



Arnie's  
 Casey's General Store #3321  
 Coborn's #2025  
 Cornerstone Too  
 County Fair Food & Fuel  
 Cubby's Mitchell East  
 Cubby's Mitchell West  
 The Depot  
 Easy Come Easy Go  
 Freedom Valu  
 Graham's Interstate BP  
 Marlins Family Restaurant  
 Northside Sinclair  
 Rob's Short Stop  
 Shopko #022  
 Tokyo Japanese Cuisine  
 Walgreen #10347  
 Westside Sinclair

NIEW LLC  
 Casey's Retail Company  
 Coborn's Incorporated  
 Cornerstone Coffee House LLC  
 County Fair Inc  
 Cubby's Inc  
 Cubby's Inc  
 Leisure Time Inc.  
 Ruth Reif  
 Jay Ambe-1 LLC  
 Graham's Oil  
 Hungry's Restaurant Inc.  
 TEAM Haus Inc  
 Jackie & Beverly Robinson  
 Shopko Stores Operating  
 Tokyo Japanese Cuisine  
 Walgreens Company  
 TEAM Haus Inc.

- g. Set date of 06-04-18 for hearings
- On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for June 9, 2018 for a wedding,
- On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for June 16, 2018 for a wedding,
- On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for June 23, 2018 for a reunion, and
- On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for June 30, 2018 for a wedding.
- h. Authorization to purchase electrical services from NWPS per SDCL 5-18A & SDCL 5-18A-22 (5).
- i. Authorization to use remaining funds from roofing project.
- j. Gas & Fuel Quotations

<u><b>Meyers Oil Company</b></u>	Requested	Bid	Price per	Total Bid
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	1,200	1,200	\$2.5707	\$ 3,084.84
Unleased Gas- 10% Ethanol	6,300	6,300	\$2.3200	\$14,616.00
	Total Bid:			\$17,700.84

<u><b>Howes Oil Company Inc.</b></u>	Requested	Bid	Price per	Total Bid
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	1,200	1,200	\$2.5555	\$ 3,066.60*
Unleased Gas- 10% Ethanol	6,300	6,300	\$2.2805	\$14,367.15*
	Total Bid:			\$17,433.75*

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

- j. Pay Estimates May 21, 2018
- Pay Estimate #15 in the amount of \$910,598.45 for Mitchell Aquatic Center #2016-11 contracted to Puetz Corporation,
  - Pay Estimate #27 in the amount of \$10,956.27 for Mitchell Aquatic Center #2016-11 contracted to MSH Architects,
  - Pay Estimate #1 in the amount of \$1,932.50 for Burr Street Watermain Review #2016-26A contracted to SPN & Associates,
  - Pay Estimate #7 in the amount of \$104,579.48 for Burr Street-City Portion #2016-26A contracted to T & R Contracting Inc.,
  - Pay Estimate #1-Final in the amount of \$104,717.00 for Corn Palace Dimmers #2017-7 contracted to Muth Electric,
  - Pay Estimate #1 in the amount of \$9,310.85 for Sidewalk Schedule "A" #2018-4 contracted to Top Grade Concrete,
  - Pay Estimate #16 in the amount of \$5,600.00 for Sanborn Design/Const Contract #2018-22 contracted to SPN & Associates,
  - Pay Estimate #17 in the amount of \$1,850.00 for Sanborn Design/Const Contract #2018-22 contracted to SPN & Associates,
  - Pay Estimate #18 in the amount of \$15,375.00 for Sanborn Design/Const Contract #2018-22 contracted to SPN & Associates,
  - Pay Estimate #19 in the amount of \$3,343.20 for Sanborn Design/Const Contract #2018-22 contracted to SPN & Associates,
  - Pay Estimate #20 in the amount of \$12,691.35 for Sanborn Design/Const Contract #2018-22 contracted to SPN & Associates,
  - Pay Estimate #2 in the amount of \$6,000.00 for East Havens Watermain Loop #2018-25 contracted to SPN & Associates, and
  - Pay Estimate #1 in the amount of \$5,885.05 for New Landfill Monitoring #2018-29 contracted to WSP.
- k. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer

