

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

June 4, 2018
6:00 P.M.

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

ABSENT: Jeffrey Smith

PRESIDING Mayor Jerry Toomey

AGENDA:

Moved by Olson, seconded by Rice, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council Minutes May 21, 2018.
- b. Committee Meeting Minutes
 1. Planning Commission May 14, 2018,
 2. Public Health & Safety May 21, 2018, and
 3. Traffic May 21, 2018.
- c. Raffle Permits
 1. OutKasts Car Club with the drawing to be held on September 23, 2018,
 2. Mitchell Public High School/Football with the drawing to be held on October 12, 2018,
 3. Dakota Wesleyan University with the drawing to be held on October 13, 2018, and
 4. Davison County Democrats with the drawing to be held on October 16, 2018.
- d. Set date of September 18, 2018 for the City Surplus Auction.
- e. Automatic Supplement Request~Parks
- f. Set date of 06-18-18 for hearings
 1. On the application of Palace City Lions Club for a Special Event Malt Beverage License located at the Horsemans Sports Arena for July 19, 20, 21, 22, 2018 for the Corn Palace Stampede Rodeo,
 2. On the application of Palace City Lions Club for a Special Event Malt Beverage License located at the Horsemans Sports Arena for August 22, 2018 for the Mustang Seeds X-treme Bulls, and
 3. On the application of Corn Palace Shrine Club for an (On-Off Sale) Malt Beverage License located at the Masonic Temple, 112 East 5th Avenue.
- g. Change Order #2 for Sanborn Blvd Utility & Street Improvements Project #2018-22 decreasing contract amount by \$23,950.66 for adjusted quantities to date to BX Civil & Construction Inc. adjust contract amount to \$1,862,003.24.
- h. Set date for bid opening at 1:30 PM, July 10, 2018 for Manhole Rehabilitation Dry Run Creek Area City Project #2018-21.

- i. Set date for bid opening at 1:30 PM, July 10, 2018 for Jitter's Asbestos Remediation City Project #2018-8A.
- j. On the Application of OutKasts Car Club for a Special Event, for a parade permit on Main Street from the Shopko Parking Lot in the 1900 Block of North Main to 7th Avenue, and to close Main Street from Railroad to 7th Avenue and the 1/2 block of all side streets excluding Railroad, 1st, 5th, And 7th for the Outkasts Cruise In and Car Show on 09-22-2018. The street closures will begin at 4:30 a.m. on 09-22-18 and remain closed until 4:00 P.M. on 09-22-18, except the 500 and 600 block of North Main. Those streets will remain closed until the end of the dance.
- 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 \$4,658.42, Attorney \$3,871.18, Finance \$13,067.03, Human Resources \$3,382.92, Municipal Building \$3,477.72, Information Technology \$2,452.57, Police \$65,895.97, Traffic \$4,242.07, Fire \$49,743.39, Street \$27,555.52, Public Works \$19,285.57, Cemetery \$6,811.46, Animal Control \$2,659.26, Emergency Medical Services \$11,369.73, Library \$11,539.00, Recreation & Aquatics \$7,217.46, Recreation Center \$10,069.11, Sports Complexes \$11,585.45, Parks \$9,114.25, Supervision \$5,010.24, E911 \$21,284.15, RSVP \$5,523.97, Palace Transit \$20,979.46, JVCC \$1,619.25, Nutrition \$974.39, Water Distribution \$8,760.25, Sewer \$14,316.20, Airport \$2,473.51, Waste Collection \$9,362.50, Landfill \$9,809.74, Corn Palace \$20,499.89, Golf Course \$6,165.29.

NEW HIRES:

PARKS: Carter Cavanaugh-\$9.35, Fred Kobold-\$11.85, Samantha McQuarie-\$9.35, Alvin Munneke-\$10.35, Payne Ahrens-\$10.35, Dan Seiner-\$9.35, Joann Streyle-\$9.35.

SPORTS COMPLEX: Ryland Devries-\$9.85.

REC CENTER: Jill Miles-\$10.35, Lynnette Schilling-\$10.35.

REC & AQUATICS: Chuck Jones-\$10.85.

GOLF: Steve Anderson-\$11.35, Tyrel Haley-\$10.85, Donald Jones-\$11.35, Kelly Kidwiler-\$10.85, Trevor Krugman-\$11.85, James Lynde-\$11.35, Tyler Wagner-\$11.35.

CEMETERY: Terry Heisinger-\$10.85, Harlan Phinney-\$11.35, Dave Thuringer-\$10.85.

SALARY ADJUSTMENTS:

E-911: Debbie Vaughn-\$22.813.

