$1,827.29; American Garage Door, Repairs-\$466.33; Ameripride Services, Supplies-\$143.31; Aqua-Pure, Supplies-\$1,125.00; ATS, Supplies-\$5,000.00; Avera Occupational Medicine, Contract Services-\$439.45; Avera Queen of Peace Hospital, Supplies-\$396.87; Axon Enterprise, Supplies-\$4,866.00; B-Y Water District, Supplies-\$46,721.62; Baker & Taylor, Books-\$464.50; Beacon Athletics, Supplies-\$1,798.00; Bender's Sewer Cleaning, Supplies-\$32,190.00; Bierschbach Equipment & Service, Supplies-\$342.19; Big Daddy D's, Contract Services-\$4,943.51; Bound Tree Medical, Supplies-\$24.72; Boyer Trucks Sioux Falls, Supplies-\$234.92; Brosz Engineering, 2018-22B P.E. #18-\$2,275.00; C & B Operations, Supplies-\$2,091.79; Carquest Auto Parts, Supplies-\$43.57; CDW Government, Supplies-\$306.12; Central Electric, Utilities-\$12,413.86; Century Link, Utilities-\$61.53; Commercial Asphalt, 2020-15 P.E. #1-\$326,120.90; Cook Implement, Supplies-\$1,684.34; Core-Mark Midcontinent, Supplies-\$555.82; Corn Palace Concessions, Supplies-\$24.00; County Fair, Contract Services-\$325.00; Custom Outfitters Plus, Supplies-\$483.18; Dakota Caulking, Supplies-\$176.55; Dakota Data Shred, Supplies-\$58.50; Dakota Diesel Service, Supplies-\$848.52; Dakota Pump, Repairs-\$6,140.41; Dakota Supply Group, Supplies-\$1,330.06; Darrington Water Conditioning, Rental-\$66.85; Davison County Register of Deeds, Copies-\$60.00; Davison Rural Water Systems, Utilities-\$85.25; Department of Environment and Natural Resources, April Fees-\$3,031.38; Department of Environment & Natural Resources, 2004-RIA-303-2-\$27,939.28; Department of Social Services, Child Support-\$1,159.27; Dick's Body Shop, Maintenance-\$75.00; Direct Digital Control, Repair-\$130.00; Dug Out, Contract Services-\$890.10; Etterman Enterprises, Supplies-\$305.10; Farmers Alliance, Supplies-\$1,364.38; Fastenal, Supplies-\$253.86; Fedex, Express Services-

