

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

**September 4, 2018
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 Rice, seconded by Allen, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council Minutes August 20, 2018.
- b. Committee Meeting Minutes
 1. Planning Commission August 13, 2018,
 2. Finance August 20, 2018, and
 3. Traffic August 20, 2018.
- c. Raffle Permit
 1. Longfellow PTO with the drawing to be held on October 5, 2018.
- d. Appointment to City Committees and Boards
 1. Appoint Jared Indahl to the Historic Preservation Commission for a term to run 2018- July 2021.
- e. Set date of 09-17-18 for hearings
 1. On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 21, 2018 for an event,
 2. On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 22, 2018 for an event,
 3. On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 28, 2018 for an event, and
 4. On the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 29, 2018 for an event.
- f. Set date of 09-17-18 for hearing for Special Assessment Roll for 2017 Construction Projects and 2017 Nuisance Abatements.
- g. Change Order #3 for Corn Palace Plaza City Project #2016-18 decreasing the contract amount by \$370.00 for plantings that were not used contracted to

Rexwinkel Concrete, adjust contract amount to \$654,074.31.

- h. Change Order #4-Final for Sanborn Blvd Utility and Street Improvements City Project #2018-22 increasing the contract amount by \$2,446.42 to accomplish actual quantities including miscellaneous work along the streets and sidewalks, landscape, fencing contracted to BX Civil & Construction, adjust contract amount to \$1,871,541.66.
- i. Declare Surplus 2013 Grey Ford Explorer.
- j. Declare Surplus Survivair SCBA Pack.
- k. Authorization to extend the First Friday Dates Special Event Permit to include October 5, 2018.
- l. Request for Contingency Funds to purchase a 1-Ton UTV from Federal Surplus.
- m. Amendment #1 to Burr Street Agreement #614571 with SDDOT Maintenance, Encroachment, and Jurisdiction Agreement.
- n. Automatic Supplement to the Park Fund-Parks Department in the amount of \$3,200.00 for fireworks cleanup from a donation.
- o. Automatic Supplement to the Park Fund-Parks Department in the amount of \$5,500.00 for Tennis Court Resurfacing from a donation.
- p. Automatic Supplement to the General Fund-Police Department in the amount of \$13,045.20 for Radar Units from a grant.
- q. Pay Estimates 09-04-18
Pay Estimate #18 in the amount of \$25,866.53 for Ped Bridge on NW End of Lake #2011-2 contracted to SDDOT-Department of Finance,

Pay Estimate #7-Final in the amount of \$47,296.67 for Corn Palace Plaza #2016-18 contracted to Rexwinkel Concrete,

Pay Estimate #5 in the amount of \$6,828.78 for Forcemain Pump Station "A" #2017-12 contracted to D.W. Proehl Construction

Pay Estimate #2 in the amount of \$6,000.00 for South Side Water Tower Coating #2018-1 contracted to SPN & Associates,

Pay Estimate #5 in the amount of \$3,988.58 for Curb & Gutter-Schedule "A" #2018-14 contracted to Colwell Concrete Inc.,

Pay Estimate #2 in the amount of \$21,003.73 for Paving & Overlay #2018-15 contracted to Commercial Asphalt,

Pay Estimate #3 in the amount of \$35,654.81 for Paving & Overlay #2018-15 contracted to Commercial Asphalt,

Pay Estimate #32 in the amount of \$2,800.00 for Sanborn Design/Const Street #2018-22 contracted to SPN & Associates,

Pay Estimate #33 in the amount of \$6,141.20 for Sanborn Design/Const Street #2018-22 contracted to SPN & Associates,

Pay Estimate #34 in the amount of \$925.00 for Sanborn Design/Const Water #2018-22 contracted to SPN & Associates,

Pay Estimate #35 in the amount of \$1,025.00 for Sanborn Design/Const Sewer #2018-22 contracted to SPN & Associates, and

Pay Estimate #5 in the amount of \$9,009.80 for Sanborn Street Phase I #2018-22 contracted to BX Civil and Construction.

