

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

**September 3, 2019  
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

**EXECUTIVE SESSION:**

Moved by Rice, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters and SDCL 9-34-19 Any documentary material or data compiled or received by a municipal corporation, county, or an economic development corporation receiving municipal or county funds, for the purpose of furnishing assistance to a business, to the extent that such material or data consists of trade secrets or commercial or financial information regarding the operation of such business, is not a public record. Any discussion or consideration of such trade secrets or commercial or financial information by a municipal corporation or county may be done in executive session closed to the public. Motion carried.

Mayor Everson declared the board out of executive session at 6:18 p.m. and the City Council to reconvene in regular session at 6:19 p.m.

**AGENDA:**

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

- a. City Council Minutes
  1. City Council August 19, 2019.
- b. Committee Meeting Minutes
  1. Planning Commission August 12, 2019, and
  2. Traffic August 19, 2019.
- c. Raffle Permits
  1. Purr N Ruff Rescue with the drawing to be held on September 28, 2019, and
  2. Corn Palace Shrine Club with the drawing to be held on October 11, 2019.
- d. Set date of 09-05-19 for bid opening for Burr Street Median Landscaping Project #2019-51.
- e. Set date of 09-16-19 for hearings

1. On the application of Palace City Lions Club for a Special Event Liquor License located at the DWU Sherman Center for October 4, 2019 for the Blue & White Unite All-Alumni Reunion, and
2. On the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall for October 11, 2019 for the Sportsman Classic.

f. Pay Estimates 09-03-19

Pay Estimate #8-Final in the amount of \$102.50 for South Side Water Tower Coating #2018-1R contracted to SPN & Associates,  
Pay Estimate #5 in the amount of \$247,811.07 for Sanborn Bridge Repair Rehab #2018-22B contracted to H & W Contracting, LLC,  
Pay Estimate #35 in the amount of \$3,250.00 for E. Central Drainage-Phase I-SS #2018-39 contracted to SPN & Associates,  
Pay Estimate #36 in the amount of \$1,400.00 for E. Central Drainage-Phase I-Water #2018-39 contracted to SPN & Associates,  
Pay Estimate #37 in the amount of \$2,600.00 for E. Central Drainage-Phase I-WW #2018-39 contracted to SPN & Associates,  
Pay Estimate #38 in the amount of \$14,308.25 for E. Central Drainage-Phase I-SS #2018-39 contracted to SPN & Associates,  
Pay Estimate #39 in the amount of \$1,648.40 for E. Central Drainage-Phase I-Water #2018-39 contracted to SPN & Associates,  
Pay Estimate #40 in the amount of \$5,821.40 for E. Central Drainage-Phase I-WW #2018-39 contracted to SPN & Associates,  
Pay Estimate #3 in the amount of \$306,315.10 for E. Central Drainage-Phase I #2018-39 contracted to Menning Backhoe, LLC,  
Pay Estimate #1 in the amount of \$14,256.78 for Sidewalk Schedule "B" #2019-4 contracted to Top Grade Concrete,  
Pay Estimate #2 in the amount of \$38,774.08 for Curb & Gutter #2019-14 contracted to Rexwinkel Concrete,  
Pay Estimate #4 in the amount of \$5,638.75 for Paving & Overlay #2019-15 contracted to Commercial Asphalt,  
Pay Estimate #24 in the amount of \$2,800.00 for Sanborn Phases II & III #2019-22 contracted to SPN & Associates,  
Pay Estimate #25 in the amount of \$2,175.00 for Sanborn Phases II & III-Water #2019-22 contracted to SPN & Associates,  
Pay Estimate #26 in the amount of \$15,990.00 for Sanborn Phases II & III-WW & SS #2019-22 contracted to SPN & Associates,  
Pay Estimate #27 in the amount of \$5,570.55 for Sanborn Phases II & III #2019-22 contracted to SPN & Associates,  
Pay Estimate #28 in the amount of \$2,864.05 for Sanborn Phases II & III-WW & SS #2019-22 contracted to SPN & Associates,  
Pay Estimate #29 in the amount of \$32,455.15 for Sanborn Phases II & III-WW & SS #2019-22 contracted to SPN & Associates,  
Pay Estimate #5 in the amount of \$655,970.08 for Sanborn Phases II & III #2019-22 contracted to H & W Contracting, LLC., and