WARRANTS: A & B Business Solutions, Contract-\$4,382.74; A-OX Welding Supply, Rental-\$70.12; AAA Collections, Pre-Collection Letters-\$35.00; Accounts Management, Garnishment-\$269.02; Adam Fosness, Contract Services-\$1,200.00; Advance Auto Parts, Supplies-\$25.49; AFSCME Council 65, Union Dues-\$636.66; Ag Systems, Supplies-\$92.27; AIA, Supplies-\$387.97; American Engineering Testing, 2016-11 P.E. #1-\$4,838.00; Ameripride Services, Supplies-\$109.99; Arrow International, Supplies-\$562.7; Automatic Building Control, Utilities-\$1,884.00; Avera Occupational Medicine, Contract Services-\$2,480.55; Axon Enterprise, Supplies-\$5,603.41; Bailey Metal Fabricators, Supplies-\$189.36; Big Daddy D's, Contract Services-\$3,860.00; Blackburn Manufacturing, Supplies-\$90.58; Blackstrap, Supplies-\$1,609.85; Blue Valley Public Safety, Supplies-\$199.94; Bound Tree Medical, Supplies-\$197.05; Break Time Portables, Rental-\$380.00; Brenda Blumenberg, Refund-\$45.00; Brock White Company, Supplies-\$2,389.00; BX Civil & Construction, 2018-22 P.E. #2-\$500,301.47; C & B Operations, Supplies-\$594.47; Campbell Supply, Supplies-\$1,490.16; Central Electric, Utilities-\$637.00; Century Link, Utilities-\$71.74; CHR Solutions, Postage-\$3,006.97; Clayton Moore, Travel-\$26.00; Coca Cola Bottling, Supplies-\$16.00; Combined Pool Spa, Deposit Refund-\$1,500.00; Commercial Asphalt, Supplies-\$1,432.97; Commercial Asphalt/Spencer Quarries, Supplies-\$5,725.18; Core & Main, Supplies-\$4,936.50; Core-Mark Midcontinent, Supplies-\$1,550.18; Corn Palace Concessions, Supplies-\$9.00; County Fair, Supplies-\$90.00; Cummins Central Power, Repairs-\$642.56; Dakota Landscaping & Irrigation, Repair-\$50.00; Dakota Supply Group, Supplies-\$2,441.07; Danko Emergency Equipment, Supplies-\$892.65; Dell Marketing, Supplies-\$984.40; Department of Social Services, Child Support-\$1,159.48; Dick's Body Shop, Repair-\$70.00; Ditch Witch of South Dakota, Supplies-\$556.85; Doug's Custom Paint & Body, Repairs-\$106.19; Dr. Martin Christensen, Contract Services-\$1,500.00; Emsar Midwest, Repairs-\$662.00; Eric Hieb, Contract Services-\$6,931.69; Farmers Alliance, Supplies-\$752.36; Fastenal, Supplies-\$101.41; Ferguson Waterworks #2516, Supplies-\$246.17; First National Bank Omaha, Loan Payment-\$12,304.03; Galls, Supplies-\$88.00; Gaylen's Homegrown Popcorn, Supplies-\$1,938.40; Harve's Sport Shop, Supplies-\$143.99; Heartland Paper Company, Supplies-\$90.59; Henry Schein, Supplies-\$526.60; Holiday Inn Express Hotel, Travel-\$569.94; Honda of Mitchell, Supplies-\$48.89; Imagine Guild, Deposit Refund-\$3,500.00; Industrial Builders, Deposit Refund-\$1,500.00; Innovative Office Solution, Supplies-\$247.59; Interstate Office Products, Supplies-\$136.32; Jackson Brown, Travel-\$15.00; James Valley Nursery, Supplies-\$170.90; Jaylon Tollefson, Travel-\$26.00; JCL Solutions, Supplies-\$1,442.15; Kim Burg, Reimbursement-\$423.89; Lewis Drug, Supplies-\$13.92; M & M Greenhouse, Supplies-\$92.00; Make It Mine Designs, Supplies-\$173.00; McFarland Supply, Supplies-\$560.97; McLeod's Printing, Supplies-\$390.62; Menard's, Supplies-\$1,004.12; Meyers Oil, Supplies-\$2,509.07; Microsoft, Supplies-\$912.00; Midcontinent Communications, Utilities-\$88.98;

Midwest Laboratories, Supplies-\$177.00; Midwest Turf & Irrigation, Supplies-\$129.66; Miner County Auditor, Alcohol Task Force-\$107.44; Mitchell Concrete Product, Supplies-\$762.34; Mitchell Exchange Club, 2018 Allocation-\$10,000.00; Mitchell Plumbing & Heating, Supplies-\$76.18; Mitchell United Way, United Way Deductions-\$170.67; Mount Vernon School District, Contract Services-\$43.45; Mueller Lumber, Supplies-\$630.09; North Central Seed, Supplies-\$375.00; Northwestern Energy & Communications, Utilities-\$37,516.06; On Sight 24/7, Repairs-\$183.67; Palace Cleaners, Supplies-\$41.25; Point Emblems, Supplies-\$2,800.00; Project Lifesaver International, Supplies-\$203.98; Qualified Presort, Contract Services-\$550.80; Recorded Books, Audio-\$100.23; Riverside Technologies, Supplies-\$1,326.78; Ron's Bicycle and Locksmith, Repair-\$85.00; Ruby Pattison, Supplies-\$33.01; S & M Printing, Supplies-\$384.00; S & S Willers, Supplies-\$2,248.05; Sanford University of South Dakota Medical Center, Recertification-\$3,399.00; Schmucker Paul & Nohr, 2017-31 P.E. #6-\$62,459.35; South Dakota Department of Health, Lab-\$260.00; South Dakota One Call, Professional Services-\$202.65; South Dakota Retirement System, Retirement Contributions-\$47,333.80; South Dakota-Supplemental Retirement, Supplemental Retirement Contributions-\$3,037.66; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$425.00; South Dakota Department of Environment & Natural Resources, 2004 Loan 1-\$13,621.85; South Dakota Department of Environment & Natural Resources, 2004 Loan 2-\$14,317.43; Sherwin-Williams, Supplies-\$1,776.15; Sign Pro, Supplies-\$34.40; Special Olympics South Dakota, Travel-\$875.00; Standard Insurance Company, Life Insurance-\$404.11; Sturdevant's Auto Parts, Supplies-\$1,934.84; Subway, Meals-\$31.45; Sun Gold Sports, Supplies-\$45.16; Teamsters Local No. 120, Union Dues-\$776.00; Tessier's, Repairs-\$765.80; Test America Laboratories, Lab-\$2,267.12; Thune True Value Hardware, Supplies-\$264.82; Ticketforce, Annual Fee-\$30.00; TK Electric, Repairs-\$2,142.51; TMA Stores, Supplies-\$162.04; Tractor Supply Credit Plan, Supplies-\$24.99; Traf-Systems, Contract Services-\$240.00; Transource, Repairs-\$174.00; Turfwerks, Supplies-\$158.90; Uncle Roy & the Boys, Contract Services-\$150.00; Verizon Wireless, Utilities-\$600.15; Vern Eide of Mitchell, Repairs-\$166.73; Walmart, Supplies-\$89.31; Water Environment Federation, Membership-\$155.00; Wholesale Electronics, Supplies-\$28.38; Yamaha Golf & Utility, Supplies-\$187.04; Zach Dalrymple, Travel-\$362.68; Zimco Supply, Supplies-\$4,110.00; Builders First Source, TID #15 \$39,664.08; First Dakota National Bank, Loan Payments-\$436,150.80; Wells Fargo Bank, MTI TID #13-\$45,725.62; Wells Fargo Bank, Pepsi TID #14-\$25,247.93; Wells Fargo Bank, Starlite Estates TID #18-\$46,833.38.