- r. 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 29, 2018 – AUGUST 11, 2018: City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,808.42, Attorney \$3,871.18, Finance \$13,168.65, Human Resources \$3,382.92, Municipal Building \$3,420.90, Information Technology \$2,393.44, Police \$61,812.22, Traffic \$4,353.19, Fire \$44,270.85, Street \$27,991.40, Public Works \$20,082.13, Cemetery \$5,420.33, Animal Control \$1,423.52, Emergency Medical Services \$10,763.99, Library \$13,343.97, Recreation & Aquatics \$16,325.54, Recreation Center \$19,871.43, Sports Complexes \$16,722.70, Parks \$20,275.76, Supervision \$5,010.24, E911 \$20,915.72, RSVP \$5,523.95, Palace Transit \$17,491.68, JVCC \$1,338.75, Nutrition \$985.00, Water Distribution \$8,580.72, Sewer \$13,201.86, Airport \$2,248.64, Waste Collection \$11,106.67, Landfill \$8,129.15, Corn Palace \$27,586.85, Golf Course \$9,352.20, Campground \$1,822.80.

NEW HIRES:

REC CENTER: Robert McCardle-\$9.35.

STREET: Travis Giedd-\$18.695.

SALARY ADJUSTMENTS:

E911: Dawn Niehoff-\$23.098.

STREET: David Muck-\$23.664, Pamela Punt-\$20.154, Randy Hanten-\$23.664.

LANDFILL: Clayton Moore-\$23.372.

LIBRARY: Jean Patrick-\$23.351.

CORN PALACE: Glen Grohmann-\$19.165.

CEMETERY: Aaron Willis-\$24.237.

PUBLIC WORKS: Deb Hanson-Sudbeck-\$20.154.

WARRANTS: A & B Business Solutions, Contract Services-\$4,096.08; A-OX Welding Supply, Supplies-\$105.47; Abilene Machine, Supplies-\$316.20; Accounts Management, Garnishment-\$507.71; Adam Fosness, Contract Service-\$2,374.00; Advance Auto Parts, Supplies-\$33.98; AFSCME Council 65, Union Dues-\$589.50; Ag Systems, Supplies-\$164.46; Albertson Engineering, Assessment-\$866.25; Alignment X-Perts, Repair-\$20.00; American Garage Door, Repairs-\$230.00; Ameripride Services, Supplies-\$145.67; Andrew Becker, Reimbursement-\$74.95; Aramark, Supplies-\$11.92; Auto Body Specialties, Supplies-\$61.42; Avera Health Plans, Refund-\$643.50; Avera Occupational Medicine, Contract Service-\$634.75; B & L Communications, Repair-\$135.00; Bailey Metal Fabricators, Supplies-\$422.43; Big Daddy D's, Contract Services-\$4,168.50; Blackstrap, Supplies-\$1,645.07; BNSF Railway, Insurance Coverage-\$2,016.00; Break Time Portables, Rental-\$190.00; Butler Machinery, Supplies-\$28,147.81; BX Civil and Construction, 2018-22 P.E. #5-\$9,009.80; Campbell Supply, Supplies-\$437.15; Carquest Auto Parts, Supplies-\$95.52; Century Link, Utilities-\$1,295.76; CHR Solutions, Contract Services-\$3,015.50; Cindy Roth, Travel-\$80.80; Coca Cola Bottling, Supplies-\$40.00; Colwell Concrete, 2018-14A P.E. #5-\$3,988.58; Commercial Asphalt, 2018-15 P.E. #2-\$56,658.54; Core & Main, Supplies-\$23,631.33; Core-Mark Midcontinent, Supplies-\$1,427.65; County Fair, Supplies-\$366.81; D W Proehl Construction, 2017-12 P.E. #5-\$6,828.78; Dakota Landscaping & Irrigation, Repairs-\$115.00; Dakota Pump, Repairs-\$980.61; Dakota Supply Group, Supplies-\$3,267.42; Dakota Two-Way, Repair-\$508.23; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$1,275.22; Diesel Machinery, Supplies-\$107.78; Elliott Equipment, Supplies-\$1,670.05; Emme Sand & Gravel, Supplies-\$1,854.50; Environmental Toxicity, Lab Fees-\$325.00; Eric Hieb, Contract Services-\$6,603.24; Farmers Alliance, Supplies-\$59.39; Fastenal, Supplies-\$21.42; Fedex, Transportation Charges-\$27.37; First National Bank Omaha, Loan Payment-\$8,098.99; Forum Communications, Advertising-\$500.00; Fox Paint & Blinds, Supplies-\$139.61; Galls, Supplies-\$89.42; Golden West Technologies, Supplies-\$35.00; Happy Memories Band, Contract Services-\$150.00; Harlow's Bus Sales, Supplies-\$41.27; Hawkins, Supplies-\$8,952.03; Heartland Paper, Supplies-\$146.29; Henry Schein, Supplies-\$748.42; Herc-U-Lift, Repairs-\$241.28; Hohn's Services, Service-\$425.00; Honda of Mitchell, Supplies-\$22.48; Howes Oil, Supplies-\$15,210.15; Innovative Office Solution, Supplies-\$359.35; Integrity Transcription, Transcribing Service-\$639.45; Janco Specialized Surfaces, Repair-\$20,938.50; JCL Solutions, Supplies-\$8,052.96; JD Concrete Products, Supplies-\$143.75; Jones Supplies, Supplies-\$37.75; Kiwanis Club Half Marathon, Sports Authority Promotion-\$2,500.00; Lawson Products, Supplies-\$500.89; Leisure Interactive, Professional Service-\$246.97; Lutheran Social Services, Service-\$90.00; M & L Repair, Repair-\$94.50; M & T Fire and Safety, Supplies-\$175.00; MC&R Pools, Supplies-\$78.42; McFarland Supply, Supplies-\$60.06; McLeod's Printing, Supplies-\$2,108.60; Mebius Nursery & Landscaping, Repairs-\$1,195.00; Menard's, Supplies-\$2,927.23; Messerli & Kramer, Garnishment-\$284.12; Meyers Oil, Supplies-\$3,728.01; Microsoft, Supplies-\$902.00; Midwest Fire & Safety, Supplies-\$476.00; Midwest

