

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

**June 21, 2021
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 Allen, seconded by Barington, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council June 7, 2021 and
 2. Special City Council June 14, 2021.
- b. Committee Meeting Minutes
 1. Planning Commission May 24, 2021 and
 2. Community Services June 10, 2021.
- c. Department Reports
 1. Sales Tax Collections (May),
 2. Finance (May),
 3. Building Permits (May),
 4. Airport (May),
 5. Fire and EMS (May),
 6. Police (May),
 7. Palace Transit (May), and
 8. Water (May).
- d. On-Street Parking Closure at 3rd Avenue between Main and Lawler on July 23-24, 2021.
- e. Volunteer Board Appointments
 1. Reappoint Kevin Genzlinger to the Planning & Zoning Board for a term to run July 2021-June 2026.
 2. Reappoint Terry Rietveld to the Golf/Cemetery Board for a term to run July 2021-June 2024.
 3. Reappoint Brian Johnson to the Golf/Cemetery Board for a term to run July 2021-June 2024.
 4. Reappoint Chris Retterath to the Park & Recreation Board for a term to run July 2021-June 2024.
 5. Appoint Austin Havlik to the Park & Recreation Board for a term to run July 2021-

June 2024.

6. Appoint Jeremy Gunkel to the Park & Recreation Board for a term to run July 2021-June 2024.

7. Appoint Tonya Klingaman to the Community Services Board (JVCC) for a term to run July 2021-June 2024.

8. Appoint Jan Quenzer to the Community Services Board (Nutrition) for a term to run July 2021-June 2024.

9. Reappoint Lyle Swenson to the Historic Preservation Commission for a term to run July 2021-June 2024.

10. Reappoint Patrick Clark to the Historic Preservation Commission for a term to run July 2021-June 2024.

11. Reappoint Larry Jirsa to the Historic Preservation Commission for a term to run July 2021-June 2024.

12. Appoint Ashley Endres to the Historic Preservation Commission for a term to run July 2021-June 2024.

13. Reappoint Deb Everson to the Library Board for a term to run July 2021-June 2024.

14. Reappoint Ann Temple to the Library Board for a term to run July 2021-June 2024.

15. Reappoint Dennis Nath to the Library Board for a term to run July 2021-June 2024.

16. Appoint Mike Asmus to the Housing & Redevelopment Commission for a term to run July 2021-June 2026.

17. Reappoint Jim Taylor to the Housing & Redevelopment Commission for a term to run July 2021-June 2026.

f. Raffle Permits

1. Dakota Wesleyan University Football with the drawing to be held on August 28, 2021.

g. Set date of July 6, 2021 for hearings

1. On the application to transfer RB-26523 Retail (On-off sale) Malt Beverage & SD Farm Wine License from Jose L Haro Valencia dba La Catrina LLC, 108 N Main Street to Jose L Haro Valencia dba La Tequilera Mexican Food LLC, 108 N Main Street due to configuration of business,

2. On the application to transfer RW-27559 Retail (On-off sale) Wine and Cider License from Jose L Haro Valencia dba La Catrina LLC, 108 N Main Street to Jose L Haro Valencia dba La Tequilera Mexican Food LLC, 108 N Main Street due to configuration of business, and

3. On the application to transfer RL-5771 Retail (On sale) Liquor License from the Chamber of Commerce, 601 N Main Street to Bradley Theme LLC dba Scoreboard, 522 N Main Street.

h. Approval of Gas and Fuel Quotes

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel #2	2,200	2,200	\$2.550	\$ 5,610.00*
Off Road Diesel #2	5,300	5,300	\$2.275	\$12,057.50*
Total Bid:				\$17,667.50*

i. Pay Estimates June 21, 2021

Pay Estimate #39 in the amount of \$217.25 for East Central Drainage-Phase II #2019-39 contracted to SPN & Associates,