\$13.92; Ferguson Waterworks #2516, Supplies-\$614.06; First Dakota National Bank, Refunding Bonds-\$831.25; Flight Light, Supplies-\$354.80; Forum Communications, Advertising-\$2,092.50; Fox Paint & Blinds, Supplies-\$75.46; Gale, Books-\$352.36; Galls, Supplies-\$264.95; Geocomm, Maintenance-\$6,405.00; Grainger, Supplies-\$248.58; Grey House Publishing, Book-\$169.50; Harve's Pro Prints, Supplies-\$68.49; HDR Engineering, 2020-17 P.E. #3-\$17,762.50; Howes Oil, Supplies-\$8,378.75; ICAN, Advertising-\$750.00; Info USA Marketing, Book-\$455.00; Innovative Office Solution, Supplies-\$246.32; Interstate Office Products, Supplies-\$136.97; James Valley Garden Center, Supplies-\$179.99; JCL Solutions, Supplies-\$916.42; JD Concrete Products, Supplies-\$518.00; Jeff Hurt, Reimbursement-\$50.62; Johnson Controls, Contract Services-\$3,989.48; Johnson Golf, Supplies-\$900.00; Jones Supplies, Supplies-\$263.82; Kimball-Midwest, Supplies-\$362.70; Krohmer Plumbing, Repairs-\$902.01; Lakeview Veterinary Clinic, Supplies-\$1,235.88; Larry Jirsa, 2020-16 P.E. #4-\$570.00; Lawson Products, Supplies-\$1,186.11; Learning Opportunities, Books-\$761.87; Lookout Books, Books-\$220.92; M & L Repair, Repairs-\$136.50; Make It Mine Designs, Supplies-\$2,258.00; McLeod's Printing, Supplies-\$414.96; Mead & Hunt, AIP '28 P.E. #1 Final-\$3,500.00; Mebius Nursery & Landscaping, Repair-\$565.00; Menard's, Supplies-\$1,728.79; Meyers Oil, Supplies-\$2,662.68; Michael Todd & Company, Supplies-\$1,191.85; Midcontinent Communication, Advertising-\$1,189.25; Midwest Alarm, Maintenance-\$81.00; Midwest Fire Equipment & Repair, Maintenance-\$597.28; Midwest Turf & Irrigation, Supplies-\$186.81; Mike Berg, Boulevard Tree Program-\$200.00; Minnesota Valley Testing, Lab-\$3,457.00; Mitchell Convention & Visitors, 2020 Funding-May-\$22,750.00; Mitchell Exchange Club, 2020 Allocation-\$10,000.00; Mitchell Iron & Supply, Repair-\$255.09; Mitchell Power Equipment, Supplies-\$71.47; Mitchell School District, Utilities-\$1,358.16; Mitchell Snack Pack, Donations-\$750.00; Mitchell Telecom, Utilities-\$2,528.85; Mitchell United Way, Contributions-\$233.69; Mueller Lumber, Supplies-\$21.37; Muth Electric, Maintenance-\$5,723.19; Napa Auto Parts, Supplies-\$698.89; North Central Seed, Supplies-\$790.50; Northwestern Energy & Communications, Utilities-\$52,319.51; O'Reilly Automotive, Supplies-\$26.97; Omaha World-Herald, Supplies-\$504.40; One Source the Background, Background Checks-\$186.00; Parkston Boom's Restaurant, Contract Services-\$4,620.80; Porta Pros, Rental-\$151.00; Powerphone, Service Contract-\$5,077.00; Premier Specialty Vehicles, Supplies-\$204.03; Qualified Presort, Mailing Service-\$424.10; Quality Cut Lawn & Tree Service, 2019-53R2 P.E. #4-\$13,000.00; Ron's Bicycle and Locksmith, Supplies-\$3.00; Runnings Supply, Supplies-\$1,033.46; Saga Communications of South Dakota, Advertising-\$577.00; Santel Communications, Utilities-\$106.16; Scott Kaiser, Supplies-\$99.99; Scott Supply, Supplies-\$60.68; South Dakota Department of Transportation, Training-\$300.00; South Dakota One Call, April Message Fees-\$337.05; South Dakota Retirement System, Retirement Contributions-\$50,895.66; South Dakota Supplemental Retirement, Supplemental Retirement Contributions-\$2,509.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$525.00; Sherwin-Williams, Supplies-\$6,708.32; Solarwinds, April Usage-\$199.65; Spencer Quarries, 2020-10 P.E. #2-\$10,341.85; Standard Insurance Company, Life Insurance-\$429.76; Staples, Supplies-\$124.69; Steve Trefz, Refund-\$50.00; Sturdevant's Auto Parts, Supplies-\$2,534.03; Subway, Meals-\$25.16; Sun Gold Sports, Supplies-\$1,028.35; Teamsters Local, Union Dues-\$998.00;