**PAYROLL APRIL 8, 2018 – APRIL 21, 2018:** City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,808.42, Attorney \$3,871.18, Finance \$13,167.04, Human Resources \$3,882.92, Municipal Building \$3,238.63, Information Technology \$2,363.93, Police \$66,540.14, Traffic \$4,878.07, Fire \$48,838.54, Street \$47,907.51, Public Works \$21,066.16, Cemetery \$3,835.31, Animal Control \$1,591.91, Emergency Medical Services \$11,925.54, Library \$12,794.24, Recreation & Aquatics \$6,561.46, Recreation Center \$10,037.16, Sports Complexes \$11,279.93, Parks \$10,606.08, Supervision \$5,010.24, E911 \$21,245.59, RSVP \$5,568.55, Palace Transit \$19,229.66, JVCC \$1,447.13, Nutrition \$1,185.80, Water Distribution \$9,495.45, Sewer \$13,971.58, Airport \$4,196.78, Waste Collection \$17,705.39, Landfill \$10,311.41, Corn Palace \$16,991.55, Golf Course \$6,502.12.

**NEW HIRES:**

PARKS: Mitch Schladweiler-\$8.85.

SPORTS COMPLEX: Zachary Custer-\$10.35.

SANITATION: Dennis Smith-\$10.35.

PUBLIC WORKS: Kyle Croce-\$51.491.

**SALARY ADJUSTMENTS:**

STREET: Jason Tuttle-\$23.372, Nathan Hegg-\$25.783.

SANITATION: David Schulte-\$21.707.

FINANCE: Michele DeVries-\$20.661, Janice Peterson-\$20.906.

PUBLIC WORKS: Cathy Krall-\$20.393.

FIRE: Chad Cody-\$20.197.

**WARRANTS:** A & G Diesel, Repairs-\$87.50; A-OX Welding Supply, Supplies-\$425.62; Abbott House, Supplies-\$500.00; Abilene Machine, Supplies-\$1,971.62; Accounts Management, Garnishment-\$291.92; Advance Auto Parts, Supplies-\$101.18; Aflac, Aflac Withholding-\$10,274.48; Aflac Group, Critical Care-\$1,336.02; AFSCME Council 65, Union Dues-\$636.66; Ag Systems, Supplies-\$122.87; Albertson Engineering, 3rd & Main Building-\$3,486.51; American Garage Door, Supplies-\$281.80; Ameripride Services, Supplies-\$166.38; Aqua-Pure, Supplies-\$3,212.50; Aurora County Auditor's office, Alcohol Task Force-\$56.34; Auto Body Specialties, Supplies-\$25.80; Avera Occupational Medicine, Contract Services-\$2,995.98; Avera Queen of Peace Hospital, Supplies-\$332.86; B-Y Water District, April Usage-\$39,078.90; Baker & Taylor, Books-\$1,057.82; Baker Bros Electric, Repairs-\$1,282.86; Bender's Sewer Cleaning, Repair-\$510.00; Bethesda Christian Counsel, Contract Services-\$229.87; Big Daddy D's, Contract Services-\$3,965.00; Big Sioux Nursery, Supplies-\$443.14; Blackstone Publishing, Supplies-\$69.90; Blackstrap, Supplies-\$1,618.65; Boyer Trucks Sioux Falls, Supplies-\$205.96; Brock White, Supplies-\$21,161.25; Brown & Saenger, Supplies-\$120.99; Builders Firstsource, Supplies-\$7.49; Butler Machinery, Supplies-\$218.62; Buxton, Professional Service-\$12,500.00; C & B Operations, Supplies-\$713.25; Campbell Supply, Supplies-\$1,495.23; Carquest Auto Parts, Supplies-\$173.54; CDW Government, Supplies-\$15.62; Center Point Large Print, Books-\$89.28; Central Electric, Utilities-\$11,610.74; Century Link, Utilities-\$1,272.96; City Directories, Book-\$455.00; Clean Sweep, Supplies-\$270.00; Clubhouse Hotel & Suites, Travel-\$141.00; Coborn's, Contract Services-\$935.00; Coca Cola Bottling, Supplies-\$90.00; Commercial Asphalt, Supplies-\$4,129.67; Commercial Asphalt/Spencer Quarries, Supplies-\$215.18; Core & Main, Supplies-\$18,341.83;