Pay Estimate #40 in the amount of \$190.00 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
Pay Estimate #41 in the amount of \$588.50 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
Pay Estimate #10 in the amount of \$6,377.25 for Dailey Drive Lift Station #2020-12 contracted to SPN & Associates,
Pay Estimate #37 in the amount of \$854.25 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
Pay Estimate #38 in the amount of \$1,271.79 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
Pay Estimate #3 in the amount of \$895.00 for Foster Street Bridge Rehabilitation #2021-2 contracted to Brosz Engineering Inc.,
Pay Estimate #5 in the amount of \$2,900.00 for Landfill Cell #4 #2021-8 contracted to Helms & Associates,
Pay Estimate #3 in the amount of \$21,857.50 for West Harmon Utility Improvements #2021-16 contracted to Brosz Engineering,
Pay Estimate #3 in the amount of \$16,502.39 for North Wastewater Treatment Plant Improvements #2021-31 contracted to HDR Engineering Inc.,
Pay Estimate #1 in the amount of \$5,742.50 for Risk & Resilience Assessment #2021-36 contracted to HDR Engineering Inc., and
Pay Estimate #11 in the amount of \$11,158.89 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates.

- j. 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 MAY 30, 2021 – JUNE 12, 2021: City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,446.46, Attorney \$4,401.38, Finance \$12,720.52, Human Resources \$3,542.93, Municipal Building \$3,003.28, Information Technology \$2,687.67, Police \$69,781.06, Traffic \$6,039.71, Fire \$32,415.18, Street \$27,907.48, Public Works \$16,487.88, Cemetery \$5,932.77, Animal Control \$1,508.22, Library \$15,538.68, Recreation & Aquatics \$31,366.94, Recreation Center \$15,565.65, Sports Complexes \$17,990.28, Ballpark Concessions \$1,286.50, Parks \$20,206.92, Supervision \$5,696.46, E911 \$20,393.97, MVP \$777.56, Palace Transit \$22,130.80, JVCC \$1,075.85, Nutrition \$3,438.48, Water Distribution \$15,088.75, Sewer \$13,190.77, Airport \$2,556.64, Recycling Program \$6,434.09, Waste Collection \$5,914.34, Landfill \$8,987.20, Corn Palace \$23,027.47, Golf Course \$8,247.18, Campground \$2,007.60, Emergency Medical Services \$30,237.99.

NEW HIRES:

CADWELL CONCESSIONS: Caroline Titze-\$9.45

CORN PALACE: Nicholas Moller-\$9.95, Gavyn Degen-\$9.95, Charles McCardle-\$9.95, Reed Renken-\$10.45, Jack Vermeulen-\$11.45

PARKS: Tyler Wagner-\$12.95, Wesley Swan-\$10.95, Theron Kayser-\$10.95, Nathan McCormick-\$7.60, Caden Ziehl-\$7.60, John King-\$11.45

RECREATION & AQUATICS: April Geist-\$15.00, Amber Moller-\$9.45, Mason Geraets-\$9.45, Julia Platt-\$9.45, Parker Bollinger-\$9.45, Sydnee Foster-\$10.45, Jacob Becker-\$9.45, Ethan Davis-\$11.45, Stephanie Gabel-\$11.45, Alyssa Magee-\$9.45, Regan Waddell-\$11.45, Ashley Zimmer-\$12.95, Jonah Schmidt-\$10.45, Nick Lord-\$10.45, Landon Waddell-\$9.95, Seth Muth-\$9.95, Sarah Sebert-\$9.95, Annika Russell-Manke-\$11.45, Kazlyn Schulz-\$10.95, Joan Lubben-\$11.45, Bruce Mastel-\$12.95

RECREATION CENTER: Brenna Morgan-\$12.45, Robert McCardle-\$10.95

SPORTS COMPLEXES: Elijah Pommer-\$11.95

STREET: Jon Morgan-\$12.95

WATER DISTRIBUTION: Conner Gerlach-\$13.45

SALARY ADJUSTMENTS:

E-911: Kathleen Brink-\$26.261

FIRE: Luke Ruml-\$21.594

TERMINATIONS:

GOLF COURSE: Chance Sorensen

WATER DISTRIBUTION: Kerry Plooster

WARRANTS: 301 Rodz, Sports Authority Promotion-\$1,000.00; A-Ox Welding Supply, Rental-\$589.40; AAA Collections, Collections Letters-\$988.43; AFLAC, Aflac Withholding-\$10,296.22; AFLAC Group, Critical Care-\$698.06; AFSCME Council 65, Union Dues-\$500.92; Al's Engraving, Supplies-\$5.95; Alan Pretre, Refund-\$480.00; Amazon Capital Services, Supplies-\$557.05; American Garage Door, Service Call-\$95.00; Aramark, Supplies-\$237.30; Associated Supply, Supplies-\$696.13; AT&T Mobility, Utilities-\$1,284.92; ATV Holdings, Mitchell Telecom, Utilities-\$2,581.67; Aurora County Auditor's Office, Alcohol Task Force-\$68.63; Automatic Building Control, Utilities-\$240.00; Avera Occupational Medicine, Contract Services-\$294.00; Avera Queen of Peace Hospital, Supplies-\$467.16; B-Y Water District, May Usage-\$75,807.39; Bailey Metal Fabricators, Supplies-\$1,229.61; Baker & Taylor, Books-\$159.41; Bechen Electric, Supplies-\$1,281.75; Bender's Sewer Cleaning, Repairs-\$14,704.60; Big Daddy D's, Contract Services-\$3,039.75; Big Friend Little Friend, Deposit Refund-\$1,500.00; Blackstone Publishing, Audio Books-\$163.98; Bobbi Schurz, 2021 Municipal/School Election-\$185.00; Brock White, Supplies-\$1,275.00; Brosz Engineering, 2021-16 P.E. #3-\$6,670.00; Buhl's Drycleaning, Service-\$30.50; C & B Operations, Supplies-\$1,972.56; Carquest