Pay Estimate #3 in the amount of \$54,421.00 for City Hall Cooling System Upgrade #2019-37 contracted to Tessiers Inc.,

- g. 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 JULY 28 – AUGUST 10, 2019:** City Council \$3,106.48, Mayor \$1,292.65, City Administrator \$5,008.15, Attorney \$4,037.15, Finance \$13,333.01, Human Resources \$3,527.96, Municipal Building \$3,300.32, Information Technology \$2,496.08, Police \$60,826.03, Traffic \$5,849.62, Fire \$44,395.74, Street \$30,200.35, Public Works \$23,603.74, Cemetery \$6,124.51, Animal Control \$2,597.98, Emergency Medical Services \$13,097.90, Library \$15,098.46, Recreation & Aquatics \$17,988.50, Recreation Center \$20,710.70, Sports Complexes \$19,494.70, Parks \$22,550.09, Supervision \$5,256.91, E911 \$22,075.68, RSVP \$3,938.16, Palace Transit \$18,369.88, JVCC \$1,484.00, Nutrition \$1,076.75, Water Distribution \$11,095.26, Sewer \$13,726.98, Airport \$2,345.04, Waste Collection \$11,417.97, Landfill \$8,752.66, Corn Palace \$31,866.12, Golf Course \$10,341.69, Campground \$2,074.80.

**NEW HIRES:**

COMMUNICATIONS: Sachiko Evans-\$18.328.

GOLF & CEMETERY: Jason Gunnare-\$27.208.

FIRE: Ashly Perez-Franco-\$18.603.

RECREATION & AQUATICS: Matthew Johnson-\$11.35.

SPORTS COMPLEXES: Briggs Havlik-\$10.85.

PALACE TRANSIT: Jonathan Gamber-\$17.445.

**SALARY ADJUSTMENTS:**

CORN PALACE: Kathy Hanks-\$17.894.

LANDFILL: Clayton Moore-\$24.374.

LIBRARY: Jean Patrick-\$24.352.

STREET: Travis Giedd-\$19.496, Randy Hanten-\$24.679, Pamela Punt-\$21.018.

GOLF & CEMETERY: Aaron Willis-\$25.277.

PUBLIC WORKS: Debra Hanson-Sudbeck-\$21,018.

BUILDING MAINTENANCE: Glenn Grohmann-\$19,987.