Core-Mark Midcontinent, Supplies-\$617.90; Corn Palace Concessions, Supplies-\$9.00; Corn Palace Shrine Club, Ticket Sales-\$18,968.22; Corporate Translation Service, Professional Service-\$48.61; Counsilman Hunsaker Operation, Supplies-\$500.00; County Fair, Supplies-Supplies-\$281.21; County Fair, Contract Services-\$440.00; Dakota Fluid Power, Supplies-\$120.24; Dakota Pump, Supplies-\$4,320.73; Dakota Supply Group, Supplies-\$50.41; Dakota Two-Way, Supplies-\$82.74; Dakota Wesleyan University, Special Olympics-\$2,000.00; Daniel Fechner, Travel-\$11.00; Darrington Water Conditioning, Rental-\$102.80; Davison County Auditor, Landfill Fees Collected-\$47,774.06; Davison Rural Water Systems, Utilities-\$63.70; Dean Knippling, Travel-\$86.00; Delta Dental Plan of South Dakota, Delta Dental Premiums-\$13,996.92; Demco, Supplies-\$189.49; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$1,159.48; Dice Benefits Consulting, April Fees-\$510.00; Dick's Body Shop, Repairs-\$512.83; Don Trebil, Reimbursement-\$35.00; Dug Out, Contract Services-\$722.75; Elliott Equipment, Supplies-\$3,228.67; Engineering Unlimited, Supplies-\$118.48; Environmental Equipment and Supplies, Supplies-\$570.00; Farmers Alliance, Repairs-\$1,605.60; Fastenal, Supplies-\$10.38; Ferguson Waterworks #2516, Supplies-\$3,349.60; Forum Communications, Advertising-\$7,401.83; Fox Paint & Blinds, Supplies-\$96.88; Frank Welding, Supplies-\$468.38; Gale, Books-\$488.05; Gaylen's Homegrown Popcorn, Supplies-\$1,329.65; GCR Tires & Service, Supplies-\$3,175.45; Gempler's, Supplies-\$159.99; Grainger, Supplies-\$454.92; Greenwood Cleaning, Supplies-\$425.00; Happy Memories Band, Contract Services-\$150.00; Harve's Pro Prints, Supplies-\$112.98; Heartland Paper, Supplies-\$228.20; Honda of Mitchell, Supplies-\$29.90; Hope Haven dba: The Achievement Center, Supplies-\$1,331.73; Howes Oil, Supplies-\$17,431.20; I-State Truck Center, Supplies-\$378.18; Ingram Library Services, Book-\$46.66; Innovative Office Solution, Supplies-\$468.88; Integrity Transcription, Transcribing Service-\$316.10; Interstate Office Products, Supplies-\$240.11; IPMA-HR, Membership-\$79.00; Iverson Chrysler Center, Rental-\$49.95; Jackson Brown, Travel-\$75.00; James Valley Nursery, Supplies-\$199.99; JCL Solutions, Supplies-\$2,403.01; Jim Rumbolz, Boulevard Tree Program-\$127.32; Justin Adams, Travel-\$212.09; Kathy Kaye Foods, Supplies-\$1,920.00; Kevin Roth, Travel-\$30.00; Kimball-Midwest, Supplies-\$904.75; KJRV FM, Advertising-\$300.00; Lakeview Veterinary Clinic, Service Dog Tommy-\$1,886.47; Larry's I-90 Service, Supplies-\$168.24; Lawson Products, Supplies-\$381.51; Leisure Interactive, Professional Service-\$109.80; Librarians' Choice, Books-\$256.67; Lifequest, Supplies-\$16.41; Linda L Logan Counseling Service, Contract Services-\$90.00; LSQ Funding Group, Service Contract-\$148.00; Make It Mine Designs, Publishing-\$300.00; Mana, Fundraising-\$880.00; Marilee Johnson-Geary, Contract Services-\$450.00; Matthew Bender & Company, Book-\$50.00; McLeod's Printing, Supplies-\$440.43; Mega Wash, Repairs-\$4.00; Menard's, Supplies-\$1,534.61; Mettler Implement, Repairs-\$384.78; Meyers Oil, Supplies-\$3,420.95; Michael Frederick, Books-\$20.00; Michael J Koster, Travel-\$58.00; Michael Todd & Company, Supplies-\$1,528.01; Michelle Bathke, Travel-\$323.02; Mid States Audio, Repairs-\$300.00; Midcontinent Communication, Advertising-\$841.00; Midwest Turf & Irrigation, Supplies-\$1,049.26; McCormick, Russ, Refund-\$7.51;