Auto Parts, Supplies-\$125.27; Cengage Learning /Gale, Books-\$100.45; Central Electric, Utilities-\$12,054.15; Century Link, Utilities-\$13.65; Charles Oster, 2021 Municipal/School Election-\$205.00; City of Mitchell, Utilities-\$16,516.59; Clubhouse Hotel & Suites, Lodging-\$664.64; Coborns, Contract Services-\$560.00; Coca Cola Bottling, Supplies-\$33.60; Commercial Asphalt, Supplies-\$4,713.08; Cook Implement, Supplies-\$1,695.20; Core & Main, Supplies-\$30,545.72; Core-Mark Midcontinent, Supplies-\$10,199.15; Corn Palace Concessions, Supplies-\$138.00; Corporate Translation Service, Translation Services-\$10.49; Dakota Supply Group, Supplies-\$44.98; Darrington Water Conditioning, Rental-\$76.75; Davison Rural Water Systems, Utilities-\$145.40; Dean V Strand, Supplies-\$200.00; Deanell Backlund, 2021 Municipal/School Election-\$205.00; Deann Schmidt, 2021 Municipal/School Election-\$205.00; Delta Dental Plan of South Dakota, Dental Insurance-\$13,699.82; Department of Social Services, Child Support-\$831.64; Diamond Vogel Paint Center, Supplies-\$2,465.00; Diesel Machinery, Supplies-\$411.18; Donald Roti, 2021 Municipal/School Election-\$205.00; Doug L Driggs, 2020-24 P.E. #37-\$2,126.04; Dug Out, Contract Services-\$689.50; Election Systems & Software, Election Day Ballots-\$3,158.76; Farmers Alliance, Service-\$109.00; Fastenal, Supplies-\$90.58; Ferguson Waterworks #2516, Supplies-\$1,317.97; Forum Communications, Advertising-\$1,840.32; G & R Controls, Supplies-\$36.94; Galls, Supplies-\$67.83; Gaylen's Homegrown Popcorn, Supplies-\$2,536.80; Gempler's, Supplies-\$489.24; Graham Tire, Service Call-\$154.45; Grainger, Supplies-\$63.03; Grand Lodge of South Dakota, Sports Authority Promotion-\$1,000.00; Great Western Tire, Supplies-\$1,057.38; Harve's Sport Shop, Supplies-\$1,139.66; Hawkins, Supplies-\$4,776.71; HDR Engineering, 2021-31 P.E. #3-\$22,244.89; Helms and Associates, 2021-8 P.E. #5-\$14,058.89; Hohn's Services, Lawn Mowing-\$1,182.50; Honda of Mitchell, Supplies-\$113.93; ICAN, Advertising-\$742.00; Independent Viking Glass, Supplies-\$92.00; Ingram Library Services, Adult Books-\$1,327.99; Innovative Office Solution, Supplies-\$743.10; Insurance Benefits, Renewal-\$2,350.00; Interstate Glass & Door, Supplies-\$234.70; Inyo Pool Products, Supplies-\$244.94; Iverson Chrysler Center, Rental-\$59.95; James Valley Nursery, Supplies-\$528.01; Janice Feiner, 2021 Municipal/School Election-\$205.00; JCL Solutions, Supplies-\$36.04; Johnson Controls, Repairs-\$4,758.72; Jones Supplies, Supplies-\$1,493.04; K-Scale, Maintenance-\$603.32; Kenny Schladweiler, Supplies-\$525.00; Krohmer Plumbing, Supplies-\$181.61; Lakeview Veterinary Clinic, Supplies-\$1,070.77; Larry's I-90 Service, Supplies-\$452.46; Lawson Products, Supplies-\$317.38; Leighton Family Farms, Supplies-\$232.40; Lewis Family Drug, Supplies-\$34.97; Liz Kitchens, School-\$159.88; M & T Fire and Safety, Maintenance-\$433.32; Margaret Eliason, 2021 Municipal/School Election-\$185.00; Marilyn Jansen, Supplies-\$22.21; Mary Ellen Jepsen, 2021 Municipal/School Election-\$205.00; Mary Freeman, Election Resolution Board-\$30.00; McLeod's Printing, Supplies-\$423.20; Meierhenry Sargent, CW-07 E C Drainage Phase II-\$10,742.25; Menard's, Supplies-\$1,984.94; Meyers Oil, Supplies-\$8,999.08; Michelle Bathke, Training-\$156.52; Microsoft, Online Service-\$910.00; Midcontinent Communication, Publishing-\$411.00; Midwest Laboratories, Testing-\$880.00; Midwest Mini Melts, Supplies-\$2,788.00; Midwest Turf & Irrigation, Supplies-\$96.36; Millennium Recycling, Single Stream Fee-\$2,046.10; Miscellaneous Vendor, Miller Linda Refund-\$173.50; Mitchell Area Development, 2nd Quarter 2021 Budget Allocation-\$41,750.00; Mitchell Convention & Visitors Bureau, 2021 Funding June-\$20,800.00; Mitchell Iron & Supply, Supplies-\$18.50; Mitchell Park & Recreation, Supplies-\$8,600.00; Mitchell School District, Utilities-\$1,488.25; Mitchell United Way, United Way Deductions-\$195.00; Mount Vernon School District, Contract Services-\$26.95; Mueller Lumber, Supplies-

