

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

**August 3, 2020  
6:00 P.M.**

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

**ABSENT:**

**PRESIDING:** Mayor Bob Everson

**AGENDA:**

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

- a. City Council Minutes
  1. Work Session July 20, 2020, and
  2. City Council July 20, 2020.
- b. Committee Meeting Minutes
  1. Planning Commission (July 13), and
  2. Community Services Advisory Board (July).
- c. Raffle Permits
  1. VFW Post #2750 with the drawing to be held on November 20, 2020 or when all the tickets are sold, and
  2. VFW/American Legion with the drawings to be held on August 26 through August 30, 2020.
- d. Set date for hearings on August 17, 2020 for the following alcohol Licenses
  1. On the applications of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall
    - a. On August 29, 2020 for a wedding, and
    - b. On November 6, 2020 for the Sportsman Classic, and
  2. On the application for Logan Luxury Theaters, dba Starlite Drive-In Theater for a new Retail (On-Off Sale) Malt Beverage & SD Farm Wine, located at 4601 North Main Street, Mitchell, South Dakota.
- e. Change Order #3 for Corn Palace Plaza Phase II Project #2019-48 increasing contract amount by \$15,951.92 to Puetz Design Build, adjust contract amount to \$576,928.41.
- f. Change Order #1 for Public Safety Building Reroof-Schedule B Project #2020-16 increasing contract amount by \$111.53 to Krogman Construction, LLC, adjust contract amount to \$19,495.95.
- g. Change Order #1 for Sidewalk Bid Schedule A Project #2019-4 increasing contract amount by \$22,776.10 to Rexwinkel Concrete, adjust contract amount to \$108,001.10.

- h. Automatic Supplement to the General Fund-Cemetery in the amount of \$5,000.00 from a donation of funds.
- i. Volunteer Board Appointment  
Appoint Amanda Johnson to the Park & Recreation Board to fill the unexpired term to run August 2020-July 2022.
- i. Request from Mitchell Main Street & Beyond for Parking Closure Modification for First Fridays, August 7, 2020 and September 4, 2020.
- j. Request to Accept West Nile Grant Funds.
- k. Request Road Closure for Grace Baptist Church at 600 S Edmunds (W. Douglas Avenue) on August 7, 2020 from 4:30 p.m.-9:30 p.m. for school carnival.
- l. Pay Estimates 08-03-2020  
Pay Estimate #11 in the amount of \$73,685.97 for E. Central Drainage-Phase I #2018-39 contracted to Menning Backhoe, LLC,  
Pay Estimate #78 in the amount of \$2,360.75 for E. Central Drainage-Phase I-WW #2018-39 contracted to SPN & Associates,  
Pay Estimate #79 in the amount of \$4,790.05 for E. Central Drainage-Phase I-SS #2018-39 contracted to SPN & Associates,  
Pay Estimate #80 in the amount of \$686.25 for E. Central Drainage-Phase I-Water #2018-39 contracted to SPN & Associates,  
Pay Estimate #2 in the amount of \$25,602.75 for Sidewalk Schedule A #2019-4 contracted to Rexwinkel Concrete,  
Pay Estimate #5 in the amount of \$7,378.00 for Sidewalk Schedule D #2019-4 contracted to Top Grade Concrete,  
Pay Estimate #10 in the amount of \$5,854.50 for Sidewalk Schedule E #2019-4 contracted to Top Grade Concrete,  
Pay Estimate #53 in the amount of \$2,876.75 for Sanborn Phases II & III-WW #2019-22 contracted to SPN & Associates,  
Pay Estimate #54 in the amount of \$533.75 for Sanborn Phases II & III-Water #2019-22 contracted to SPN & Associates,  
Pay Estimate #55 in the amount of \$106.25 for Sanborn Phases II & III-WW #2019-22 contracted to SPN & Associates,  
Pay Estimate #7 in the amount of \$13,620.00 for Sanborn Phases II & III-Water #2019-22 contracted to Brosz Engineering, Inc,  
Pay Estimate #8 in the amount of \$9,540.00 for Sanborn Phases II & III-WW #2019-22 contracted to Brosz Engineering, Inc,  
Pay Estimate #9 in the amount of \$31,297.50 for Sanborn Phases II & III-SS #2019-22 contracted to Brosz Engineering, Inc,  
Pay Estimate #13 in the amount of \$687,387.51 for Sanborn Phases II & III #2019-22 contracted to H&W Contracting, LLC,  
Pay Estimate #26 in the amount of \$7,232.00 for E. Central Drainage-Phase II-SS #2019-39 contracted to SPN & Associates,  
Pay Estimate #27 in the amount of \$3,080.00 for E. Central Drainage-Phase II-SS #2019-39 contracted to SPN & Associates,  
Pay Estimate #28 in the amount of \$640.00 for E. Central Drainage-Phase II-Water #2019-39 contracted to SPN & Associates,