Mitchell Area Chamber of Commerce, 2018 Funding May-\$5,417.00; Mitchell Area Convention Visitors Bureau, 2018 Funding-May-\$17,333.00; Mitchell Iron & Supply, Supplies-\$231.05; Mitchell Music Boosters Show Choir, 2018 Dinner Theater Ticket Sale-\$39,511.00; Mitchell School District, Utilities-\$1,594.64; Mitchell Telecom, Utilities-\$2,520.99; Mitchell United Way, United Way Deductions-\$183.67; MJ Dalsin, Supplies-\$1,348.42; MSH Architects, 2016-11 P.E. #27-\$10,956.27; Mount Vernon School District, Contract Services-\$51.70; Mueller Lumber, Supplies-\$10.99; Muth Electric, 2017-7 P.E. #1 Final-\$106,065.30; Napa Auto Parts, Supplies-\$229.55; Nedved Media, Advertising-\$1,495.56; North Central Seed, Supplies-\$412.50; Northwestern Energy & Communications, Utilities-\$21,649.50; Online Computer Library Center, Cataloging-\$658.90; Overdrive, Supplies-\$130.00; Palace Cleaners, Supplies-\$25.75; Parkston Boom's Restaurant, Contract Services-\$2,563.75; Penguin Random House, Supplies-\$30.00; Pepsi Cola, Supplies-\$611.32; Puetz Corporation, 2016-11 P.E. #15-\$910,598.45; Qualified Presort, Mailing Service-\$477.25; Ramkota Hotel-Pierre, Travel-\$190.00; Recorded Books, Supplies-\$377.62; Recreonics, Equipment-\$419.22; Ron's Bicycle and Locksmith, Supplies-\$41.25; Ron's Saw Sales, Supplies-\$2,404.51; Rowman & Littlefield Publishing, Book-\$94.72; S & M Printing, Supplies-\$92.00; Saga Communications of South Dakota, Advertising-\$530.00; Santel Communications, Utilities-\$1,794.16; Satcom Global, Contract Plan-\$42.75; Schmucker Paul & Nohr, 2016-26A P.E. #1-\$46,792.05; Scholastic Library Publish, Books-\$216.00; Scott Supply, Supplies-\$112.00; South Dakota Department of Natural Resources, April Fees-\$2,355.91; South Dakota Newspaper Services, Advertising-\$344.16; South Dakota Public Assurance Alliance, Insurance-\$240.22; South Dakota Retirement System, Retirement Contributions-\$48,542.83; South Dakota State Historical Society, Microfilm-\$40.00; South Dakota-Supplemental Retirement, SRP Contributions-\$3,012.66; South Dakota-Supplemental, Roth 457 Contributions-\$400.00; Sherwin-Williams, Supplies-\$96.79; Shopko Stores Operating, Supplies-\$33.15; Sign Pro, Patrol Cars-\$1,028.00; Smart Apple Media, Books-\$317.34; Special Olympics South Dakota, Sports Authority Promotion-\$6,000.00; Standard Insurance Company, Life Insurance-\$2,367.06; Sturdevant's Auto Parts, Supplies-\$885.88; Subway, Meals-\$39.24; Sun Gold Sports, Supplies-\$2,475.00; Swiftel Communications, Supplies-\$457.54; T & R Contracting, 2016-26A P.E. #7-\$104,579.48; Test America Laboratories, Lab-\$1,856.50; The Outkast Car Club, Sports Authority Promotion-\$2,000.00; Thomson Reuters - West, Law Database-\$612.15; Thune True Value Hardware, Supplies-\$112.03; Ticketforce, Usage Fees-\$3,493.00; Tim's Cutting Edge, Supplies-\$214.20; TK Electric, Repairs-\$423.50; TMA Stores, Police Tow-\$192.23; Tom Schaffner, Travel-\$274.13; Top Grade Concrete, 2018-4 P.E. #1-\$ 9,310.85; Transource, Supplies-\$496.80; Trizetto Provider Solution, Service Contract-\$69.62; Ultramax, Supplies-\$6,924.00; Unclaimed Freight, Supplies-\$1,383.00; United Parcel Service Store #4227, Shipping-\$102.45; United States Postal Service, Postage-\$75.33; Verizon Wireless, Utilities-\$2,621.50; Wade London, Travel-\$53.00; Walmart, Supplies-\$368.54; Well Beats, Basic Test-\$199.00; Wellmark Blue Cross Blue Shield, Flex Fees-\$3,654.00; Wheelco Brake & Supply, Supplies-\$7.15; Wholesale Electronics,