1. Pay Estimates June 4, 2018

Pay Estimate #1 in the amount of \$4,838.00 for Mitchell Aquatic Center #2016-11 contracted to American Engineering Testing,

Pay Estimate #6 in the amount of \$15,600.00 for Klock Werks Area Drainage Study #2017-31 contracted SPN & Associates,

Pay Estimate #2 in the amount of \$500,301.47 for Sanborn Street Phase I #2018-22 contracted to BX Civil & Construction,

Pay Estimate #21 in the amount of \$11,200.00 for Sanborn Design/Const Street #2018-22 contracted to SPN & Associates,

Pay Estimate #22 in the amount of \$12,025.00 for Sanborn Design/Const Water #2018-22 contracted SPN & Associates,

Pay Estimate #23 in the amount of \$11,195.20 for Sanborn Design/Const Street #2018-22 contracted to SPN & Associates, and

Pay Estimate #24 in the amount of \$12,439.15 for Sanborn Design/Const Water #2018-22 contracted to SPN & Associates.

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

CITIZENS INPUT:

Council Member Steve Rice thanked Dakotaland Federal Credit Union for the generous donation to the Parks and Recreation Department.

Tim Goldammer from the Area Community Theatre informed City Council and public that the repairs on the roof will begin on Tuesday.

Mayor Toomey congratulated Lyndon Overweg on a great job with the dedication of the Veteran's Park.

Chief of Public Safety Lyndon Overweg thanked the public and volunteers for all their help in the set up and tear down for the Veteran's Park dedication:

HEARINGS:

It was advised that this is the date and time set for hearing 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. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, 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 of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for June 16, 2018 for a wedding. Notice of hearing has been given and affidavit of publication is on file. Moved by Olson, 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 Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center

for June 23, 2018 for a reunion. Notice of hearing has been given and affidavit of publication is on file. Moved by Tjarks, 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 of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for June 30, 2018 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.

It was advised that this is the date and time set for hearing on the following applications

All Star Convenience	Meyers Oil Company
Arnie's	NIEW LLC
Casey's General Store #3321	Casey's Retail Company
Coborn's #2025	Coborn's Incorporated
Cornerstone Too	Cornerstone Coffee House LLC
County Fair Food & Fuel	County Fair Inc
Cubby's Mitchell East	Cubby's Inc
Cubby's Mitchell West	Cubby's Inc
The Depot	Leisure Time Inc.
Easy Come Easy Go	Ruth Reif
Freedom Valu	Jay Ambe-1 LLC
Graham's Interstate BP	Graham's Oil
Marlins Family Restaurant	Hungry's Restaurant Inc.
Northside Sinclair	TEAM Haus Inc
Rob's Short Stop	Jackie & Beverly Robinson
Shopko #022	Shopko Stores Operating
Tokyo Japanese Cuisine	Tokyo Japanese Cuisine
Walgreen #10347	Walgreens Company
Westside Sinclair	TEAM Haus Inc.

Notice of hearing has been given and affidavit of publication is on file. Moved by Olson, seconded by Rice, to approve said applications with the exceptions of Arnie's, Easy Come Easy Go, and Rob's Short Stop for Package (Off-Sale) Malt Beverage License only. Motion carried.

BOARD OF ADJUSTMENT:

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

HEARING:

It was advised that this is the date and time set for hearing 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. 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 Tjarks, to approve said application. Motion carried.

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

CONSIDER APPROVAL:

Moved by Tjarks, seconded by McCardle, to approve and authorize the Mayor to sign Agreement #A2018-19 for the engineering design services for the Sanborn Preservation Grant City Project #2018-22A with Brosz Engineering in the amount of \$80,400.00. Motion carried.

Moved by Olson, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2018-21 for Landfill GPS Unit Project #2018-35 to Butler-Cat Sales in the amount of \$27,710.44. Motion carried.

RESOLUTIONS:

Moved by Allen, seconded by Tjarks, to approve Resolution #R2018-26, A Plat of Tract 1 of Odland's First Addition an Addition in the East 860 Feet (E 860') of the South 646 Feet (S646') of the Southeast Quarter (SE 1/4) of Section 18, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2018-26

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 29th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of TRACT 1 OF ODLAND'S FIRST ADDITION AN ADDITION IN THE EAST 860 FEET (860') OF THE SOUTH 646 FEET (S 646') OF THE SOUTHEAST QUARTER OF SECTION 18, T 103 N, R 60 W OF THE 5TH 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 TRACT 1 OF ODLAND'S FIRST ADDITION AN ADDITION IN THE EAST 860 FEET (860') OF THE SOUTH 646 FEET (S 646') OF THE SOUTHEAST QUARTER OF SECTION 18, T 103 N, R 60 W 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 Rice, seconded by Barington, to approve Resolution #R2018-27, A Plat of Lot P, A Subdivision of Previously Platted Lot S of Maui Farms, Second Addition, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2018-27

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 29th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of LOT P, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, 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 P, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Rice, to approve Resolution #R2018-28, A Plat of Lot 18 of Airport Addition, A Subdivision of Previously Platted Lot 2 of Fiala's Addition in the East 1/2 of the NW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., City Of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2018-28