Pay Estimate #8 in the amount of \$72,940.42 for Corn Palace Plaza Phase II #2019-48 contracted to Puetz Corporation,

Pay Estimate #11 in the amount of \$703.04 for Corn Palace Plaza Phase II #2019-48 contracted to Confluence, Inc,

Pay Estimate #4 in the amount of \$42,623.80 for Paving & Overlay #2020-15 contracted to Commercial Asphalt,

Pay Estimate #1 in the amount of \$19,495.95 for Public Safety Reroof Schedule B #2020-16 contracted to Krogman Construction, LLC,

Pay Estimate #3 in the amount of \$1,096.00 for Old Landfill Monitoring #2020-28 contracted to Geotek Engineering, and

Pay Estimate #3 in the amount of \$1,851.00 for New Landfill Monitoring #2020-29 contracted to Geotek Engineering.

- m. 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 JUNE 28, 2020 – JULY 11, 2020:** City Council \$3,199.68, Mayor \$1,331.42, City Administrator \$5,216.46, Attorney \$4,210.23, Finance \$12,203.68, Human Resources \$3,389.09, Municipal Building \$2,888.88, Information Technology \$2,603.12, Police \$79,020.81, Traffic \$5,243.16, Fire \$31,773.07, Street \$26,722.76, Public Works \$22,352.20, Cemetery \$7,449.41, Library \$11,973.17, Recreation & Aquatics \$28,046.76, Recreation Center \$15,410.29, Sports Complexes \$15,860.64, Ballpark Concessions \$637.48, Parks \$21,885.94, Supervision \$5,449.05, E911 \$27,037.44, MVP \$743.77, Palace Transit \$18,998.82, JVCC \$255.03, Nutrition \$3,091.96, Water Distribution \$13,317.50, Sewer \$12,992.94, Airport \$2,445.60, Recycling Program \$6,061.58, Waste Collection \$6,624.07, Landfill \$9,075.54, Corn Palace \$19,572.46, Golf Course \$9,369.83, Campground \$1,079.40, Emergency Medical Services \$29,582.80.

**NEW HIRES:**

CORN PALACE: Rahni Vaughn-\$10.85, Dakota Becker-\$9.85, Ellie Kisor-\$9.85, Jack Vermeulen-\$9.85, Ashley Sanderson-\$9.85, Elizabeth McCardle-\$9.85, Sophie Scott-\$10.85.

E-911: Ryan Titze-\$24.811.

GOLF: Grant London-\$10.85.

**SALARY ADJUSTMENTS:**

TRAFFIC: Joshua Harvey-\$22.457.

POLICE: Curtis French-\$24.165, Cindy Mentele-Titze-\$21.906, Paul Wilson-\$29.115.

PUBLIC WORKS: John Hegg-\$30.952.

INFORMATION TECHNOLOGY: Andrew Schneider-\$32,539.