\$540.96; N-Able Solutions, Supplies-\$108.75; Napa Auto Parts, Supplies-\$161.85; Nicole Stange, Refund-\$109.00; North Central Seed, Supplies-\$180.00; Northwestern Energy & Communications, Utilities-\$44,693.56; Nova Fitness Equipment, Capital Equipment-\$12,085.78; O'Reilly Automotive, Supplies-\$10.99; Online Computer Library Center, Cataloging-\$354.63; Omaha World-Herald, Advertising-\$4.99; One Source the Background, Background Checks-\$1,248.00; Overdrive, Audiobook-\$52.48; Palace Transit, Contracted Rides-\$10,500.00; Pam Miedema, 2021 Municipal/School Election-\$205.00; Pepsi Cola, Supplies-\$4,470.27; Phyllis Toman, 2021 Municipal/School Election-\$185.00; Porter Distributing, Supplies-\$78.75; Prehistoric Indian Village, Tour Admission-\$44.00; Premier Pest Control, Contract Services-\$375.00; Public Health Laboratory, Lab-\$449.00; Qualified Presort, Mailing Service-\$345.99; Quick Med Claims, Contract-\$4,227.42; Rent-All, Repairs-\$1,075.90; Ron's Bicycle and Locksmith, Supplies-\$19.00; Roxie Brown, Election Resolution Board-\$30.00; Runnings Supply, Supplies-\$1,173.78; S & M Printing, Supplies-\$29.00; Saga Communications of South Dakota, Advertising-\$1,140.00; Salem Press, Books-\$196.56; Santel Communications, Utilities-\$106.16; Schemmer Associates, Capital Improvements-\$1,050.00; Schmucker Paul & Nohr, 2019-39 P.E. #39-\$7,523.00; Schoenfelder Portables, Rental-\$225.00; Scott Supply, Supplies-\$214.10; South Dakota Department of Environment & Natural Resources-\$2,913.46; South Dakota Retirement System, Retirement Contributions-\$51,145.89; South Dakota Volleyball Officials, Conference-\$1,000.00; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,358.50; South Dakota Supplemental Retirement, Supplemental Retirement-\$10,812.23; Seth Vandenhoeck, Travel-\$131.04; Sherwin-Williams, Supplies-\$46.11; Shive-Hattery, Improvements-\$500.00; Sign Pro, Supplies-\$674.00; SL-Serco, Report-\$5,208.00; South Dakota 811, Professional Fees-\$307.65; Southeast South Dakota Tourism, Membership Dues-\$255.00; Spectrum Aquatics, Repair-\$500.00; Standard Insurance, Life Insurance-\$2,269.46; Staples, Supplies\$474.38; Sterling Codifiers/America, 2021 Editing-\$1,436.00; Stitchtogether, Supplies-\$12.00; Sturdevants Mitchell, Supplies-\$934.64; Subway, Meals-\$41.94; Sue Wermers, 2021 Municipal/School Election-\$205.00; Sun Gold Sports, Supplies-\$4,356.73; Tessier's, Repair-\$1,254.77; Thomas L Price, Professional Service-\$350.00; Thomson Reuters West, May Charges-\$827.49; Thune True Value Hardware, Supplies-\$1,175.07; Tim's Towing & Recovery, Police Tow-\$465.00; TK Electric, Maintenance-\$711.29; TMA Stores, Supplies-\$410.77; Toter, Supplies-\$35,962.92; Tractor Supply Credit Plan, Supplies-\$54.99; Traditions Prepared Meals, Contract Services-\$2,812.95; Transource, Supplies-\$519.39; Tri M Tunes, Supplies-\$120.00; Trizetto Provider Solution, June Claims-\$71.70; United Parcel Service Store #4227, Shipping-\$161.72; US Bank, Sales Tax Bds 2019-\$600.00; Vanessa Kafka, 2021 Municipal/School Election-\$185.00; Verizon Wireless, Utilities-\$875.71; Walmart, Supplies-\$262.61; Wheelco Brake & Supply, Supplies-\$364.52; Wholesale Electronics Supplies-\$48.58; Wireless Links, Repair-\$333.60; Yamaha Golf & Utility, Supplies-\$157.91; Library Fines, Expense Posting-\$1685.12; Ellwein Brothers, Supplies-\$260.00; Ellwein Brothers, Supplies-\$149.40; South Dakota State Treasurer, Sales Tax Payment-\$21,867.82.

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

CITIZENS INPUT:

Mike Vehle inquired about the timeline for budgets and how the lake budgeting would be handled. City Administrator Ellwein stated the budgeting process has been moved to later in the year.