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 29th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of LOT 18 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 2 OF FIALA'S ADDITION IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said 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 18 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 2 OF FIALA'S ADDITION IN THE EAST ½ OF THE NW ¼ OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Barington, to approve Resolution #R2018-29, A Plat of Lot 5, Block 10 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 #R2018-29

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 29th day of May, 2018, and

WHEREAS, it appears from an examination of the plat of LOT 5, BLOCK 10 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 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said 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 5, BLOCK 10 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 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Tjarks, seconded by McCardle, to place Ordinance #O2018-05, Creating Business Improvement District #3 on second reading. Motion carried with Allen abstaining. Moved by Tjarks, seconded by Barington, to adopt Ordinance #O2018-05, as follows:

ORDINANCE NO. O2018-05

AN ORDINANCE CREATING BUSINESS IMPROVEMENT DISTRICT #3 OF THE CITY OF MITCHELL, SOUTH DAKOTA AND IMPOSING A SPECIAL ASSESSMENT TAX UPON PROPERTIES THEREIN.

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

Section 1. There is hereby created pursuant to SDCL Chapter 9-55 Business Improvement District #3 (BID #3) of the City of Mitchell, South Dakota.

Section 2. BID #3 consists of the area previously established by resolution which includes the properties listed on the table attached as Exhibit A; and shall further include Main Street from 7th Avenue to its intersection with the property at 112 E Railroad Avenue and all public grounds or public right of way lying within one hundred fifty-eight feet (158') of the above described portion of Main Street.

Section 3. A Resolution of Intent (Resolution R2018-14) for the creation of this district was adopted by the City Council on March 19, 2018 in regular session.

Section 4. A public hearing on the creation of this district was held on May 7, 2018 by the City Council at City Hall Council Chambers in regular session following the notice period provided by law. No objections to the creation of the district were made at said hearing or, alternatively, any objections made were less than a majority of owners or occupants in the BID and were insufficient in number as required by law to terminate the creation.

Section 5. The purpose of BID #3 is to establish a funding mechanism to support public facilities, improvements, and activities which enhance and revitalize the BID area.

Section 6. The public improvements, facilities, and activities to be performed by the district are as follows:

Such uses allowed under SDCL 9-55-3 including, but not limited to, items discussed in the Project Plan submitted by Mitchell Main Street & Beyond attached as Exhibit B.

Section 7. The real property in BID #3 shall be subject to a special assessment as authorized by SDCL 9-55-2.

- (A) The special assessment shall be levied upon each property located within the BID ("BID Properties") in an amount per year equal to Five Dollars (\$5.00) per One Thousand Dollars (\$1,000) of real property tax assessed valuation, based on the most recent City of Mitchell real property tax-assessed valuation. Notwithstanding the preceding calculation, each property shall pay at least One Hundred Twenty Dollars (\$120) per year but no more than Three Thousand Dollars (\$3,000) per year. For illustrative purposes only, the following three examples show different scenarios for yearly special assessment rates. A BID Property assessed at Seventy-five Thousand Dollars (\$75,000) would pay Three Hundred Seventy-five Dollars (\$375) per year as a special assessment. A BID Property valued at Twenty Thousand Dollars (\$20,000) would pay One Hundred Twenty Dollars (\$120) per year as a special assessment. A BID Property assessed at Six

Hundred Fifty Thousand Dollars (\$650,000) would pay Three Thousand Dollars (\$3,000) per year as a special assessment.

- (B) For each year BID #3 shall remain in effect, the City Finance Officer shall prepare a resolution which states the current valuation of each property in BID #3 and the applicable annual special assessment amount based on the above described formula. Such resolution shall be approved by the City Council. A "year" as used herein shall begin on the date established in the first resolution prepared under this section with a new year beginning on the same date of each subsequent year that BID #3 remains in effect.
- (C) The City Finance Officer shall, upon approval of each special assessment resolution, notify the owner of each property in writing of the total special assessment amount, the applicable payment due dates, the amount of any delinquency in payment, and any other information deemed relevant by the City Finance Officer.
- (D) The total special assessment amount shall be due and payable in Two (2) equal payments. Each property owner, as to each property owned by such owner in BID #3, shall pay One Half (1/2) of the total special assessment amount on or before December 31st of the year the resolution is passed and One Half (1/2) on or before June 30th the following year. For example, if the resolution is effective July 1, 2018 and a property owner has a total special assessment amount of \$1,000, then the property owner must pay \$500 on or before December 31st, 2018 and the remaining \$500 on or before June 30, 2019. All remittances of special assessments to be collected pursuant to this ordinance shall be due and received in the office of the City Finance Officer on or before such dates. All amounts that are not received on or before the above established due dates will be charged a late fee in the amount of ten percent of the total amount due. Failure to timely remit payments shall constitute a violation of this ordinance. All balances due arising from these special assessments shall constitute liens on each respective property.
- (E) The City shall have the ability to deny the issuance of permits or licenses or any renewals thereof to any business or premise that fails to conform to the provisions of this ordinance, including, but not limited to, building permits, malt beverage licenses, and liquor licenses.

Section 8. ALL METHODS OF RAISING REVENUE SHALL BE FAIR AND EQUITABLE.

Section 9. This ordinance shall not be construed as limiting any other rights which the City of Mitchell has or may pursue in seeking collection of moneys generated but not paid under the terms of this ordinance. In the event this tax becomes subject to supervision by the State of South Dakota, any rights which Mitchell has under this ordinance shall be deemed cumulative to any powers which inure to the benefit of the State.

Section 10. A violation of any provision of this ordinance may be penalized pursuant to Mitchell City Code § 1-4-1: General Penalty in addition to any other remedy which may exist at law or in equity.