**WARRANTS:** A & B Business Solutions, Contract-\$4,143.85; AAA Collections, Collection Fees-\$17.42; Adam Fosness, Contract Services-\$900.00; AFSCME Council 65, Union Dues-\$590.00; Al's Engraving, Supplies-\$27.80; Allegis, Maintenance-\$42.94; American Garage Door, Repairs-\$586.83; Ameripride Services, Supplies-\$118.70; Aramark, Supplies-\$211.89; AT&T Mobility, Supplies-\$1,195.17; Avera Occupational Medicine, Contract Service-\$1,577.65; Bailey Metal Fabricators, Supplies-\$5,715.18; Becker Arena Products, Supplies-\$1,728.88; Big Daddy D's, Contract Services-\$4,137.00; Bound Tree Medical, Supplies-\$111.99; Boyer Trucks Sioux Falls, Supplies-\$3,562.78; Building Sprinkler, Maintenance-\$489.55; C & B Operations, Repairs-\$826.44; C & H Baseball, Maintenance-\$10,419.20; Campbell Supply, Supplies-\$1,458.40; Caroline Keilhauer, Entertainment-\$700.00; Carquest Auto Parts, Supplies-\$95.52; Central Electric, Utilities-\$724.60; Century Link, Utilities-\$1,437.75; CHR Solutions, Postage-\$2,932.60; Climate Systems, Repairs-\$4,189.91; Coca Cola Bottling, Supplies-\$2,151.15; Commercial Asphalt, 2019-15 P.E #4-\$5,638.75; Commercial Asphalt/Spencer Quarries, Supplies-\$4,108.20; Continental Research, Supplies-\$280.25; Core & Main, Supplies-\$28,750.43; Core-Mark Midcontinent, Supplies-\$758.11; Corporate Translation Service, Professional Service-\$21.76; County Fair, Supplies-\$74.55; Cummins Sales and Service, Repairs-\$216.96; Dakota Supply Group, Supplies-\$104.46; Daktronics, Supplies-\$2,485.00; Dale's A-1 Transmission, Tow-\$187.50; Department of Social Services, Child Support-\$1,251.17; Dick's Body Shop, Repair-\$55.00; Dick's Towing, Tow-\$425.00; Diesel Machinery, Supplies-\$1,109.42; DMM Systems, Entertainment-\$1,140.00; Doug Bormann, Contract Services-\$150.00; Doug's Repair, Maintenance-\$10,687.14; Emergency Education, Travel-\$125.00; Environmental Resource, Supplies-\$124.00; Eric Hieb, Contract Services-\$6,771.12; Evident, Supplies-\$33.50; Farmers Alliance, Supplies-\$1,947.63; Fastenal, Supplies-\$378.27; First National Bank Omaha, Loan Payment-\$17,141.51; FM Acoustical Tile, Supplies-\$308.95; Gaylen's Homegrown Popcorn, Supplies-\$1,454.40; GCR Tires & Service, Supplies-\$1,081.21; Graham Tire, Repair-\$357.00; Grainger, Supplies-\$10.36; Great Western Tire, Supplies-\$299.80; H & W Contracting, 2018-22B P.E. #5-\$903,781.15; Hanson Entertainment, 2019 Freedom Stage-\$2,800.00; Hawkins, Supplies-\$4,794.57; Health Communications, Alcohol Task Force-\$214.85; Henry Schein, Supplies-\$1,100.28; Honda of Mitchell, Supplies-\$28.01; Howes Oil, Supplies-\$15,068.00; ICAN, Advertising-\$1,132.00; In the Swim, Supplies-\$142.94; Innovative Office Solution, Supplies-\$292.29; Integrity Transcription, Transcribing Service-\$534.60; Interstate Office Products, Supplies-\$218.82; International Public Management-HR, Test-\$222.00; James Auren, Refund Transfer Fee-\$50.00; Jebro, Supplies-\$59,004.41; Jon Gamber, Reimbursement-\$85.00; Jones Supplies, Supplies-\$1,390.89; Kelly Hohn, Lawn Mowing-\$240.00; Lawson Products,