A cannabis industry consultant praised the City Council for their proactive approach regarding ordinances addressing the medical marijuana industry.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Justin Adams for a front yard variance of 20 feet vs 25 feet as required to remove an existing garage and replace it with a new one located at 1021 University, legally described as Lot 5, Block 11 and East ½ of vacated alley abutting Lot 5, University Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. Planning Commission recommended approval. Moved by Allen, 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 of Mueller Lumber for a backyard variance of 20 feet vs 25 feet as required to build a twin home located at 722/724 Pine, legally described as Lot 3 and West 38 feet of Lot 4, Block 6, MLC Addition, a subdivision of Lot 4A and 4B, Block 4, Morningview Addition, City of Mitchell, Davison County, South Dakota. The property is zoned PD Planned Development District. Notice of hearing has been given and affidavit of publication is on file. Planning Commission recommended approval. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

Moved by Rice, seconded by Barington, to set date for July 6, 2021 on the application of Ethan Coop on behalf of LifeQuest for a side yard corner lot variance of 9 feet vs 20 feet as required to construct an addition located at 100 East Elm, legally described as Lots 7, 8, 9, and 10, Block 11, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R3 Medium Density Residential District. Motion carried.

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

HEARING:

It was advised that this is the date and time set for hearing on the application of the National Exchange Club of Mitchell for a Special Event Malt Beverage & SD Farm Wine License located at Cadwell Park on August 4-15, 2021 for the State Amateur Baseball Tournament. 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 application to transfer RB-2846 Retail (On-off sale) Malt Beverage & SD Farm Wine License from Sport Time Inc dba Scoreboard Sports Bar, 522 N Main Street to Bradley Theme LLC dba Scoreboard, 522 N Main Street. Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, 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 RW-6509 Retail (On-off sale) Wine and Cider License from Sport Time Inc dba Scoreboard Sports Bar, 522 N Main Street to Bradley Theme LLC dba Scoreboard, 522 N Main Street. 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 Allen, seconded by McCardle, to approve 2021 contingency funds for artificial turf at Drake Field in the amount of \$411,158.00 (\$374,158-turf, \$11,000-artificial turf for infield arc, \$26,000-replace old backstop, padding, and fencing). Donations for 50% of the project will be repaid to the City over 7 years. Motion carried.

Moved by Tjarks, seconded by Rice, to authorize Agreement #A2021-30, FAA Airport Coronavirus Response Grant Program, Grant Offer #3-46-0037-030 in the amount of \$23,000.00 and authorize the execution of the grant by the Mayor as authorized representative for the City. Motion carried.

Moved by Rice, seconded by McCardle, to authorize Agreement #A2021-31, Financial Assistance Agreement (CRRSA Act) with SD Department of Transportation and authorize the execution of the agreement by the Mayor as authorized representative for the City. Motion carried.

Moved by Tjarks, seconded by Rice, to approve Agreement #A2021-32, Lead Remediation at 223 North Main with Floor Tec Cleaning & Restoration in the amount of \$21,801.96. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Allen, to approve Resolution #R2021-40, a Plat of Lot 5-C, Block 7 of Westwood First Addition, a Subdivision of the SW ¼ of Section 16, T 103 N. R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-40

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 June, 2021; and

WHEREAS, it appears from an examination of the plat Lot 5-C, Block 7 of Westwood First Addition, A Subdivision of the SW 1/4 of Section 16, 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 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 Lot 5-C, Block 7 of Westwood First Addition, A Subdivision of the SW 1/4 of Section 16, 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 Barington, seconded by McCardle, to approve Resolution #R2021-41, a Plat of Lots 8 and 10 of Park Acres First Addition in the NE ¼ of Section 6, T 103 N R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-41

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 June, 2021; and

WHEREAS, it appears from an examination of the plat Lots 8 and 10 of Park Acres First Addition in the NE 1/4 of Section 6, T 103 N, R 60 W of the 5th 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 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 Lot Lots 8 and 10 of Park Acres First Addition in the NE 1/4 of Section 6, T 103 N, R 60 W of the 5th P.M., 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 Rice, seconded by Tjarks, to approve Resolution #R2021-42, Amending Resolution #R2020-82, the 2021 Compensation Plan for the City of Mitchell, as follows:

RESOLUTION #R2021-42
A RESOLUTION AMMENDING RESOLUTION 2020-82: THE 2021 COMPENSATION PLAN FOR THE CITY OF MITCHELL

BE IT RESOLVED, THAT THE FOLLOWING CHANGES TO THE 2021 COMPENSATION PLAN FOR THE CITY OF MITCHELL BE APPROVED FOR FY2021. The purpose of the salary schedule is to establish the base compensation for employees, officers, and elected officials. Each approved grade that contains steps, allow employees to progress through the wage range annually, based on performance. The adopted compensation plan is the base pay provisions for the City of Mitchell, and does not reflect additional agreements made as part of collective bargaining unit agreements approved by the City of Mitchell.

APPOINTED/ HIRED FULL TIME POSITIONS

Dept	Job Title	Wage Grade	FLSA Status
PW	City Engineer	24	E
PW	Public Works Director	25	E
PW	Public Works Director- City Engineer	25	E
PW	Engineer I	21	E

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Barington, to approve Resolution #R2021-43, Approving the Settlement Agreement for the 223 North Main Property, as follows:

RESOLUTION #R2021-43

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT FOR THE 223 NORTH MAIN PROPERTY

WHEREAS the City of Mitchell has been engaged in a lawsuit in federal court (File # Civ. 19-4187) relating to the 223 North Main property; and

WHEREAS the parties to such lawsuit engaged in mediation on May 11, 2021 and reached a settlement agreement which will resolve all remaining issues between the parties; and

WHEREAS such mediated settlement agreement called for the further execution of a formal Settlement Agreement and Release in relation to the above described subject matter.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the formal Settlement Agreement and Release above described is hereby approved. The Mayor shall execute the Settlement Agreement and Release, so long as the same is in substantially the same form as presented to council, and take such further actions as are necessary and prudent in order to effectuate the terms and intent thereof.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by McCardle, to approve Resolution #R2021-45, Vacation of the Marshall Street Right-of-Way South of Birch Avenue, as follows:

**RESOLUTION NO. R2021-45
ON PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, the petition and consent in writing of Phoenix Community LLC, owner of Lot 9, Except S 6' and all of Lot 10, Block 4, Fairview Addition, City of Mitchell, Davison County, South Dakota; and Fred Shank owner of Lot A in SW1/4 of SW1/4 Ex. E 359.6' of W 725.6' of N 85' of Lot A Ex. Lots H1 & PE1 & Ex E 115.6' of W 840.6' of N 100' of Lot 4 Ex. Sebert Tract 1, Section 23, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; and the S 6' of Lot 9, Fairview Addition, City of Mitchell, Davison County, South Dakota respectfully in due and proper form, are requesting the Governing Body of the City of Mitchell to vacate the street right-of-way, subject to existing utilities, described as set forth below pursuant to the statues in such cases made, and provided, particularity SDCL 9-45-7, et. Seq. and the petitioners respectfully show and represent the following;

That portion of South Marshall Street extending south from Birch Avenue right-of-way to the southeast corner of the parcel described as S 6' of Lot 9, Block 4, Fairview Addition, City of Mitchell, Davison County, South Dakota and southwest corner of Block 5, Fairview Addition, City of Mitchell, Davison County, South Dakota

WHEREAS, Marshall Street was previously known as Morrow Street and Birch Avenue was previously known as 4th Street as depicted in the plat attached to this resolution as Exhibit A; and,

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

WHEREAS, Notice of Hearing in relation to said Petitions was made by publication as required by law providing that such Petitions would be heard and considered by the Governing Body of the said City Council on the 21st day of June, 2021 at 6:00 p.m., in the Chambers of the City Council of the City of Mitchell, South Dakota, and