Section 11. BID #3 shall have an initial term of Seven (7) years from the date initially established under Section 7(B) above. At such time, BID #3 shall be extended for an additional Seven (7) year term unless owners of at least Fifty-One Percent (51%) of the total number of properties in BID #3 oppose the continuance of BID #3 in writing provided to the City Finance Office at least 90 days prior to the end of the initial term. BID #3 may also be terminated by the City Council pursuant to SDCL 9-55-19 except that the City Council may not terminate BID #3 until there are sufficient funds available to extinguish all of the debts and obligations of BID #3.

Section 12. Should any section, clause, or provision, or any portion thereof, of this ordinance be declared by the Courts to be invalid, the offending portion shall be severed and the remainder shall continue in full force and effect to the greatest extent permitted by law.

Section 13. The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Exhibit A

Table of Properties Included in Proposed Business District #3

Business Name & Address	Property Legal Description	Property Owner Name & Address
The Depot Pub and Grill 112 E Railroad Mitchell, SD 57301	LOTS R-1 DEPOT ADDITION N 1/2 SW 1/4 22-103-60 DEPOT ADD'N-SW(22)	Joseph Kiner 1401 Sharpstone Drive Mitchell, SD 57301
Tobin's Transfer Parking Lot 1st Ave and Railroad Mitchell, SD 57301	LOT R-2 DEPOT ADDN IN N1/2 SW1/4 IN 22-103-60 DEPOT ADD'N-SW(22)	Shirley Hammrich 322 E 9th Ave Mitchell, SD 57301
The Window Shop 124 S Main Street Mitchell, SD 57301	LOTS 8 & 9 BLK 19 ORIGINAL MITCHELL-NE&SE(21)	Benjamin & Lori Kalovsky / Arlen Schuh 124 S Main Street Mitchell, SD 57301
Marilyn's Designers Den 122 S Main Street Mitchell, SD 57301	LOT 10 & S 1.5 OF LOT 11 BLOCK 19 ORIGINAL MITCHELL-NE&SE(21)	Krohmer Properties LLC PO Box 1264 Mitchell, SD 57301
Casey's General Store 100 S Main Street Mitchell, SD 57301	LOT 16 THRU 20 BLK 19 ORIGINAL MITCHELL- NE&SE(21)	Casey's Retail Company PO Box 3001 Ankeny, IA 50021
Slate Creek Parking Lot 109 S Main Street Mitchell, SD 57301	LOT 5 BLK 18 ORIGINAL MITCHELL-NE&SE(21)	Slate Creek Properties 3612 W Teem Drive Sioux Falls, Sd 57107
Slate Creek Parking Lot 107 S Main Street Mitchell, SD 57301	LOT 4 BLK 18 ORIGINAL MITCHELL-NE&SE(21)	Slate Creek Properties 3612 W Teem Drive Sioux Falls, Sd 57107

Slate Creek Parking Lot 105 S Main Street Mitchell, SD 57301	LOT 3 BLK 18 ORIGINAL MITCHELL-NE&SE(21)	Slate Creek Properties 3612 W Teem Drive Sioux Falls, Sd 57107
Navin Apartment Complex Slate Creek Properties 101 S Main Street Mitchell, SD 57301	LOTS 1 & 2 BLK 18 ORIGINAL MITCHELL-NE&SE(21)	Slate Creek Properties 3612 W Teem Drive Sioux Falls, Sd 57107
Potters Plus 100 N Main Street Mitchell, SD 57301	LOT 7 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Anisa Deinert 1301 W Birch Ave Mitchell, SD 57301
Dykstra Lot 102 N Main Street Mitchell, SD 57301	LOT 8 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Brandon & Rachel Dykstra 1010 S Miller Street Mitchell, SD 57301
Dykstra Wood Works 104 N Main Street Mitchell, SD 57301	LOT 9 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Brandon & Rachel Dykstra 1010 S Miller Street Mitchell, SD 57301
Jerry Carey Travel 106 N Main Street Mitchell, SD 57301	LOT 10 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	RISK MANAGEMENT INC % GERALD CAREY PO Box 1105 Mitchell, SD 57301
The Longhorn Bar and Grill 108 N Main Street Mitchell, SD 57301	LOT 11 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Bates Rentals LLC 112 N Main Street Mitchell, SD 57301
Big Dummy's / The Longhorn Bar Lot 110 N Main Street Mitchell, SD 57301	LOT 12 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Bates Rentals LLC 112 N Main Street Mitchell, SD 57301
Big Dummy's Bar 112 N Main Street Mitchell, SD 57301	LOT 13 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Bates Rentals LLC 112 N Main Street Mitchell, SD 57301
Aflac 114 N Main Street Mitchell, SD 57301	LOT 14 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Eric Palmer 105 Andrews Street Mitchell, SD 57301
Adorn Boutique 116 N Main Street Mitchell, SD 57301	LOT 15 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Megan Reimnitz and Tamera Sudbeck 413 E 2nd Ave Mitchell, SD 57301
Charlie's Shoe Repair 118 N Main Street Mitchell, SD 57301	LOT 16 BLK 12 ORIGINAL MITCHELL-NE&SE(21)	Gordon and Darlene Bailey 118 N Main Street Mitchell, SD 57301