Supplies-\$45.80; Woelfel Jewelry Store, Supplies-\$75.00; Wright Brothers Aviation, Airport Maintenance Contract-\$500.00; WSP USA, 2018-29 P.E. #1-\$5,885.05; South Dakota State Treasurer, Sales Tax Payment-\$14,285.80; US Bank, Loan Payment-\$128,351.49; Library Fines, Expense-\$3,164.78; CorTrust Bank, Deposit Books-\$198.66; Wage Works, Flex Expense-\$12,631.25; Wellmark of South Dakota, Medical Expenses-\$170,713.79.

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

### **CITIZENS INPUT:**

Council Member Kevin McCardle informed the City Council and public that he visited the Mitchell Public Safety Department and rode in a patrol car on Saturday night May 12 for a few hours. He commended the Mitchell Police Department on a great job in protecting the streets and public.

City Administrator Stephanie Ellwein invited the City Council and public to stay after the City Council meeting to view Corn Palace Plaza lighting. The Corn Place installed a new dimmer with new lighting programs attached.

Chief of Public Safety Lyndon Overweg reminded the City Council and public that the Veteran's Park Dedication Ceremony will be May 26, 2018 with the City Band playing at 10:30 and the dedication starting at 11:00 a.m. at the Mitchell Memorial Veterans Park.

### **COMMITTEE REPORTS:**

#### **Public Health & Safety:**

The Public Health & Safety Committee met at 6:00 p.m. on May 21, 2018. The Committee approved an application from the Exchange Club of Mitchell for a fireworks permit on July 4<sup>th</sup>, 2018 for the Fourth of July Fireworks at Lake Mitchell noting that if the City of Mitchell was in a burn ban they may have to look at other options.

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

#### **Traffic:**

The Traffic Committee met on May 21, 2018 requesting the following items:

A request from Dakota Wesleyan University for a parade permit for the Blue & White Days parade on Saturday, October 13, 2018 beginning at 10:00 a.m. was approved. No cars will be allowed to park on either side of the parade route as well as the area on Main Street. The following areas will be affected: Main Street from 9<sup>th</sup> Avenue to 1st Avenue, with the following streets blocked off from 10<sup>th</sup> Avenue to Railroad Avenue, North Lawler from 7<sup>th</sup> to 9<sup>th</sup> Avenue, East 9<sup>th</sup> Avenue from Lawler to Main Street and North Main Street from 9<sup>th</sup> Avenue to Railroad Avenue and

to allow the use of parking between 7<sup>th</sup> & 9<sup>th</sup> Street and Lawler/Kimball Street for staging area with no parking beginning at 4:30 a.m.

A request from the Corn Palace Stampede Rodeo Committee for a parade permit was approved. The rodeo parade is scheduled for Saturday, July 21, 2018 beginning at 10:30 a.m. No cars will be allowed to park on either side of the parade routes as well as the area on Main Street that is used to line up the parade entries. The following areas will be affected: Main Street from 12<sup>th</sup> Avenue South to 1st Avenue, Rowley Street 9<sup>th</sup> to 11<sup>th</sup> Avenue, east side to include 100 Block of West 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup> Avenue, 1<sup>st</sup> Avenue east to Lawler Street, Lawler Street 1<sup>st</sup> Avenue North to 11<sup>th</sup> Avenue to include 100 Block of East 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup>, and East 9<sup>th</sup> Avenue from MCTEA parking lot to Main Street.

A request from the Heart & Sole Cancer Walk/Run Board of Directors to close West 8th Street from Minnesota to Iowa and Cadwell Park complex entrance on 8th Street on Friday, June 8, 2018 from 5:00 p.m. to 9:00 p.m. was approved.

A request from Dave Epp for a parade permit on June 30, 2018 for the Neil Epp Memorial Poker Run was approved. The parade will begin in front of Klock Werks at 915 South Kimball Street and go west to the city limits.