WATER: Thomas Schuman-\$23,881.

PARKS: Shane Taylor-\$20,332.

**WARRANTS:** A & B Business Solutions, Contract-\$8,280.07; A-OX Welding Supply, Supplies-\$108.80; Advance Auto Parts, Supplies-\$22.99; Al's Engraving, Supplies-\$6.95; Amazon Capital Services, Supplies-\$698.92; American Fence, Supplies-\$4,303.07; Ameripride Services, Supplies-\$117.63; Anderson-Crane Rubber Comp, Supplies-\$179.00; Andi Paul, Refund-\$92.00; Aqua-Pure, Supplies-\$1,562.50; AT&T Mobility, Utilities-\$896.76; Avera Occupational Medicine, Contract Service-\$882.45; B & B Upholstery, Supplies-\$ 220.00; Bailey Metal Fabricators, Repairs-\$126.64; Baker & Taylor, Books-\$9.57; BBBB's of South Dakota, Supplies-\$121.34; Beacon Athletics, Supplies-\$12,141.00; Becker Arena Products, Supplies-\$2,560.54; Big Daddy D's, Supplies-\$4,596.07; Big Sioux Embroidery, Supplies-\$210.00; Bill Schmitz, Re-Tree Program-\$100.00; Boyer Trucks Sioux Falls, Supplies-\$232.50; Brosz Engineering, 2019-22 P.E. #7-\$54,457.50; C & B Operations, Supplies-\$1,028.49; Cari Meyer Terveen, Tickets Refund-\$70.00; Carquest Auto Parts, Supplies-\$100.85; CDW Government, Supplies-\$1,134.66; Central Electric, Utilities-\$471.37; Century Link, Utilities-\$13.52; Chad Anderson, Refund-\$192.00; CHR Solutions, June Billing-\$2,902.36; City of Sioux Falls, Water Tests-\$29.00; City of South Sioux City, Garnishment-\$502.05; Coca Cola Bottling, Supplies-\$1,214.00; Commercial Asphalt, 2020-15 P.E. #4-\$42,623.80; Commercial Asphalt/Spencer Quarries, Supplies-\$17,299.40; Confluence, 2019-48 P.E. #11-\$703.04; Core & Main, Supplies-\$19,354.43; Core-Mark Midcontinent, Supplies-\$3,803.50; Corn Palace Concessions, Supplies-\$12.00; Corporate Translation Service, Language Translation-\$32.49; Crystal Reitzel, Reimbursement-\$60.00; Dak Tech, Supplies-\$755.00; Dakota Delivery Service, Delivery Charge-\$15.00; Dakota Pro Striping, Repairs-\$1,326.53; Dakota Pump, Repairs-\$7,539.27; Dakota Supply Group, Supplies-\$439.26; Department of Environment and Natural Resources-\$100.00; Department of Social Services, Child Support-\$1,126.96; Detco, Supplies-\$244.26; Dick's Towing, Police Tow-\$150.00; DMM Systems, Contract Services-\$25,500.00; Doug Greenway, Supplies-\$74.00; Elizabeth Dreier, Refund-\$96.00; Emergency Education, Training-\$300.00; Eric Hieb, Contract Services Payment #8-\$6,942.89; Farmers Alliance, Supplies-\$232.78; Fastenal, Supplies-\$92.57; Ferguson Waterworks #2516, Supplies-\$303.74; First National Bank Omaha, Loan Payment-\$3,831.71; FM Acoustical Tile, Supplies-\$908.16; Gaylen's Homegrown Popcorn, Supplies-\$2,146.40; Geotek Engineering, Corn Palace-Phase II-\$3,655.00; Golden West Technologies, Utilities-\$89.97; Grainger, Supplies-\$99.98; Great Western Tire, Supplies-\$1,620.68; H & W Contracting, 2019-22 P.E. #13-\$687,387.51; Hauge Associates, Garnishment-\$323.87; Hillyard/Sioux Falls, Supplies-\$137.60; Honda of Mitchell, Supplies-\$80.95; Independent Viking Glass, Supplies-\$42.00; Ingram Library Services, Books-\$628.54; Innovative Office Solution, Supplies-\$331.92; Integrity Transcription, Transcribing Service-\$75.90; Interstate Office Products, Supplies-\$61.29; Iverson