Palace City Pawn 115 N Main Street Mitchell, SD 57301	LOT 5 EX W88' BLK 13 ORIGINAL MITCHELL- NE&SE(21)	Austin & Laretta McPeek 700 N Sanborn Blvd Mitchell, SD 57301
Palace City Pawn 117 N Main Street Mitchell, SD 57301	LOT 4 BLK 13 ORIGINAL MITCHELL-NE&SE(21)	Austin & Laretta McPeek 700 N Sanborn Blvd Mitchell, SD 57301
Ameriprise Financial 119 N Main Street Mitchell, SD 57301	LOTS 2 & 3 BLK 13 ORIGINAL MITCHELL-NE&SE(21)	KL City Properties 119 N Main Street Mitchell, SD 57301
Mitchell Float Spa 121 N Main Street Mitchell, SD 57301	LOTS 2 & 3 BLK 13 ORIGINAL MITCHELL-NE&SE(21)	KL City Properties 119 N Main Street Mitchell, SD 57301
L L Jirsa Architect 123 N Main Street Mitchell, SD 57301	LOT 1 BLK 13 ORIGINAL MITCHELL-NE&SE(21)	Larry & Linda Jirsa 123 N Main Street Mitchell, SD 57301
SD Art Gallery 200 N Main Street Mitchell, SD 57301	LOT 7 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	Jeff & Linda Logan Living Trust 44 Bay Hill Mitchell, SD 57301
Ed's Pet World 206 N Main Street Mitchell, SD 57301	LOTS 8 & 9 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	Edward and Eileen Anderson 412 Wildwood Ave Mitchell, SD 57301
Cherrybee's Floral and Gifts 208 N Main Street Mitchell, SD 57301	LOTS 10 & 11 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	Richard and Betty Anderson / CPC Realty 114 Tiger Street Mitchell, SD 57301
Get Pinned Handmade 210 N Main Street Mitchell, SD 57301	LOT 12 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	Richard and Betty Anderson / CPC Realty 114 Tiger Street Mitchell, SD 57301
K&B Archery 212 N Main Street Mitchell, SD 57301	LOT 13 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	Struble Living Trust 400 E 1st Ave Mitchell, SD 57301
Vacant Building 214 N Main Street Mitchell, SD 57301	LOT 14 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	Clarke Companies LLC 47035 250th Street Baltic, SD 57003
Woelfel Jewelry 216 N Main Street Mitchell, SD 57301	LOT 15 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	William & Doris Jamison 218 N Main Street Mitchell, SD 57301
Woelfel Jewelry 218 N Main Street Mitchell, SD 57301	LOT 16 BLK 9 ORIGINAL MITCHELL-NE&SE(21)	Brad and Donna Jamison / Doris Jamison 1000 W Hurst Ave Mitchell, SD 57301

Woelfel Park 220 N Main Street Mitchell, SD 57301	LOTS 17 & 18 BLOCK 9 ORIGINAL MITCHELL- NE&SE(21)	Brad and Donna Jamison / Doris Jamison 218 N Main Street Mitchell, SD 57301
Dr Lucky's Lot 201 N Main Street Mitchell, SD 57301	LOT 12 BLK 8 ORIGINAL MITCHELL-NE&SE(21)	KCM Enterprises LLC 609 W Walnut Parkston, SD 57366
Dr Lucky's 205 N Main Street Mitchell, SD 57301	LOTS 10 & 11 BLK 8 ORIGINAL MITCHELL-NE&SE(21)	KCM Enterprises LLC 609 W Walnut Parkston, SD 57366
Geyerman's 207 N Main Street Mitchell, SD 57301	LOTS 8 & 9 BLK 8 ORIGINAL MITCHELL-NE&SE(21)	Patty Saker & Tammy Van Dyke 201 W Main Street Pipestone, MN 56164
Michael's Toggery 211 N Main Street Mitchell, SD 57301	LOT 7 EX N4" BLK 8 ORIGINAL MITCHELL-NE&SE(21)	Michael's Toggery 211 N Main Street Mitchell, SD 57301
Harve's Sports Shop 213 N Main Street Mitchell, SD 57301	LOT 6 & N4" OF LOT 7 BLK 8 ORIGINAL MITCHELL- NE&SE(21)	James Johnston 213 N Main Street Mitchell, SD 57301
Tickled Pink Boutique 217 N Main Street Mitchell, SD 57301	LOTS 3 & 4 BLK 8 ORIGINAL MITCHELL-NE&SE(21)	Sabers Properties LLC 27 Arrowhead Pass Mitchell, SD 57301
The Crafty Fox 223 N Main Street Mitchell, SD 57301	LOTS 1 & 2 BLK 8 ORIGINAL MITCHELL-NE&SE(21)	Western on Main LLC 223 N Main Street Mitchell, SD 57301
Country Corner Boutique 300 N Main Street Mitchell, SD 57301	LOTS 7 8 9 & 10 BLK 2 ORIGINAL MITCHELL- NE&SE(21)	Mary & Lonnie Wipf / Slate Creek Properties 24679 Hwy 37 Mitchell, SD 57301
Awaken Cryotherapy 302 N Main Street Mitchell, SD 57301	LOTS 7 8 9 & 10 BLK 2 ORIGINAL MITCHELL- NE&SE(21)	Mary & Lonnie Wipf / Slate Creek Properties 24679 Hwy 37 Mitchell, SD 57301
Harve's Pro Prints 308 N Main Street Mitchell, SD 57301	SOUTH 24.5' OF LOT 11 BLK 2 ORIGINAL MITCHELL- NE&SE(21)	James Johnston 67 S Harmon Drive Mitchell, SD 57301
Dakota Hearing 310 N Main Street Mitchell, SD 57301	NORTH 6" OF LOT 11 & ALL OF LOT 12 BLK 2 ORIGINAL MITCHELL-NE&SE(21)	Dakota Hearing Instruments Inc 310 N Main Street Mitchell, SD 57301