Supplies-\$577.11; Liberty Tire Services, Supplies-\$63,110.40; Louise Metz, Refund-\$55.00; Matt Doerr, Rental-\$200.00; McLeod's Printing, Supplies-\$179.89; Mebius Nursery & Landscaping, Repairs-\$5,260.75; Menard's, Supplies-\$1,289.67; Menning Backhoe, 2018-39 P.E. #3-\$306,315.10; Meyers Oil, Supplies-\$7,560.16; Michael Todd & Company, Supplies-\$4,015.97; Michaels Fence & Supply, Repairs-\$413.26; Microsoft, Supplies-\$910.00; Midwest Laboratories, Testing-\$1,103.00; Midwest Turf & Irrigation, Supplies-\$254.09; Mitchell Area Development, Grant-Performance-\$69,958.64; Mitchell Concrete Product, Supplies-\$395.06; Mitchell Iron & Supply, Supplies-\$2.00; Mitchell Park & Recreation, Registration Fee-\$1,000.00; Mitchell Recreation Center, Registration Fees-\$6,089.66; Mitchell Telecom, Utilities-\$71.53; Mitchell United Way, United Way Deductions-\$177.11; Mueller Lumber, Supplies-\$326.70; Muth Electric, Supplies-\$156.00; Napa Auto Parts, Supplies-\$526.23; Newman Signs, Supplies-\$1,587.07; North Central Seed, Supplies-\$137.50; Northern Balance & Scale, Repairs-\$181.00; Northwestern Energy & Communications, Utilities-\$19,507.22; Pam Greene, Refund-\$312.00; Pepsi Cola, Supplies-\$874.60; Porta Pros, Rental-\$5,295.00; Porter Distributing, Supplies-\$120.00; Qualified Presort, Contract Service-\$508.70; R2 Firearms, Supplies-\$6,450.00; Ray O'Herron, Supplies-\$1,398.91; Republic National Distributing, Supplies-\$202.25; Rexwinkel Concrete, 2019-14 P.E. #2-\$38,774.08; Richard or Charlotte Larsch, Refund-\$75.30; S & M Printing, Printing-\$233.00; SAE Warehouse, Shipping-\$29.00; Saga Communications of South Dakota, Advertising-\$596.00; Sanitation Products, Supplies-\$182.04; Schmucker Paul & Nohr, 2018-1R P.E. #8 Final-\$90,985.30; Scott C Phillips, 2019 Freedom Stage-\$750.00; South Dakota Department of Health, Lab-\$298.00; South Dakota Department of Transportation, Supplies-\$708.80; South Dakota Federal Property Agency, 2011 Ford Ranger-\$9,008.00; South Dakota Municipal League, Registrations-\$1,030.00; South Dakota Newspaper Services, Advertising-\$401.52; South Dakota One Call, Professional Service-\$372.75; South Dakota Retirement System, Retirement Contributions-\$51,198.50; South Dakota-Supplemental Retirement, Supplemental Retirement-\$2,241.33; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$425.00; Selland Livestock, Supplies-\$1,725.00; Sherwin-Williams, Supplies-\$654.60; Sign Pro, Advertising-\$288.00; Sirchie Finger Print Labor, Supplies-\$105.95; Standard Insurance Company, Life Insurance-\$406.59; Staples Advantage, Supplies-\$297.83; Sturdevant's Auto Parts, Supplies-\$1,858.71; Subway, Meals-\$45.03; Sun Gold Sports, Supplies-\$70.00; Susan Larson, Refund-\$208.00; Teamsters Local No. 120, Union Dues-\$905.00; Teleflex Funding, Supplies-\$662.50; Tessier's, 2019-37 P.E. #3-\$54,421.00; Thune True Value Hardware, Supplies-\$209.68; TK Electric, Repairs-\$2,118.14; TMA Stores, Repairs-\$327.39; Top Grade Concrete, 2019-4 P.E. #1-\$14,256.78; Transource, Repair-\$1,989.02; Two Way Solutions, Repairs-\$200.00; Tyler Technologies, License Fees-\$2,750.00; USA Blue Book, Supplies-\$68.24; Van Diest Supply, Supplies-\$20,027.05; Verizon Wireless, Utilities-\$306.09; Voorhees Plumbing, Repairs-\$714.29; Walmart, Supplies-\$119.97; Watertown Wholesale, Supplies-\$220.20; Wheelco Brake & Supply,

Supplies-\$590.22; Wholesale Electronics, Supplies-\$202.73; Zuercher Technologies, Maintenance Renewal-\$22,346.48; Lyle Miller Sr, Entertainment-\$1,500.00.

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

**HEARING:**

It was advised that this is the date and time set for hearing on the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall for September 7, 2019 for a birthday party. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Sabers, to approve said application. Motion carried.

**BOARD OF ADJUSTMENT:**

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

**SET DATES:**

Moved by Rice, seconded by Tjarks, to set date for September 16, 2019 on the application of Lamar Advertising (applicant) and David and Connie Deinert (owners) for a conditional use permit/variance to replace, at same location, the off-premise billboard sign that was destroyed by a storm. The new sign will exceed the 300 square feet in sign area, (approximately 400 square feet) standard. The property is legally described as the SW ¼ ex H4 South of I-90 & except the East 1,513.27 feet lying south of I-90 and ex Lot A of Bechen's Addition, lying within, Section 29, T 103 N, R 60 W, Davison County, SD. The property is zoned HB Highway Oriented Business District. Motion carried.