Laboratories, Lab-\$956.60; Midwest Mini Melts, Supplies-\$1,148.00; Midwest Turf & Irrigation, Supplies-\$213.07; Minnesota Valley Testing, Lab-\$447.00; Jacobsen Blake, Refund-\$54.18; Mitchell Baseball, Service-\$1,000.00; Mitchell Concrete Product, Supplies-\$271.50; Mitchell Lions Club, Fireworks Cleanup-\$750.00; Palace City Lions Club, Contract Services-\$1,194.55; Mitchell Power Equipment, Supplies-\$438.50; Mitchell School District, Utilities-\$1,340.36; Mitchell Soccer, Service-\$500.00; Mitchell Telecom, Utilities-\$69.45; Mitchell United Way, United Way Deductions-\$170.67; MJ Dalsin, Repairs-\$1,049.58; Mueller Lumber, Supplies-\$84.93; Muth Electric, Supplies-\$4,854.29; Napa Auto Parts, Supplies-\$1,120.12; Nedved Media, Advertising-\$735.42; Northwestern Energy & Communications, Utilities-\$22,187.61; Olinger Carpet Service, Maintenance-\$1,230.00; Peace of Mind Counseling, Service-\$180.00; Pepsi Cola, Supplies-\$199.16; Prestige Flag, Supplies-\$380.12; Prostrollo Motor Sales, Supplies-\$11.42; Qualified Presort, Contract Services-\$829.02; Reliable Backline, Entertainment-\$2,950.00; Rexwinkel Concrete, Repairs-\$66,521.19; Rob's Short Stop, Supplies-\$125.08; S & M Printing, Supplies-\$387.00; Safety Benefits, Registration-\$65.00; Saga Communications of South Dakota, Advertising-\$592.00; Schmucker Paul & Nohr, 2018-1 P.E #2-\$16,891.20; Scott Supply, Supplies-\$508.48; South Dakota Department of Public Safety, Maintenance-\$50.00; South Dakota Department of Revenue, Titles-\$70.00; South Dakota Department of Transportation, 2011-2 P.E. #18-\$26,533.08; South Dakota Federal Property Agency, Supplies-\$41.00; South Dakota Municipal League, Registrations-\$900.00; South Dakota Newspaper Services, Advertising-\$397.67; South Dakota One Call, Professional Service-\$319.20; South Dakota Property Management, Sweeper-\$18,000.00; South Dakota Retirement System, Retirement Contributions-\$49,085.57; South Dakota-Supplemental Retirement, Supplemental Retirement-\$3,037.66; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$425.00; SHAH Software, Renewal-\$22,424.00; Sherwin-Williams, Supplies-\$356.55; Shopko Stores Operating, Supplies-\$10.90; Sign Pro, Supplies-\$2,612.00; Sl-Serco, Report-\$4,651.43; South Central Fire District, Annual Dues-\$50.00; Standard Insurance, Life Insurance-\$416.51; Sturdevant's Auto Parts, Supplies-\$2,393.88; Subway, Meals-\$38.74; Sun Gold Sports, Supplies-\$231.32; Teamsters Local No. 120, Union Dues-\$776.00; Tessier's, Supplies-Repair-\$8,116.26; Thune True Value Hardware, Supplies-\$238.55; TK Electric, Supplies-\$1,240.06; TMA Stores, Repair-\$36.05; Travis Platt, Reimbursement-\$125.99; US Foods, Supplies-\$70.78; USA Blue Book, Supplies-\$295.62; Van Diest Supply, Supplies-\$2,130.00; Verizon Wireless, Utilities-\$41.08; Vern Eide Chevrolet Buick, Supplies-\$223.08; Vern Eide of Mitchell, Supplies-\$204.58; Walmart, Supplies-\$52.08; Watertown Wholesale, Supplies-\$244.46; Wheelco Brake & Supply, Supplies-\$1,930.18; Wholesale Electronics, Supplies-\$51.00; Zimco Supply, Supplies-\$1,468.00.