Café Teresa 312 N Main Street Mitchell, SD 57301	LOT 13 BLK 2 ORIGINAL MITCHELL-NE&SE(21)	Ervin Lambright / Russ & Teresa Quist 406 E 10th Ave Mitchell, SD 57301
The Little Red Hen 314 N Main Street Mitchell, SD 57301	LOT 14 BLK 2 ORIGINAL MITCHELL-NE&SE(21)	Gary & Cathy Weber 314 N Main Street Mitchell, SD 57301
The Framer 316 N Main Street Mitchell, SD 57301	S24'-8" OF LOT 15 BLK 2 ORIGINAL MITCHELL- NE&SE(21)	Connie Henning Revocable Living Trust PO Box 134 Mt. Vernon, SD 57363
Hard Drive Central 318 N Main Street Mitchell, SD 57301	NORTH 4 INCHES OF LOT 15 & ALL OF LOT 16 BLOCK 2 ORIGINAL MITCHELL- NE&SE(21)	Mark Vanden Hoek 622 E 2nd Ave Mitchell, SD 57301
Spellbound 320 N Main Street Mitchell, SD 57301	LOT 17 BLK 2 ORIGINAL MITCHELL-NE&SE(21)	David Finnell / Chad & Carma Popp 303 N Main Street Mitchell, SD 57301
Browns Shoe Fit 322 N Main Street Mitchell, SD 57301	LOT 18 BLK 2 ORIGINAL MITCHELL-NE&SE(21)	Roberta & James Davidson 800 W 2nd Ave Mitchell, SD 57301
Merchandise Outlet 301 N Main Street Mitchell, SD 57301	LOTS 11 & 12 BLK 3 ORIGINAL MITCHELL-NE&SE(21)	David Finnell 303 N Main Street Mitchell, SD 57301
Hardcore Ink 303 N Main Street Mitchell, SD 57301	LOTS 11 & 12 BLK 3 ORIGINAL MITCHELL-NE&SE(21)	David Finnell 303 N Main Street Mitchell, SD 57301
Moody's Western Wear 305 N Main Street Mitchell, SD 57301	LOT 10 BLK 3 ORIGINAL MITCHELL-NE&SE(21)	Tom & Diane Moody 40992 241st Street Letcher, SD 57359
Moody's Western Wear 307 N Main Street Mitchell, SD 57301	LOT 9 BLK 3 ORIGINAL MITCHELL-NE&SE(21)	Tom & Diane Moody 40992 241st Street Letcher, SD 57359
Einstein's Costume Shop 317 N Main Street Mitchell, SD 57301	LOTS 4 5 & N5 FT OF LOT 6 BLK 3 ORIGINAL MITCHELL- NE&SE(21)	Dan Hauser and Brenda Olesen 412 N Main Street Mitchell, SD 57301
Vacant Building / For Sale 319 N Main Street Mitchell, SD 57301	LOTS 2 & 3 EX W 50' BLK 3 ORIGINAL MITCHELL- NE&SE(21)	Riverfront Broadcasting 3008 Mulligan Drive Yankton, SD 57078

Cell Phone Repair Pro 323 N Main Street Mitchell, SD 57301	LOT 1 & W50' OF LOTS 2 & 3 IN BLK 3 ORIGINAL MITCHELL-NE&SE(21)	Kirch Real Estate 323 N Main Street Mitchell, SD 57301
Midtown Plaza / For Lease 400 N Main Street Mitchell, SD 57301	LOTS 5 THRU 9 BLK 110 LAWLERS 1ST ADDN-NE(21)	D&J Sabers Properties 1400 Mitchell Blvd Mitchell, SD 57301
Palace City Coin 400 N Main Street Mitchell, SD 57301	LOTS 5 THRU 9 BLK 110 LAWLERS 1ST ADDN-NE(21)	D&J Sabers Properties 1400 Mitchell Blvd Mitchell, SD 57301
Second Impression Palace 412 N Main Street Mitchell, SD 57301	LOTS 2A 3 & 4 BLK 110 LAWLERS 1ST ADDN-NE(21)	Dan Hauser & Brenda Olesen 721 W Hanson Ave Mitchell, SD 57301
Fabric Warehouse 401 N Main Street Mitchell, SD 57301	LOTS 7 & 8 BLK 109 LAWLERS 1ST ADDN-NE(21)	World of Fabrics Box 450 Wilmar, MN 56201
Vacant Building 403 N Main Street Mitchell, SD 57301	LOTS 5 & 6 BLK 109 LAWLERS 1ST ADDN-NE(21)	Boyd Reimnitz 407 N Main Street Mitchell, SD 57301
Mid Dakota Properties 407 N Main Street Mitchell, SD 57301	LOTS 3 & 4 BLK 109 LAWLERS 1ST ADDN-NE(21)	Boyd Reimnitz 407 N Main Street Mitchell, SD 57301
Vacant Building 413 N Main Street Mitchell, SD 57301	LOT 2 BLK 109 LAWLERS 1ST ADDN-NE(21)	Boyd Reimnitz Sr. & Boyd Anthony Reimnitz 201 S 2nd Street Emery, SD 57332
Fashions Unlimited 415 N Main Street Mitchell, SD 57301	LOT 1 BLK 109 LAWLERS 1ST ADDN-NE(21)	Tim & Sherry Hines / RJA Properties LLC 605 W 14th Ave Mitchell, SD 57301
Bread & Batter 417 N Main Street #104 Mitchell, SD 57301	LOTS 1 2 3 & 4 BLK 13 ROWLEYS 1ST ADDN-NW(22)	Slate Creek Properties 3612 W Teem Drive Sioux Falls, SD 57107
Craig Ryan Designs 417 N Main Street #100 Mitchell, SD 57301	LOTS 1 2 3 & 4 BLK 13 ROWLEYS 1ST ADDN-NW(22)	Slate Creek Properties 3612 W Teem Drive Sioux Falls, SD 57107
Crazy About Cupcakes 417 N Main Street #102 Mitchell, SD 57301	LOTS 1 2 3 & 4 BLK 13 ROWLEYS 1ST ADDN-NW(22)	Slate Creek Properties 3612 W Teem Drive Sioux Falls, SD 57107
Scoreboard Pub & Grill 522 N Main Street Mitchell, SD 57301	LOTS 16, 17, AND 18 BLK 11 ROWLEYS 1ST ADDN-NW(22)	Mitchell Area Chamber of Commerce PO Box 1026 Mitchell, SD 57301