Test America Laboratories, Lab-\$63.03; Thomson Reuters West, April Charges-\$779.99; Thune True Value Hardware, Supplies-\$282.30; TK Electric, Repairs-\$1,481.65; TMA Stores, Repairs-\$393.84; Tractor Supply Credit Plan, Supplies-\$157.97; Transource, Supplies-\$462.20; Trittech Software Systems, Maintenance-\$2,934.48; Turf Control, Supplies-\$655.20; United Parcel Services Store #4227, Shipping-\$545.60; Van Diest Supply, Supplies-\$3,540.00; Verizon Wireless, Utilities-\$787.26; Vern Eide Chevrolet Buick, Police Tow-\$45.00; Vern Eide Ford Lincoln, Maintenance-\$45.89; Wellmark, Cobra-2,972.28; Wheelco Brake & Supply, Supplies-\$1,136.88; Wholesale Electronics, Supplies-\$210.34; Anderson, Cameron, Refund-\$23.67; South Dakota State Treasurer, Sales Tax Payment-\$13,688.24; US Bank, Loan Payment-\$128, 351.49; Mitchell Public Library, Fines-\$864.72; Wage Works, Flex Expense-\$7,590.26; Wellmark, Administration and Medical Expenses-\$228,403.98.

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

CITIZENS INPUT:

Representatives Darcy Sabers and Jessica Skinner with Heart & Sole Cancer Walk informed the City Council that the cancer walk will be revised to a virtual walk and the committee is asking to include a car parade going down Main Street on to Lawler Street with no street closures for June 19, 2020 from 6:30 p.m. to 8:00 p.m.

DISCUSSION:

Stephanie Ellwein City Administrator, updated City Council regarding the sales tax report for April. Ellwein explained that the 11.21% increase for 1st and 2nd penny sales tax for April is probably sales tax revenue for items sold in the months of January and February. The City's collections are always a couple of months behind the actual sales due to timing of reports filed and tax received.

HEARINGS:

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-Off Sale) Malt Beverage License RB-3133 from Hohn Partnership, LLC, 1510 S Burr St Ste C, Mitchell, South Dakota to Hohn Partnership, LLC dba Platinum Player's Club III, 719 North Sanborn Blvd, Ste #1, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, 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 to transfer Retail (On-Off Sale) Malt Beverage License RB-2835 from Hohn Partnership, LLC, dba Platinum Players Club I, 719 N Sanborn Blvd, Mitchell, South Dakota to Hohn Partnership, LLC dba Platinum Players Club I, 719 North Sanborn Blvd, Ste #3, Mitchell, South Dakota due to configuration of

Malt Beverage License. Notice of hearing has been given and affidavit of publication is on file. Moved by Barington, seconded Rice, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Allen, seconded by Rice, to approve the applications for renewal of (On-Off Sale) Malt Beverage Licenses. Motion carried.

BOARD OF ADJUSTMENT:

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

Moved by Tjarks, seconded by McCardle, to table the hearing to June 15, 2020 on the application of Henry & Patricia Flack for a conditional use permit to construct a storage building on a non-contiguous lot located on Lot 12I within Lot 12 of Fiala's Addition, in the East 1/2 of the NW 1/4, Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota (Barington Court). The property is zoned RL Residential Lake District. Motion carried.

Moved by McCardle, seconded by Rice, to table the hearing to June 15, 2020 on the application of Henry & Patricia Flack for an oversize variance of 3,200 square feet vs 2,000 square feet and a height variance of 24 feet vs 22 feet as required, located on Lot 12I within Lot 12 of Fiala's Addition, in the East 1/2 of the NW 1/4, Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota (Barington Court). The property is zoned RL Residential Lake District. Motion carried.

It was advised that this is the date and time set for hearing on the application of R & M Rentals LLC for a conditional use permit to construct a two-family dwelling located at 300 W 10th Ave, legally described as Lot 12, Block 41, Capital Addition, City of Mitchell, Davison County, South Dakota. The 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. Moved by Allen, seconded by Rice, to approve said application. Motion carried.

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

CONSIDER APPROVAL:

Moved by Rice, seconded by McCardle, to approve the request for "No Parking" from 8:00 a.m. to 5:00 p.m. between 1501 & 1521 West University. Motion carried.