Moved by Olson, seconded by Tjarks, to approve the Traffic 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 on June 2, 2018 for a wedding dance. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, 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 to transfer Retail (On-Sale) Liquor License RL-5761 from Bates Enterprises LLC dba Big Dummy's/Longhorn Bar, 108-112 North Main, Mitchell, South Dakota to Bates Enterprises LLC dba Big Dummy's/Longhorn Bar, 108-112 North Main, Mitchell, South Dakota due to configuration of liquor license. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by McCardle, 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-Sale) Liquor License RL-5764 from Bates Enterprises LLC dba Brew Parlor, 400 North Main Street Ste 210, Mitchell, South Dakota to Bates Enterprises LLC dba Brew Parlor, 108 North Main Suite A, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Allen, 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-Sale) Liquor License RL-5766 from R.R. Enterprises Inc. dba Sneaker's Peanut Bar, 1514 N Sanborn Blvd Ste A, Mitchell, South Dakota to MG Oil Company dba Village Bowl, 1500 N Duff



Ste A, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Tjarks, 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-Sale) Wine License RW-23600 from R.R. Enterprises Inc. dba Village Casino, 1500 N Duff Ste E, Mitchell, South Dakota to MG Oil Company dba Village Bowl, 1500 N Duff Ste A, Mitchell, South Dakota (License is inactive). Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Allen, 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-Sale) Wine License RW-6464 from R.R. Enterprises Inc. dba Village Bowl-Spare Change Casino, 1500 N Duff Ste C, Mitchell, South Dakota to MG Oil Company dba Village Bowl 3, 1500 N Duff Ste C, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Olson, seconded by McCardle, 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-23601 from R.R. Enterprises Inc. dba Lucky Lady II, 1500 N Duff Ste 3, Mitchell, South Dakota to MG Oil Company dba Village Bowl 5, 1500 N Duff Ste E, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, 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 to transfer Retail (On-Off Sale) Malt Beverage License RB-2844 from R.R. Enterprises Inc. dba Lucky Lady Casino, 1500 N Duff Ste D, Mitchell, South Dakota to MG Oil Company dba Village Bowl 4, 1500 N Duff Ste D, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Olson, 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-2828 from R.R. Enterprises Inc. dba Village Bowl & Lge/Spare Change Casino, 1500 N Duff Ste B, Mitchell, South Dakota to MG Oil Company dba Village Bowl 2, 1500 N Duff Ste B, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by McCardle, to approve said application. Motion carried.

**CONSIDER APPROVAL:**

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

**BOARD OF ADJUSTMENT:**

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

**SET DATE:**

Moved by Allen, seconded by Olson, to set date for June 4, 2018 on the application of Radke Construction for an oversize variance of 4,000 vs 2,000 square feet as required and a height variance of 24' vs 22' as required at the property located in 2001 Block of W 5th Ave, legally described as the 84' of the North 100' of Irregular Tract No. 9 and the W 16' of the North 100' of Vacated Dupree Street Abutting and Lying South of West 5th Avenue and Abutting Irregular Tract No. 9, Davison County, South Dakota. The said real property is zoned (R4) High Density Residential District. Motion carried.

**HEARINGS:**

It was advised that this is the date and time set for hearing on the application of Danielle Bultje for a conditional use permit to operate a family residential child care center in her home located at 508 E 12th Ave, legally described as Lot 5, Block 1, Shepards Addition, City of Mitchell, 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 with the following conditions: the permit is nontransferable and if the operation ceases for a period of six months or longer then a new application would be required. Moved by Olson, seconded by Tjarks, to approve said application with the following conditions: the permit is nontransferable and if the operation ceases for a period of six months or longer then a new application would be required. Motion carried.

It was advised that this is the date and time set for hearing on the application of Joseph & Heidi Geppert for a side-yard on a corner variance of 18 feet vs 20 feet and a side-yard variance of 2 feet 6 inches vs 3 feet as required for construction of a detached garage at their home at 700 E 2nd Ave, legally described as Lot 7, Block 16, FM Greene 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 McCardle, seconded by Olson, 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.