WHEREAS, Said Council did meet to consider and hear said Petition on the 21st day of June, 2021 at the time and place specified in said Notice, and that the said Petitions were duly heard and considered by this Council, the Petitioners and considerations of those objecting were heard by Council were presented in regards to said Petitions, in writing or otherwise.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 21st day of June, 2021 that upon proper hearing and consideration of said Petitions, this Council finds;

1. That due notice of the hearing of said Petition was given by the City Finance Officer by publication of a Notice thereof in the form as provided by law in the *Mitchell Republic*, South Dakota, for two (2) successive weeks, to-wit: May 26 and June 2, 2021.
2. That the Petitioners are the sole owners of all the property abutting the street right-of-way requested to be vacated and have requested that the said right-of-way be vacated subject to existing utilities, easements and other restrictions of record, and further subject to prohibition against construction of improvements within the above described area to be vacated. Said owners having consented in writing to the vacation of said street and which consent is made part of the Petition.

IT IS FURTHER RESOLVED the street right-of-way identified as:

That portion of South Marshall Street extending south from Birch Avenue right-of-way to the southeast corner of the parcel described as S 6' of Lot 9, Block 4, Fairview Addition, City of Mitchell, Davison County, South Dakota and southwest corner of Block 5, Fairview Addition, City of Mitchell, Davison County, South Dakota

Is hereby vacated subject to existing utilities, easements, and other restrictions of record, and further subject to a prohibition against construction of improvements within the above described area hereby vacated.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Allen, to approve Resolution #R2021-46, Amending the City of Mitchell Water & Sewer Rates & Fees, as follows:

Resolution #R2021- 46

A RESOLUTION AMENDING THE CITY OF MITCHELL WATER & SEWER RATES AND FEES

IT IS RESOLVED by the City Council of the City of Mitchell, SD that effective July 1, 2021 rates be set at:

Water Rates

\$9.21 base fee

\$4.15 per unit charge

Water Rates include the following surcharge:

\$1.78 /month/user for DWSRF-02 (1 million gallon Storage Tank)

Sewer Rates

\$20.01 base fee

\$3.11 per unit charge.

*Sewer Rates include the following surcharges:
\$8.05/month/user for CW-05 (Sanborn Phase II)
\$3.70 /month/user for CW-06 (East Central Drainage Phase I)
\$.99/month/user for CW-07 (East Central Drainage Phase II)
\$1.11/month/user for CW-08 (Daily Drive Lift Station)*

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Barington, seconded by Rice, to place Ordinance #O2021-09, Rezoning Lot A-3, sub of Lot A, SW ¼ of Section 27, 103-60, except the South 128 feet thereof, City of Mitchell, Davison County, South Dakota (201 & 201 ½ E Norway Avenue) from TWC to R4 on second reading. Motion carried. Moved by Rice, seconded by McCardle, to adopt Ordinance #O2021-09, Rezoning Lot A-3, sub of Lot A, SW ¼ of Section 27, 103-60, except the South 128 feet thereof, City of Mitchell, Davison County, South Dakota (201 & 201 ½ E Norway Avenue) from TWC to R4, as follows:

ORDINANCE NO. O2021-09

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS;

Lot A-3 Sub of Lot A, SW ¼, Section 27, 103 N, R 60 W Ex. The S 128 feet thereof, City of Mitchell, Davison County, South Dakota from TWC Transportation, Warehousing, and Commercial District to R4 High Density Residential District and the official zoning map is to be changed to reflect the same.

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

Section 1: That changes the zoning district classification of the real property legally described as;

Lot A-3 Sub of Lot A, SW ¼, Section 27, 103 N, R 60 W Ex. The S 128 feet thereof, City of Mitchell, Davison County, South Dakota from TWC Transportation, Warehousing, and Commercial District to R4 High Density Residential District and the official zoning map is to 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.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Barington, to approve Mayor Everson's recommendation to appoint Joe Schroeder to the Public Works Director-City Engineer position effective June 27, 2021. Motion carried. Mayor Everson issued the Oath of Office to Public Works Director-City Engineer Joe Schroeder.

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 _____.