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

CITIZENS INPUT:

Mayor Bob Everson stated that the compost site located on 8th Street and the Highway 37 Bypass will be open from 8:00 a.m. to sunset when the proper signage and cameras are installed.

Council Member Steve Rice presented the Key to the City to the director and producer of the movie, Farmer of the Year, during the opening at the theatre.

COMMITTEE REPORT:

Public Health & Safety:

The Public Health & Safety Committee met at 6:00 p.m. on September 4, 2018. The Committee approved an application from Bruce Yakley for a fireworks permit at 170 North Harmon Drive on September 15, 2018 for a wedding noting that if the City of Mitchell was in a burn ban the display is cancelled.

HEARINGS:

It was advised that this is the date and time set for hearing and action on the taxicab license revocation for Speedy Taxi. The City Council received several signatures asking for the license to be revoked. The following people spoke in favor of revocation of the license: Brad Vobr, James Deanovich, Kayla Hohbach, Lori Claussen, Brint Jorgensen, and Rachelle Zimmer. Those who spoke in opposition of revocation of Speedy Taxi's license were Paul Harrison, Karen Walker, Crystal Larson and Dustin Feistner. After much testimony, the City Council decided to continue the hearing in December at which time taxicab licenses are renewed.

Moved by Rice, seconded by Allen, to continue the hearing to December 17, 2018 regarding the status of Speedy Taxi's license. Motion carried.