Chrysler Center, Rental-\$49.95; Jared Rolston, Refund-\$152.00; Jason Christensen, Training-\$4,005.00; Jason Holforty, Refund-\$76.00; JCL Solutions, Supplies-\$1,240.40; Jebro, Supplies-\$87,129.94; John Westra, Refund-\$40.00; Jones, Supplies-\$1,339.02; Kendra Yaunick, Refund-\$76.00; Kevin Roth, Reimbursement-\$44.98; KORN/KQRN Radio, Advertising-\$386.88; Krogman Construction, 2020-16 P.E. #1-\$19,495.95; Krohmer Plumbing, Repair-\$6,075.69; Lawson Products, Supplies-\$472.08; M & T Fire and Safety, Supplies-\$331.95; Malisa Jones, Refund-\$152.00; Malloy Electric Bearing, Supplies-\$28.33; McLeod's Printing, Supplies-\$1,553.85; Menard's, Supplies-\$1,180.07; Menning Backhoe, 2018-39 P.E. #11-\$73,685.97; Meyers Oil, Supplies-\$3,924.71; Michaels Fence & Supply, Supplies-\$397.63; Microsoft, Supplies-\$910.00; Mid-American Research Chemical, Supplies-\$134.77; Midcontinent Communications, Utilities-\$104.80; Midwest Turf & Irrigation, Supplies-\$301.96; Millennium Recycling, Contract Services-\$2,767.80; Mitchell Animal Rescue, August Payment-\$350.00; Mitchell Concrete Product, Supplies-\$34.50; Mitchell Park & Recreation, Program Revenue-\$120.00; Mitchell School District, Utilities-\$2,301.67; Mitchell Telecom, Utilities-\$67.95; Mitchell United Way, United Way Deductions-\$232.00; Motion Sports and Safety Products, Supplies-\$1,430.00; Napa Auto Parts, Supplies-\$461.25; Northwestern Energy & Communications, Utilities-\$13,491.37; Online Computer Library Center, Cataloging Subscription-\$1,418.52; Paul Wilson, Travel-\$55.00; Pepsi Cola, Supplies-\$1,809.74; Peter Arnold, Travel-\$22.01; Porter Distributing, Supplies-\$176.00; Premier Pest Control, Contract Services-\$275.00; Puetz, 2019-48 P.E. #8-\$72,940.42; Qualified Presort, Contract Services-\$452.20; Rexwinkel Concrete, 2019-4 P.E. #2-\$25,602.75; Ron's Bicycle and Locksmith, Supplies-\$100.00; Runnings Supply, Supplies-\$499.09; S & M Printing, Supplies-\$138.00; Saga Communications of South Dakota, Contract-\$1,132.00; Sanitation Products, Supplies-\$1,399.30; Savannah Fischer, Refund-\$228.90; Schmucker Paul & Nohr, Pay Estimates-\$22,305.80; Scott Supply, Supplies-\$76.00; South Dakota Department of Transportation, Supplies-\$808.40; South Dakota Public Assurance Alliance, Property Coverage-\$91.85; South Dakota Retirement System, Retirement Contributions-\$49,731.31; South Dakota Supplemental Retirement, Supplemental Retirement Contributions-\$24,872.93; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$525.00; Shah Software, Supplies-\$22,424.00; Shelbee Schultz, Refund-\$70.00; Sherwin-Williams, Supplies-\$35.52; SHI International, Supplies-\$135.30; Siteone Landscape Supply, Supplies-\$2,011.21; Staples, Supplies-\$233.10; State Disbursement Unit, Garnishment-\$546.77; Stitchtogether, Supplies-\$12.00; Stryker Sales, Equipment-\$372.99; Sturdevant's Auto Parts, Supplies-\$2,592.19; Subway, Meals-\$44.03; Sun Gold Sports, Supplies-\$1,846.28; Tessier's, Maintenance-\$873.00; Thomson Reuters West, Supplies-\$219.26; Three-D Specialties, Supplies-\$547.16; Thune True Value Hardware, Supplies-\$281.54; Tim's Towing & Recovery, Police Tow-\$125.00; Titze Electric & Remodeling, Repairs-\$1,217.29; TK Electric, Repair-\$466.67; TMA Stores, Supplies-\$266.69; Tom Riddle, Re-Tree Program-\$200.00; Top Grade Concrete, 2019-4 P.E. #10-\$13,232.50; Traditions Prepared Meals, Supplies-\$1,584.00; Transource, Supplies-\$312.87; United States Treasury, Form 720-V-\$1,041.40; United Parcel Service Store #4227, Shipping-\$25.41; Van Diest, Supplies-\$2,660.00; Verizon Wireless, Utilities-\$280.07; Vern Eide Chevrolet Buick, Tow-\$180.00; Vern Eide Ford Lincoln, Supplies-\$203.92; Walmart, Supplies-\$204.91; Water