Moved by Rice, seconded by Allen, to approve the request for "No Parking" on either side of driveway on Jones Street between Cedar Avenue and Ash Avenue. Motion carried.

Moved by Tjarks, seconded by Sabers, to approve to reassign Capital Improvement Funds for ice arena roof & envelope repairs in the amount of \$173,725.00. Motion carried.

Moved by Allen, seconded by Sabers, to approve to reassign Capital Equipment Funds to replace broken snowbrush and snow blower in the amount of \$9,600.00. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the proposed resolution for the 2020 Proposed Resolution of Necessity #R2020-16 for construction of curb & gutter, concrete surfacing, asphalt paving, accessories, engineering fees and miscellaneous expenses on the 700-800 Blocks of West Pine Avenue. There were no property owners present from the proposed project area.

RESOLUTIONS AND AGREEMENTS:

Moved by Rice, seconded by Barington, to approve Amended Resolution #R2020-16, Resolution of Necessity Declaring the Necessity for the Construction of Concrete Curb and Gutter, Asphalt Surfacing and Accessories, Engineering Fees, and Miscellaneous Expense on the 700-800 Blocks of West Pine Avenue. Motion carried and resolution declared duly adopted.

This resolution will be published separately from these proceedings.

Moved by Rice, seconded by Allen, to table Agreement #A2020-21, SDDOT Transportation Planning Guide Analysis Agreement until more information is received. Motion carried.

Moved by Rice, seconded by Barington, to table Resolution #R2020-28, SDDOT Transportation Planning Guide Analysis Grant. Motion carried.

Moved by Tjarks, seconded by Barington, to approve and authorize the Mayor to sign Agreement #A2020-22, Norway and Rowley TAP Agreement with SDDOT in the amount of \$400,000.00. Motion carried.

Moved by Allen, seconded by McCardle, to approve Resolution #R2020-31, Transportation Alternatives Program for Norway and Rowley Shared Use Path and Authorize Mayor Everson as signatory as follows:

RESOLUTION #R2020-31

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE FUNDING AND COMPLETION OF A TRANSPORTATION ALTERNATIVES PROGRAM PROJECT AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE AND SIGN ALL DOCUMENTS.

WHEREAS, the City of Mitchell (the "City") has determined it is in the City's best interest to proceed with a Transportation Alternative Program Project in conjunction with the South Dakota Department of Transportation; and

WHEREAS, an eight foot shared use path will be constructed on the north side of Norway Avenue from Burr Street to just east of Duff Street; and

WHEREAS, a ten foot shared used path will be constructed east of Rowley Street from Cabela Drive to Norway Avenue; and

WHEREAS, a five foot sidewalk will be constructed on the west side of Rowley Street from Cabela Drive to just north of the SD DOT Interstate 90 right-of-way; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit applications on behalf of the City and to certify and sign payment requests,
NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the agreement which the City will reimburse the State of South Dakota the required funding match in the amount of 50.37% match on Transportation Alternative funds for construction costs.

2. The Mayor of the City of Mitchell is hereby authorized to execute and deliver such documents and perform all acts necessary to effectuate the proposed work.

3. The Mayor of the City of Mitchell is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign documents for the Project.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2020-23, SDDOT for Foster Street BIG Grant in the amount of \$674,977.17 and the City's share in the amount of \$273,244.29. Motion carried.

Moved by Rice, seconded by McCardle, to approve Resolution #R2020-33, Foster Street Bridge for BIG Grant and Authorize Mayor Everson as signatory as follows:

RESOLUTION #R2020-33

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE FUNDING AND COMPLETION OF A BRIDGE AND IMPROVEMENTS GRANT FOR PRESERVATION AGREEMENT FOR THE SOUTH FOSTER STREET BRIDGE AND

**DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE AND SIGN
ALL DOCUMENTS.**

WHEREAS, the City of Mitchell (the "City") has determined it is in the City's best interest to proceed with a Bridge Improvement Grant Agreement in conjunction with the South Dakota Department of Transportation for the South Foster Street Bridge; and

WHEREAS, improvements to the existing bridge deck, sidewalk repairs and repairing voids and undermining under the sleep slab will be completed; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit applications on behalf of the City and to certify and sign payment requests,
NOW THEREFORE BE IT RESOLVED by the City as follows:

4. The City hereby approves the agreement which the City will reimburse the State of South Dakota the required funding match in the amount of 20% of eligible costs as described in the agreement.