It was advised that this is the date and time set for hearing on the application of Blarneys Sports Bar & Grille for a Special Event Liquor License located at the Highland Mall on November 30, 2018 for the Holiday Spirits. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Rice, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Lodge on October 6, 2018 for a wedding. Notice of hearing has been given and affidavit of publication is on file. Moved by Tjarks, 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 Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Lodge on September 8, 2018 for the NRA Banquet. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Sabers, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of V.V. Inc., dba Outback Casino, 508 East Havens Street, Ste 2, Mitchell, South Dakota for a new Retail (On-Off

Sale) Malt Beverage License (This license will not be eligible for video lottery). Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by Rice, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-Sale) Liquor License RL-19079 from V.V. Inc., dba Outback Casino, 508 East Havens Avenue, Mitchell, South Dakota to V.V. Inc., dba SUDZ, 508 & 510 East Havens Avenue, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by McCardle, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-Sale) Wine License RW-23600 from MG Oil Company dba Village Bowl, 1500 N Duff Ste A, Mitchell, South Dakota to V.V. Inc., dba Outback Casino, 508 East Havens Avenue, Ste 2, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Smith, seconded by Rice, to approve said application. Motion carried.

BOARD OF ADJUSTMENT:

Moved by Allen, seconded by Rice, 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 17, 2018 for hearing on the application of Tami Dammann for a conditional use permit /home occupation (pheasant cleaning business) at her home located at 412 N Foster St, legally described as Lot 1, Block 1, Bridles Acres Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

Moved by Allen, seconded by McCardle, to set date for September 17, 2018 for hearing on the application of Andrew & Kyra Mentele for an oversize variance of 3,024 square feet vs 2,000 square feet as required in order to construct an accessory building located at 718 West Norway Ave, legally described as Lots 7, 8, and W 29' of Lot 9, Block 43, University Addition, City of Mitchell, Davison County, SD. The property is zoned R2 Single Family Residential District. Motion carried.

HEARINGS:

Carol Ragle has withdrawn her application for a conditional use permit for a home occupation (homeopathic treatments) located at 815 McCabe St, legally described as the E 71 feet of Lots 9 & 10, Block 20, University Addition, City of Mitchell, Davison County, South Dakota. Zoned (R2) Single Family Residential District.

It was advised that this is the date and time set for hearing on the application of Dan Fechner (applicant) and Aaron, Jessica & Shirley Baas for a conditional use permit to construct an Assembly Hall located in the 5600/5700 Block of N. Ohlman St., legally described as E ½ of SE

¼ ex IT 1, Perry Township, 32- T 104 N, R 60 W, Davison County, South Dakota. Zoned (UD) Urban Development District. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended approval of said application with the following condition: that the property will access city water. Moved by Allen, seconded by Barington, to approve said application with the following condition: that the property will access city water. Motion carried.

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

DISCUSSION:

Mayor Bob Everson addressed the City Council and public about the current city nuisance code. Mayor Everson stated the City is working on a friendlier and more visible approach in addressing nuisances.

AWARD BID:

Bids were opened and read on the Rock Salt Project #2018-27 on the 27th of August, 2018 in the Council Chambers of City Hall. Moved by Tjarks, seconded by McCardle, to award the project, as follows:

**ROCK SALT
CITY PROJECT#2018-27**

Nebraska Salt & Grain Company, 115 West 16th Street, P.O. Box 489, Gothenburg, Nebraska 69138.

Crushed Rock Salt—FOB Mitchell:	700 Tons	\$61.39/Ton	\$42,973.00
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Motion carried.

CONSIDERED APPROVAL:

Moved by Tjarks, seconded by Rice, to approve and authorize the Mayor to sign the Release of Easement document for 1601 Bridal Drive. Motion carried.

Moved by Barington, seconded by Tjarks, to approve and authorize the additional funding to remove and relocate the Corn Palace Plaza alley utilities at an estimated cost of \$61,649.47. Motion carried.

RESOLUTIONS:

Moved by Allen, seconded by McCardle, to approve Resolution #R2018-48, A Plat of Lot 8-A, 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 follows:

RESOLUTION #R2018-48

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 27th day of August, 2018, and

WHEREAS, it appears from an examination of the plat of LOT 8-A, 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 8-A, 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., 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 Rice, seconded by Tjarks, to approve Resolution #R2018-49, A Plat of Lot E of Countryside Addition, A Subdivision of Lot 1 in the SE 1/4 of Section 16, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2018-49

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 27th day of August, 2018, and