**RESOLUTIONS:**

Moved by Allen, seconded by Rice, to approve Resolution #R2018-22, A Plat of Lot 9, Block 3 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 #R2018-22**

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 14th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of LOT 9, BLOCK 3 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 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 prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 9, BLOCK 3 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, 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 Olson, seconded by Barington, to approve Resolution #R2018-23, A Plat of Lots 1 and 2 of AJB Subdivision in the NE 1/4 of Section 12, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

#### **RESOLUTION #R2018-23**

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 14th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of LOTS 1 AND 2 OF AJB SUBDIVISION IN THE NE ¼ OF SECTION 12, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has 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 AJB SUBDIVISION IN THE NE ¼ OF SECTION 12, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., 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 Olson, seconded by Barington, to approve Resolution #R2018-24, A Plat of Lots 1 and 2 of Goldsteel Addition an Addition in the Northeast Quarter (NE1/4) of Section 23, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

**RESOLUTION #R2018-24**

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 14th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of LOTS 1 AND 2 OF GOLDSTEEL ADDITION, AN ADDITION IN THE NORTHEAST QUARTER (NE ¼) OF SECTION 23, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, 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 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 GOLDSTEEL ADDITION, AN ADDITION IN THE NORTHEAST QUARTER (NE ¼) OF SECTION 23, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Olson, seconded by Rice, to approve Resolution #R2018-25, A Plat of Lots 1 and 2 in the Replat of Tract E, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2018-25**

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 14th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of LOTS 1 AND 2 IN THE REPLAT OF TRACT E, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, 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 prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOTS 1 AND 2 IN THE REPLAT OF TRACT E, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by Olson, seconded by Tjarks, to place Ordinance #O2018-05, Creating Business Improvement District #3 on first reading. Motion carried with Allen abstaining.

Moved by Tjarks, seconded by Barington, to place Alternate Ordinance #O2018-06, Amending Mitchell City Code Section 5-6-1, Fireworks on first reading. Motion carried with Olson voting nay.

Moved by Olson, seconded by Allen, to place Ordinance #O2018-07, That the City of Mitchell Municipal Code, Title 10, Article C, Urban Development District, 10-8C-3 Conditional Uses, be Amended on first reading. Motion carried.

**EXECUTIVE SESSION:**

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

Mayor Toomey declared the board out of executive session at 6:50 p.m. and the City Council to reconvene in regular session at 6:51 p.m.

**RESOLUTION:**

Moved by Olson, seconded by Barington, to approve Resolution #R2018-21, Declaring a Nuisance at 301 N Main, as follows:

**RESOLUTION NO. R2018-21**

**A RESOLUTION DECLARING A NUISANCE AT 301 NORTH MAIN STREET**

BE IT RESOLVED by the City of Mitchell, South Dakota:

1. The property described in paragraph 2 is hereby declared a public nuisance.
2. City Officials are hereby authorized and directed to commence legal action for the purpose of procuring an order of the court authorizing the abatement of all nuisance conditions on said property by the City or its agent in relation to the real property legally described as:  

Lots 11 & 12 of Block 3, Original Mitchell, Davison County,  
South Dakota. (301 & 303 North Main).
3. Legal action shall be commenced against all legal interest title holders in the above-described premises.

4. The premises constitutes a public nuisance for the following reasons:
- A. The structure upon the premises is dilapidated and poses a safety risk to the public in its current condition; which includes brick walls bowing, caving, and collapsing in violation of Mitchell City Code (MCC) Section 5-3-4(L).
  - B. The structure contains numerous broken windows and holes within the structure which permit the harborage of vermin in violation of MCC Section 5-3-4(K).
  - C. The condition of the building endangers the health and safety of others in violation of MCC Section 5-3-3(B)(1).
  - D. The condition of the building does or tends to lower the value of adjacent real estate because of unsightly conditions in violation of MCC Section 5-3-3(B)(3).
  - E. The condition of the building does unlawfully interfere with, obstruct, or tends to obstruct, or render dangerous for passage a street or right of way in violation of MCC Section 5-3-3(B)(4).
  - F. The condition of the building does render other persons insecure in life or in the use of property and affects at the same time the entire community, neighborhood, or a considerable number of persons in violation of MCC Section 5-3-3(B)(5).
5. The City has given notice and order to abate or otherwise cure the nuisance condition of the property to the record owner of the premises; however, the record owner of the premises has failed to abate or otherwise cure the nuisance conditions upon the property above described.

Motion carried and resolution declared duly adopted.

**ADJOURN:**

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

  
Michelle Bathke  
Finance Officer

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