5. The Mayor of the City of Mitchell is hereby authorized to execute and deliver such documents and perform all acts necessary to effectuate the proposed work.

6. The Mayor of the City of Mitchell is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign documents for the Project.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Tjarks, to approve and authorize the Mayor to sign Agreement #A2020-24, Foster Street Bridge BIG Grant with Brosz Engineering for an amount not to exceed \$83,564.23. Motion carried.

Moved by Rice, seconded by Allen, to approve Resolution #R2020-29, A Plat of Lot A, A Subdivision of Previously Platted Lot S of Maui Farms Second Addition, City of Mitchell, Davison County, South Dakota as follows:

RESOLUTION #R2020-29

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 11th day of May, 2020; and

WHEREAS, it appears from an examination of the plat LOT A, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, CITY OF MITCHELL, DAVISON COUNTY, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of

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

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOT A, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, CITY OF MITCHELL, DAVISON 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 Tjarks, seconded by McCardle, to approve Resolution #R2020-30, A Plat Of Lots 1, 2, & 3 Of Koupal Brother's First Addition To The City Of Mitchell, In Lot No. 1 Of The Northeast Quarter (NE 1/4) Of Section 27, Township 103 North, Range 60 West Of The 5th P.M., Davison County, South Dakota as follows:

RESOLUTION #R2020-30

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 11th day of May, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 1, 2, & 3 OF KOUPAL BROTHER'S FIRST ADDITION TO THE CITY OF MITCHELL, IN LOT NO. 1 OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., 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 of LOTS 1, 2, & 3 OF KOUPAL BROTHER'S FIRST ADDITION TO THE CITY OF MITCHELL, IN LOT NO. 1 OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., 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.

Moved by Allen, seconded by Rice, to approve Resolution #R2020-32, Non-Commercial Long Term Ramp Parking at Mitchell Airport as follows:

RESOLUTION #R2020-32

A RESOLUTION APPROVING A NON-COMMERCIAL LONG TERM RAMP PARKING AGREEMENT IN RELATION TO THE MITCHELL AIRPORT

WHEREAS Mitchell City Code does provide certain ramp regulations for the Mitchell Airport; and

WHEREAS long term parking on the ramp is not permissible except by agreement; and

WHEREAS the Mitchell Airport is able to accommodate limited long term parking on the ramp; and

WHEREAS it is necessary to establish certain conditions for individuals who would like to make use of the airport ramp for long term tie-downs of aircraft.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the Non-commercial Long Term Ramp Parking Agreement as presented to Council on May 18, 2020 is hereby adopted and approved and may be used by the Mitchell Airport for the purposes stated therein.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Rice, seconded by Sabers, to place Ordinance #O2020-06, In Relation To Coronavirus Response on second reading. Motion carried. Moved by Rice, seconded by McCardle, to adopt Ordinance #O2020-06, as follows:

ORDINANCE #O2020-06

AN EMERGENCY ORDINANCE IN RELATION TO CORONAVIRUS RESPONSE WHICH REPEALS EMERGENCY ORDINANCE O2020-04 IN LIGHT OF GOVERNOR KRISTI NOEM'S ISSUANCE OF EXECUTIVE ORDER 2020-20.