WHEREAS, it appears from an examination of the plat of LOT E OF COUNTRYSIDE ADDITION, A SUBDIVISION OF LOT 1 IN THE SE ¼ OF SECTION 16, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul C. Kiepke, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT E OF COUNTRYSIDE ADDITION, A SUBDIVISION OF LOT 1 IN THE SE ¼ OF SECTION 16, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by

Paul C. Kiepke, 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 Smith, seconded by Allen, to place Ordinance #O2018-08, Repealing and Replacing MCC Section 8-1-7: Snow and Ice Removal on second reading. Motion carried. Moved by Rice, seconded by Barington, to adopt Ordinance #O2018-08, as follows:

ORDINANCE NO. O2018-08

**AN ORDINANCE REPEALING AND REPLACING MITCHELL CITY CODE
SECTION 8-1-7: SNOW AND ICE REMOVAL.**

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

Section 1.

That Section 8-1-7 of the Mitchell City Code is hereby REPEALED in its entirety and shall be REPLACED with the following Sections:

8-1-7: SIDEWALK SNOW AND ICE REMOVAL

8-1-7-1: DUTY TO REMOVE IN GENERAL:

The occupant or owner of any premises in the City shall remove all snow and ice from the entire width of all adjacent public sidewalks within forty eight (48) hours after the fall of snow or the formation of ice on such sidewalk. Adjacent sidewalk shall include all sidewalk located in public right of way and between the property line and the nearest roadway. Adjacent sidewalk shall also include all sidewalk located on private property but within a sidewalk easement. No occupant or owner may be relieved of this duty except by application of Section 8-1-7-2.

8-1-7-2: SPECIAL REMOVAL AREAS DESIGNATED:

For the purposes of maintaining aesthetics, lengthening the useful life of sidewalks, and establishing certain priority routes for pedestrian travel, the City Council may designate Special Removal Areas by resolution. In such Special Removal Areas, the general duty under Section 8-1-7-1 shall not apply and the City of Mitchell shall be responsible for sidewalk snow and ice removal.

8-1-7-3: REMOVAL BY CITY UPON VIOLATION:

If the owner or occupant of any premises shall fail, neglect, or refuse to comply with Section 8-1-7-1, it shall be the duty of the Director of Public Works to remove or cause the removal of such snow or ice. Such owner or occupant shall be responsible for all costs of removal in addition to any fines that may apply. The City may contract with private persons to accomplish the removal of snow or ice as is required by this section.

8-1-7-4: COSTS FOR REMOVAL:

A. Account of Cost: The Director of Public Works shall cause to be kept an account of the costs for snow and ice removal under Section 8-1-7-3 as to each lot or parcel of land so cleared. Such accounting shall be certified to the Finance Officer following every snow season.

B. Estimate and Notice of Assessment: The Finance Officer shall prepare an estimate of the assessment against each lot for snow and ice removal to include the expense of levying such special assessment against each lot. The Finance Officer shall cause to be published in the official newspaper the assessment roll, together with a notice of the time and place when the City Council will meet for the purpose of considering such assessment roll. Such notice shall be published once a week for two (2) successive weeks prior to the date of the hearing.

C. Approval by City Council; Filing of Assessment: Upon the day so named, the City Council shall meet, and if it finds the estimate correct, it shall approve the same by resolution, or if not correct, it shall correct or modify the same and approve the same as modified or corrected and file such assessment roll with the Finance Officer.

D. Lien Against Property: From the date of the approval and filing of such assessment roll with the Finance Officer, the same shall be and become a special lien against the various pieces of property described in the assessment roll and shall be collected in like manner as special assessments for public improvements are now collected.

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 Barington, seconded by Tjarks, to place Ordinance #O2018-09, 2019 Annual Appropriation Ordinance on first reading. Moved by Tjarks, to amend the 2019 budget to include

a Tool Cat for the Park Department in the amount of \$43,822.00. Moved by Tjarks, to rescind her previous motion and request contingency funds in 2018 to purchase the Tool Cat. Motion carried.

Moved by Rice, seconded by McCardle, to place Ordinance #O2018-10, Supplemental Appropriations on first reading. 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 _____.