Moved by Tjarks, seconded by Rice, to set date for September 16, 2019 on the application of Selena Thomas for a conditional use permit to operate a massage business located at 622 S Wisconsin, legally described as Lot 7, Block 8 Van Eps 2<sup>nd</sup> Addition, City of Mitchell, Davison County, SD. The property is zoned R2 Medium Density Residential District. Motion carried.

Moved by Allen, seconded by Sabers, to set date for September 16, 2019 on the application of Christy Duba (applicant) and Long Brothers LLC (owners) for a conditional use permit to operate an indoor recreational facility within the existing building located at 113 W Douglas Ave, legally described as E ½ of Lots 11 & 12, Block 12, Van Eps 1<sup>st</sup> Addition, City of Mitchell, Davison County, SD. The property is zoned R3 Medium Density Residential District. Motion carried.

**HEARINGS:**

Moved by Rice, seconded by Barington, to table the hearing on the application of Jason & Ramy Norgaard for a conditional use permit to operate a family residential child care center located at 1220 E Havens, Lot 103, Brendan Mobile Village, legally described as Lot 1A located in SE ¼ 22-103-60, Exc. Lots PE1, PE2, and PE3, City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District. Motion carried.

It was advised that this is the date and time set for hearing on the application of Russell Hanson & Jamie Buchholz for a side-yard on a corner variance of 8 feet vs 20 feet as required for constructing a detached garage located at 520 E Hanson Ave, legally described as Lot 12, Block 42, Cooley and Guernsey Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application. Moved by Allen, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Midwest Mexican Food Inc. (Taco Johns) for a front-yard variance of 17 feet vs 30 feet for the purpose of constructing an addition to the property located at 701 N Sanborn Blvd, legally described as Lots 7 & 8, Block 3, Rowley's 2<sup>nd</sup> Addition, City of Mitchell, Davison County, South Dakota. The property is zoned NS Neighborhood Shopping District. Moved by Smith, seconded by McCardle, to approve said application. Motion carried.

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

**AWARD BID:**

Bids were opened and read on the Asphalt/Concrete Crushing Project #2019-9, on the 26<sup>th</sup> day of August 2019 in the Council Chambers of City Hall. Moved by Tjarks, seconded by Rice, to award as follows:

**ASPHALT/CONCRETE CRUSHING  
PROJECT#2019-9**

Dakota Constructors Inc., 27268 Ironworks Ave., Harrisburg, South Dakota 57032.

Schedule A	\$4.56/ton
Schedule B	\$4.56/ton

Total Bid not to exceed	\$125,000.00
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Motion carried.

**CONSIDER APPROVAL:**

Moved by McCardle, seconded by Smith, to appoint Glen Still as the Public Safety Director, effective September 30, 2019. Motion carried.

Moved by Allen, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2019-39, Ratification of Slumberland Parking Lot Rental in the amount of \$1,750.00. Motion carried.

Moved by Rice, seconded by Sabers, to approve and authorize the Mayor to sign Agreement #A2019-40, An Agreement with SPN & Associates for Mitchell Southwest Development Utilities Study Project #2019-52 with an estimated amount of \$16,250.00. Motion carried.

Moved by Allen, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2019-41, Redevelopment Agreement with Mitchell Area Development Corporation. Motion carried.

**RESOLUTION:**

Moved by Tjarks, seconded by Barington, to approve Resolution #R2019-63, A Plat of Lot 6, Block 4A, Westwood First Addition, A Subdivision of Block 4 of Westwood First Addition in the NW ¼ of Section 16, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2019-63**

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 26<sup>th</sup> day of August, 2019; and

WHEREAS, it appears from an examination of the plat of LOT 6, BLOCK 4A OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alley set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law.