Environment Federation, Renewal-\$155.00; Weston Frank Live Entertainment, Pre-Sturgis Party-\$3,000.00; Weston Waters, Refund-\$98.00; Wheelco Brake & Supply, Supplies-\$619.24; Yankton Daily Press & Dakotan, Subscription-\$186.33; Zimco Supply, Supplies-\$343.75.

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

### **CITIZENS INPUT:**

Corn Palace Director Doug Greenway reviewed the Corn Palace Festival street and concert setup.

Corn Palace Director Doug Greenway requested to extend the classic car parking from 4<sup>th</sup> to 3<sup>rd</sup> on Main Street for the Pre-Sturgis party on August 6<sup>th</sup>.

Keke Leiferman, owner and operator of the Back 40, addressed concerns with the street closures in front of Main Street businesses and suggested better communication between City staff and Main Street owners when events or road maintenance would be closing Main Street. Leiferman also stated she had concerns with the BID #3 Assessment when businesses are barely getting by right now due to the pandemic.

### **ORDINANCE:**

Moved by Allen, seconded by McCardle, to table first reading of Ordinance #O2020-10, An Ordinance that Changes the Zoning District Classification of the Real Property legally described as the W 56 ft of Outlot #7A, SW ¼ of Section 15, T 103 N, R 60 W, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to HB Highway Oriented Business District. Motion carried.

### **BOARD OF ADJUSTMENT:**

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

Moved by Rice, seconded by Barington, to table the hearing on the application of Steven Ahlers for the property legally described as W 56 feet of Outlot #7A, SW ¼ of Section 15, T 103 N, R 60 W, City of Mitchell, Davison County, South Dakota (126 W 15th Ave) with a possible rezone from R2 Single Family Residential District to HB Highway Oriented Business District with a front yard variance of 20 feet vs 25 feet under R2 District, the HB District requires 30 feet, and a backyard variance of 15 feet, the R2 District requires 25 feet, the HB District setback is 0. Applicant wants to construct a storage garage that may be used for personal and commercial use. Motion carried.

It was advised that this is the date and time set for hearing on the application of Skyler Sievert, applicant, and CJG Properties LLC, owner, for a conditional use permit to operate a family residential childcare center located at 809 N Wisconsin St, legally described as Lot 4, Block 52, Capital Addition, City of Mitchell, Davison, County, South Dakota. The property is zoned R4 High Density Residential District. Notice of hearing has been given and affidavit of publication is on file. The Planning Commission recommended approval of said application with the conditions the permit is non-transferable and if the business ceases to operate for a period of six months or longer, a new permit would be required. Moved by Tjarks, seconded by Allen, to approve said application with Planning Commission recommendations. Motion carried.