WHEREAS, on March 13, 2020, Mayor Robert B. Everson, via Executive Order 2020-01, did declare a state of local disaster or emergency pursuant to Mitchell City Code Section 5-7-3 in response to the COVID-19 outbreak; and

WHEREAS, the Mitchell City Council did adopt Emergency Ordinance O2020-04 on March 30, 2020, which did put in place a number of guidelines and limitations on certain activities in order to combat the spread of COVID-19 and which extended the state of local disaster or local emergency declared by Mayor Everson; and

WHEREAS, Governor Kristi Noem did issue Executive Order 2020-08 on March 23, 2020 which orders South Dakota citizens, its employers, healthcare organizations, and its local

government bodies to take certain actions in response to the COVID-19 outbreak, such as implementation of restrictions on public gatherings; and

WHEREAS, Governor Noem did issue Executive Order 2020-12 on April 6, 2020, which rescinded Executive Order 2020-08, with said Order 2020-12 making the provisions of Executive Order 2020-08 mandatory and solidifying restrictions as to South Dakota citizens, employers, retailers, health care organizations, and local governmental bodies; and

WHEREAS, Governor Noem's Executive Order 2020-20 was issued on April 28, 2020 and did rescind her Executive Order 2020-12 as well as order all cities to follow her "Back to Normal" plan for South Dakota; and

WHEREAS Emergency Ordinance 2020-04 is incompatible with Governor Noem's Executive Order 2020-20.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Mitchell that:

1. City of Mitchell Emergency Ordinance O2020-04 is hereby repealed.
2. The state of local disaster or emergency declared by Mayor Everson via his Executive Order 2020-01 is hereby ended. However, nothing in this ordinance shall prevent the Mayor from declaring an additional local disaster or emergency pursuant to Mitchell City Code based on developing facts and circumstances relating to coronavirus in the community.
3. All individuals and businesses are strongly suggested to follow Governor Noem's "Back to Normal" plan for South Dakota, which recommends following CDC hygiene and distancing practices.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon publication of this ordinance after adoption.

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

Moved by Rice, seconded by Sabers, to place Ordinance #O2020-07, An Ordinance that changes the Zoning District Classification of the Real Property Legally Described as Lot 18A, Tract L of Wild Oak Golf Club Addition, SE ¼, Section 23, T 103 N, R 60 W, Davison County, South Dakota from CN Conservation District to R4 High Density Residential District on second reading. Motion carried. Moved by Tjarks, seconded by McCardle, to adopt Ordinance #O2020-07, as follows:

ORDINANCE #O2020-07

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 18A, Tract L of Wild Oak Golf Club Addition, SE ¼, Section 23, T 103 N, R 60 W, Davison County, South Dakota from CN Conservation District to R4 High Density Residential District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 18A, Tract L of Wild Oak Golf Club Addition, SE ¼, Section 23, T 103 N, R 60 W, Davison County, South Dakota from CN Conservation District to R4 High Density Residential District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

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

Moved by Tjarks, seconded by Allen, to place Ordinance #O2020-08, An Ordinance that changes the Zoning District Classification of the Real Property Legally Described as the North 600 ft. of the W 250 ft. of IT 3 in Lot 3, NE ¼, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota from HB Highway Oriented Business District to I Industrial District on second reading. Motion carried. Moved by Rice, seconded by McCardle, to adopt Ordinance #O2020-08, as follows:

ORDINANCE #O2020-08

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; The N 600 feet of the W 250 feet of IT 3 in Lot 3, NE ¼, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota from HB Highway Oriented Business District to I Industrial 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; The N 600 feet of the W 250 feet of IT 3 in Lot 3, NE ¼, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota from HB

Highway Oriented Business District to I Industrial 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.

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

PRESENTATION:

Gabe Laber and DelRon Peters from HDR Engineering spoke to City Council regarding the Wastewater Treatment Plant Study for the City of Mitchell. They explained the importance of maintaining the facility with the increasing population, the age and condition of the facilities, and to keep up with regulatory requirements. HDR Engineering made recommendations for improvements and explained how to obtain funding for the project.

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 _____.