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOT 6, BLOCK 4A OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is 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 Allen, seconded by Smith, to place Ordinance #O2019-12, U-Turns in City Limits (Alternate A) on second reading. Motion carried. Moved by Rice, seconded by Barington; to adopt Ordinance #O2019-12, as follows:

**ORDINANCE #O2019-12**

**AN ORDINANCE AMENDING MITCHELL CITY CODE  
SECTION 7-3-2 REGARDING U-TURNS**

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

Section 1.

That Mitchell City Code Section 7-3-2(B) be AMENDED to read as follows:

“B. U-Turns: A vehicle may make a U-turn so as to proceed in the opposite direction on any street or highway within the corporate limits of the city so long as such U-turn is made without interfering with other traffic, except that a U-turn may not be performed where a location is specifically marked with signage prohibiting a U-turn.”

Section 2.

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

Section 3.

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, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

Moved by Allen, seconded by McCardle, to place Ordinance #O2019-18, Repealing Mitchell City Code Chapter 3-6: Traffic Commission, Updating References to said Commission, and Correcting a Reference to the Traffic Division on second reading. Motion carried. Moved by Smith, seconded by Rice, to adopt Ordinance #O2019-18, as follows:

**ORDINANCE #O2019-18**

**AN ORDINANCE REPEALING MITCHELL CITY CODE**

CHAPTER 3-6: TRAFFIC COMMISSION, UPDATING REFERENCES TO SAID  
COMMISSION, RELOCATING CERTAIN PROVISIONS OF SAID CHAPTER, AND  
CORRECTING A REFERENCE TO THE TRAFFIC DIVISION

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

Section 1.

That Mitchell City Code Chapter 3-6: Traffic Commission and its subsections are hereby REPEALED in their entirety.

Section 2.

That a new section be ADDED to the Mitchell City Code to read as follows:

7-1-6: Certain Powers and Duties Reserved by Council:

A. For traffic matters, the City Council hereby reserves to itself the powers and duties set out in the further subsections of this section. For other traffic matters where the council has not reserved authority, where authority has not been granted to another public body, and where City Council action is not otherwise required, the Mayor may establish policies and direct appropriate departments to address such other traffic matters.

B. Establish And Maintain Traffic Signs, Signals And Markings: The City Council shall have the following powers, duties, and authority:

1. To place and maintain or cause to be placed and maintained all official traffic signs and signals required by Title 7 of this code. All signs and signals required for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city.

2. To establish and to designate and thereafter maintain or cause to be maintained by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in its opinion, there is particular danger to pedestrians crossing the roadway and at such other places as it may deem necessary.

3. To determine those intersections at which operators of vehicles shall not make a left turn and to place proper signs at such intersections.

4. To determine the location of truck loading zones and erect and maintain or cause to be erected and maintained appropriate signs indicating the same.

5. To establish bus and taxicab stands in such places as it shall consider to be of the greatest benefit and convenience to the public, and every such bus and taxicab stand shall be designated by appropriate signs.

6. To determine upon what streets angle parking shall be permitted and to mark or sign such streets or cause the same to be marked or signed.

7. To place and maintain or cause to be placed and maintained on each and every street intersecting a through street, as designated in title 7 of this code, and at or near the property line of the through street, appropriate signs, devices or markers, bearing the word "stop" and to be located in such a position and to be provided with letters of a size to be clearly legible from a distance of at least one hundred feet (100') along the line of the intersecting street. All such signs shall be illuminated at night, or so placed that they shall be illuminated by street lights, or by the headlights of approaching motor vehicles.

8. To erect and maintain signs in each block designating any time limits on parking therein.

9. To place turning markers within or at the entrance to intersections, directing the traffic turning to the left to follow a line of travel other than that as directed in title 7 of this code.

10. To determine and designate, by proper signs, the route of travel to be used by semitrailers and large trucks.

11. To determine in what streets or alleys only one-way traffic shall be allowed and to cause such streets or alleys to be marked with appropriate signs.