Moved by Rice, seconded by McCardle, to set date for August 17, 2020 on the application of Mitchell Sandventure LLC for a conditional use permit for a quarry, explore and extract minerals at the property legally described as SW ¼ Exc Lots H1 & H2, W Hwy, Section 3, T 103 N, R 60 W, Davison County, South Dakota. The property is zoned UD Urban Development. Motion carried.

Moved by Allen, seconded by Barington, to set date for August 17, 2020 on the application of Sean and Jessica Anderson for a conditional use permit to operate a family residential childcare center at located 725 E. 12<sup>th</sup> Ave, legally described as Lot 4, Block 1, Northridge Subdivision, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

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

**AWARD BIDS:**

Bids were opened and read on the MAC Ice Arena Roof Repairs Project #2020-36 on the 22<sup>nd</sup> day of July, 2020 in the Council Chambers of City Hall. Moved by McCardle, seconded by Barington, to award as follows:

**MAC ICE ARENA ROOF REPAIRS  
PROJECT #2020-36**

Mueller Lumber Company, 400 North Ohlman, Mitchell, South Dakota 57301.

Item #1:	\$21,753.00
Item #2:	\$64,517.00
Item #3:	\$20,908.00
Item #4:	\$11,607.00
Total:	\$118,785.00

Motion carried.

Bids were opened and read on the Corn Palace Dome and Turrets Project #2020-34R on the 22<sup>nd</sup> day of July, 2020 in the Council Chambers of City Hall. Moved by Allen, seconded by Rice, to award as follows:

**CORN PALACE DOME AND TURRETS  
PROJECT #2020-34R**

Michael and Pamela Bathke, 1660 East 8<sup>th</sup>, Mitchell, South Dakota 57301.

Dome:	\$1,600.00
Turret #1:	\$ 260.00
Turret #2:	\$ 260.00
Total:	\$2,120.00

Dome and Turrets must be removed by September 2, 2020 or the bid will be forfeited. Motion carried.

**CONSIDER APPROVAL:**

Moved by Tjarks, seconded by Sabers, to approve the Corn Palace Festival plaza stage and beer garden, consumption permit, noise permit, and parking lots/street closure request for the dates of August 25-30, 2020. Motion carried.

Moved by Smith, seconded by Rice, to approve James Valley Community Center North Wall Improvements with an estimated cost of \$4,000.00. Motion carried.

Moved by Rice, seconded by McCardle, to approve the closure of a parking space for No Parking/Loading Zone at 125 South Kimball. Motion carried.

Moved by Tjarks, seconded by Rice, to approve Agreement #A2020-29, Additional Storage for Axon Body Camera System. Motion carried.

Moved by Barington, seconded by Tjarks, to approve Agreement #A2020-30, Professional Services for Marina Jetty and Boat Dock with Shrive-Hattery in an amount of \$35,000.00. Roll call vote. Members present voting aye: Allen, Barington, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: Doescher. Motion carried.

**RESOLUTION:**

Moved by Rice, seconded by Barington, to approve Resolution #R2020-49, a Plat of Lots 1-5, Kirkegaard Addition in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 3, T 103 N, R 60 W of the 5<sup>th</sup> PM, Davison County, South Dakota, as follows:

**RESOLUTION #R2020-49**



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 27<sup>th</sup> day of July, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 1-5, KIRKEGAARD ADDITION IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SW ¼ SE ¼) OF SECTION 3, T 103 N, R 60 W, DAVISON COUNTY, SOUTH DAKOTA, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOTS 1-5, KIRKEGAARD ADDITION IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SW ¼ SE ¼) OF SECTION 3, T 103 N, R 60 W, 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 Tjarks, to approve Resolution #R2020-50, Vacation of the Street Right-of-Way described as that portion of East Ivy Avenue Right-of-Way running East and West between South Lawler Street Right-of-Way and South Kimball Right-of-Way, as follows:

#### **RESOLUTION #R2020-50**

WHEREAS, The petitions and consent in writing of Rodney C and Barbara Schurz, owners of Lots 5 & 6, Square 8, Weavers Square Addition, Roger Klock, owner of Square 17 Except Lot 3, Weavers Square Addition, and the Mitchell School District 17-2, owner of Lot X, Square 8 of Weavers Squares Addition, All in the 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 statutes in such cases made, and provided, particularly SDCL 9-45-7, et. Seq. and the petitioners respectfully show and represent the following;

That portion of East Ivy Avenue Right-of-Way running east and west between the South Lawler Street Right-of-Way and South Kimball Street Right-of-Way within the corporate limits of the City of Mitchell, Davison County, South Dakota

WHEREAS, This Council did thereupon consider said Petitions and did find that said Petitions and Consent in writing requesting and consenting to the vacation of said street right-of-way 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 3<sup>rd</sup> day of August, 2020 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 said 3<sup>rd</sup> day of August, 2020 at the time and place specified in said Notice, and that the said Petitions was 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 3<sup>rd</sup> day of August, 2020 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 prescribed by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota , for two (2) successive weeks, to-wit: July 15 and July 22, 2020.
2. That the Petitioners are the sole owners of all of the property abutting the street right-of-way requested to be vacated and have requested that said street 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 East Ivy Avenue Right-of-Way running east and west between the South Lawler Street Right-of-Way and South Kimball Street Right-of-Way within the corporate limits of the 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 Allen, seconded by Barington, to approve Resolution #R2020-51, Vacation of the East-West Alley Right-of-Way between Lots 6 and 7, Block 3, Firesteel Heights Subdivision, City of Mitchell, Davison County, South Dakota, as follows:

#### **RESOLUTION #R2020-51**

WHEREAS, The petitions and consent in writing of Raymond and Cheryl Rothfuss, owners of Lot 6, Block 3, Firesteel Heights Subdivision, Keith R. and Saundra Nash, owners of Lot 7, Block 3, Firesteel Heights Subdivision, and Delvon D. and Beverly Ammon, owners of Lot 4, Block 4, Firesteel Heights Subdivision, all within the 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 alley right-of-way, subject to existing utilities, described as set forth below pursuant to the statutes in such cases made, and provided, particularly SDCL 9-45-7, et. Seq. and the petitioners respectfully show and represent the following;

That east-west alley right-of-way between Lots 6 and 7, Block 3, Firesteel Heights Subdivision, City of Mitchell, Davison County, South Dakota and identified on the plat recorded with the Davison County Register of Deeds in Plat Book 6, Page 46; and

WHEREAS, This Council did thereupon consider said Petitions and did find that said Petitions and Consent in writing requesting and consenting to the vacation of said alley right-of-way was signed by all of the owners of the property abutting the alley 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 3<sup>rd</sup> day of August, 2020 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 said 3<sup>rd</sup> day of August, 2020 at the time and place specified in said Notice, and that the said Petitions was 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 3<sup>rd</sup> day of August, 2020 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 prescribed by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota , for two (2) successive weeks, to-wit: July 15 and July 22, 2020.
2. That the Petitioners are the sole owners of all of the property abutting the alley right-of-way requested to be vacated and have requested that said alley right-of-way be 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 to be vacated. Said owners having consented in writing to the vacation of said alley and which consent is made part of the petition.

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


That east-west alley right-of-way between Lots 6 and 7, Block 3, Firesteel Heights Subdivision, City of Mitchell, Davison County, South Dakota and identified on the plat recorded with the Davison County Register of Deeds in Plat Book 6, Page 46.

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.

**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 \_\_\_\_\_.