Chris Nipe Attorney 100 W 5th Ave Mitchell, SD 57301	LOTS 11 AND 12 BLK 12 ROWLEYS 1ST ADDN-NW(22)	Menprop LLC PO Box 456 Mitchell, SD 57301
Yessica's / The Back 40 505 N Main Street Mitchell, SD 57301	LOT 10 BLK 12 ROWLEYS 1ST ADDN-NW(22)	Keke Leiferman 509 S West Street Kimball, SD 57355
The Back 40 511 N Main Street Mitchell, SD 57301	LOTS 5 THROUGH 9 BLK 12 ROWLEYS 1ST ADDN-NW(22)	Jamison Enterprises 218 N Main Street Mitchell, SD 57301
Sherwin Williams 517 N Main Street Mitchell, SD 57301	LOTS 3 AND 4 BLK 12 ROWLEYS 1ST ADDN-NW(22)	Arlen & Anne Moke 519 N Main Street Mitchell, SD 57301
Photography Unlimited 519 N Main Street Mitchell, SD 57301	LOTS 3 AND 4 BLK 12 ROWLEYS 1ST ADDN-NW(22)	Arlen & Anne Moke 519 N Main Street Mitchell, SD 57301
Jones Supply 523 N Main Street Mitchell, SD 57301	LOTS 1 AND 2 BLK 12 ROWLEYS 1ST ADDN-NW(22)	Debra Jones Mitchell, SD 57301 109 W 6th Ave
Mitchell Area Chamber of Commerce 601 N Main Street Mitchell, SD 57301	LOTS 7 THRU 12 BLK 5 ROWLEYS 1ST ADDN-NW(22)	Mitchell Area Chamber of Commerce PO Box 1026 Mitchell, SD 57301
Corn Palace Gift Shop 601 N Main Street Mitchell, SD 57301	LOTS 7 THRU 12 BLK 5 ROWLEYS 1ST ADDN-NW(22)	Mitchell Area Chamber of Commerce PO Box 1026 Mitchell, SD 57301
Cornerstone Too 613 N Main Street Mitchell, SD 57301	LOT 6 BLK 5 ROWLEYS 1ST ADDN-NW(22)	Terry & Gwenda Koch Grandchildrens Trust 1501 Sawgrass Ave Mitchell, SD 57301
Valtiroty Shiloh's Tabernacle 615 N Main Street Mitchell, SD 57301	LOTS 3 4 AND 5 BLK 5 ROWLEYS 1ST ADDN-NW(22)	Otinel Cornel & Denisia Iancu 43130 Christopher Lane Banning, CA 92220

Members present voting aye: Barington, Doescher, McCardle, Olson, Rice, Tjarks.

Members present voting nay: none.

Members abstaining: Allen. Motion carried and ordinance declared duly adopted.

Moved by Allen, seconded by Barington, to place Ordinance #O2018-06, Amending Mitchell City Code Section 5-6-1, Fireworks on second reading. Motion carried. Moved by Barington, seconded by Allen, to adopt Ordinance #O2018-06, as follows:

ORDINANCE NO. O2018-06

AN ORDINANCE AMENDING MITCHELL CITY CODE SECTION 5-6-1: FIREWORKS.

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

Section 1.

That subsection (B)(1) of Mitchell City Code Section 5-6-1 be AMENDED to read as follows:

1. Private Use and Sales Prohibited: No person shall offer for sale, expose for sale, or sell at retail any fireworks within the city limits. No person shall use, explode, or otherwise discharge any fireworks within the city limits.

Section 2.

That subsection (B)(2) of Mitchell City Code Section 5-6-1 be AMENDED to read as follows:

2. Use and Sales Exceptions:
 - a. Nothing in this section shall be construed as applying to toy paper caps containing not more than 0.25 of a grain of explosive composition per cap and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation nor applying to the military or navy forces of the United States or of this state or to the peace officers nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events.
 - b. Notwithstanding the general prohibition under Section 5-6-1(B)(1), a person may use, explode, or otherwise discharge fireworks consistent with manufacturer directions between the hours of 12:00 P.M. and 11:59 P.M. on July 3rd and July 4th so long as such person douses and safely disposes of all waste resulting from such activity. Such activity may only occur on property lying between the shoreline of Lake Mitchell and the boundary of the nearest public right of way except that the Park and Recreation Board may prohibit fireworks at the Lake Mitchell Campground. No such activity otherwise allowed by this exception may occur when a burn ban is in effect for Davison County.

Section 3.

That a new subsection be ADDED to Mitchell City Code Section 5-6-1 to read as follows:

C. No person may use, explode, or otherwise discharge fireworks recklessly or while under the influence of any substance to a degree which renders the person incapable of safely using, exploding, or otherwise discharging fireworks.

Section 4.

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

Section 5.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Tjarks.

Members present voting nay: Olson. Motion carried and ordinance declared duly adopted.

Moved by Olson, seconded by Rice, 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 second reading. Motion carried. Moved by Rice, seconded by Allen, to adopt Ordinance #O2018-07, as follows:

ORDINANCE NO. O2018-07

**AN ORDINANCE TO AMEND TITLE TEN, ZONING REGULATIONS,
CITY OF MITCHELL MUNICIPAL CODE**

NOW be it ordained by the City Council, City of Mitchell, Davison County, South Dakota:

Section 1. That the City of Mitchell Municipal Code, Title 10, Article C. Urban Development District, 10-8C-3 Conditional Uses, be amended by adding the following conditional uses.

10-8C-3 Conditional Uses:

Outside Commercial Storage
Outside Storage
Self-service Storage Facility

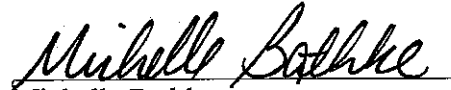
Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall become effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Members present voting aye: Allen, Barington, Doescher, McCardle, Olson, Rice, Tjarks.

Members present voting nay: none. Motion carried and ordinance declared duly adopted.

ADJOURN:

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


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.