C. Issue Special Permits: The City Council may issue special permits for the following purposes:

1. Delivery Vehicles: To issue to any owner of a vehicle used to transport merchandise or material a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of standing or parking in the central business district between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. for the purpose of unloading and delivering or pick up and loading of merchandise or materials if, in the opinion of the traffic commission, such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic. Such special permit may be revoked by the traffic commission at any time if, in its opinion, the

conditions of such permit are not fulfilled in good faith by the owner of such vehicle or by his agents.

2. Semitrailer Parking: To issue to the owner of any semitrailer used in the transportation of merchandise or materials a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the owners such vehicle the privilege of standing or parking in the central business district, parallel to the curb between the hours of twelve o'clock (12:00) P.M. and eleven o'clock (11:00) A.M., for the purpose of unloading or pick up of merchandise or material if, in the opinion of the traffic commission, such privilege is reasonably necessary to the conduct of business and will not seriously interfere with the traffic. Such permit may be revoked by the traffic commission if, in its opinion, the conditions of such permit are not complied with.

3. Loading And Unloading At Curb: To issue to any owner of a vehicle used to transport merchandise or materials a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb if, in the opinion of the traffic commission, such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic.

### Section 3.

That the phrase "traffic commission" be removed and replaced with the phrase "City Council" in the following locations in the Mitchell City Code:

Section 7-3-2(A)(1)(b)  
Section 7-3-4(D)  
Section 7-3-4(E)  
Section 7-4-3(H)  
Section 7-4-4(A)  
Section 7-4-4(C)  
Section 7-4-5

### Section 4.

That the phrase "traffic and safety committee" in MCC Section 7-7-6(D)(3) be removed and replaced with the phrase "City Council".

### Section 5.

That the phrase "traffic" be removed from MCC Section 1-7-4(A) so as to read as follows:

“The department of public safety (or public safety department) is hereby established. The department of public safety shall include the police, fire, ambulance, communications, and animal control operations of the city.”

Section 6.

That the phrase “traffic” be added to MCC Section 1-7-3(A) so as to read as follows:

“The department of public works (or public works department) is hereby established. The department shall include all public utility functions operated by the city including water, wastewater, streets, traffic, sanitation, and solid waste disposal. Contracts for public improvements shall be administered through the public works department. The engineering functions of the city shall be performed and/or administered by the public works department.

Section 7.

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

Section 8.

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, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

**HEARING:**

It was advised that this is the date and time set for hearing on the proposed ordinance of Amending BID 2 to Extend SEA Funding. Discussion took place with no opposition.

**ORDINANCES:**

Moved by Tjarks, seconded by Barington, to place Ordinance #O2019-13, Amending BID 2 to Extend SEA Funding on first reading. Motion carried.

City Administrator Stephanie Ellwein reviewed the proposed 2020 Budget, including capital projects and subsidy applications.

Mitchell Main Street and Beyond Board President Emma DeVos and Executive Director Jared Indahl presented to the City Council a presentation detailing the importance of receiving the \$35,000.00 subsidy from the City.

Moved by Smith, seconded by Tjarks, to place Ordinance #O2019-19, 2020 Annual Appropriation Ordinance on first reading. Motion carried.

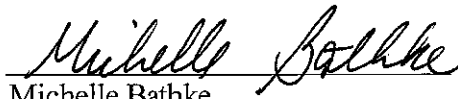
**REVIEW:**

City Administrator Stephanie Ellwein reviewed the design options and project timeline for the Corn Palace Plaza-Phase II. Ellwein explained how Confluence designed the Corn Palace Plaza to include a permanent stage, shade structure, and misting feature, in addition to moving the flagpoles from the top of the Corn Palace to the East entrance. The construction project will start in the fall of 2019 with a projected completion date of May 2020 at an estimated cost of \$350,000.00 which is budgeted in the Entertainment Tax fund.

Moved by Tjarks, seconded by Rice, to approve the Corn Palace Plaza-Phase II as proposed. Motion carried.

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