

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

**September 8, 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 McCardle, seconded by Rice, to move Item #32 Discussion regarding update on Bridge Inspections from Brosz Engineering to Item #29. Motion carried.

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

- a. City Council Minutes
  1. City Council August 17, 2020,
  2. Special City Council August 24, 2020, and
  3. Work Session August 24, 2020.
- b. Committee Meeting Minutes
  1. Planning Commission August 10, 2020, and
  2. Community Services Advisory Board August 13, 2020.
- c. Raffle Permits
  1. MHS Volleyball Boosters with the drawing to be held on October 1, 2020, and
  2. VFW Post #2750 with the drawing to be held on November 29, 2020 or when all the squares are sold.
- d. Approval of Volunteer Board Appointments
  1. To reappoint Steve Morgan to the Corn Palace Events & Entertainment Board for a term to run October 2020-September 2023,
  2. To appoint Stratton Havlik to the Corn Palace Events & Entertainment Board for a term to run October 2020-September 2023, and
  3. To appoint Jordan Gau to the Corn Palace Events & Entertainment Board for a term to run October 2020-September 2023.
- e. Set date of September 28, 2020 for bid opening for Airport Farm Ground Lease Project #2021-5 and Airport Pasture Lease Project #2021-6.
- f. Change Order #2 for Burr Street Median Landscape Project #2019-51 decreasing contract amount by \$1,540.00 to James Valley Nursery, adjust contract amount to \$93,534.43.

- g. Request to apply for Deadwood Historic Grant funding 2021 for 223 North Main.
- h. Set date for public hearing at 6:00 p.m., September 21, 2020 in City Council Chambers for Collection of Special Assessment Rolls for 2019 Construction Projects and 2019 Nuisance Abatements.
- i. Request road closure for the west one half of the 400 Block of West 7<sup>th</sup> on September 13, 2020 from 3:00 p.m.-8:00 p.m. for the Wesleyan Church Block Party.
- j. Approval of Gas & Fuel Quotations

<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	1,400	1,400	\$1.6625	\$ 2,327.50*
Unleaded Gas-10% Ethanol	6,100	6,100	\$1.601	\$ 9,766.10*
<b>Total Bid:</b>				<b>\$12,093.60*</b>

**Howes Oil was the only bidder for items marked with an asterisk. They were awarded the bid.**

- k. Pay Estimates September 8, 2020
  - Pay Estimate #12 in the amount of \$99,489.40 for E. Central Drainage-Phase I #2018-39 contracted to Menning Backhoe, LLC,
  - Pay Estimate #6 in the amount of \$10,056.50 for Sidewalk Schedule "D" #2019-4 contracted to Top Grade Concrete,
  - Pay Estimate #11 in the amount of \$7,906.40 for Sidewalk Schedule "E" #2019-4 contracted to Top Grade Concrete,
  - Pay Estimate #56 in the amount of \$7,912.35 for Sanborn Phases II & III-WW #2019-22 contracted to SPN & Associates,
  - Pay Estimate #10 in the amount of \$1,350.00 for Sanborn Phases II & III-Water #2019-22 contracted to Brosz Engineering, Inc,
  - Pay Estimate #11 in the amount of \$1,675.00 for Sanborn Phases II & III-WW #2019-22 contracted to Brosz Engineering, Inc,
  - Pay Estimate #12 in the amount of \$33,950.00 for Sanborn Phases II & III-SS #2019-22 contracted to Brosz Engineering, Inc,
  - Pay Estimate #14 in the amount of \$387,958.58 for Sanborn Phases II & III #2019-22 contracted to H&W Contracting, LLC,
  - Pay Estimate #9 in the amount of \$19,725.36 for Corn Palace Plaza Phase II #2019-48 contracted to Puetz Corporation,
  - Pay Estimate #3-Final in the amount of \$1,901.48 for Burr Street Median Landscape #2019-51 contracted to James Valley Nursery,
  - Pay Estimate #6 in the amount of \$21,013.84 for Waste Water Treatment Plant Facility Plan #2020-17 contracted to HDR Engineering, and
  - Pay Estimate #1 in the amount of \$2,130.78 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry.
- l. 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 AUGUST 9, 2020 – AUGUST 22, 2020:** City Council \$3,199.68, Mayor \$1,331.42, City Administrator \$5,216.46, Attorney \$4,210.23, Finance \$12,329.43, Human Resources \$3,389.09, Municipal Building \$2,888.87, Information Technology \$2,701.10, Police \$65,762.71, Traffic \$4,881.00, Fire \$29,928.53, Street \$26,034.34, Public Works \$22,373.89, Cemetery \$4,941.75, Library \$13,075.78, Recreation & Aquatics \$13,602.77, Recreation Center \$15,360.06, Sports Complexes \$16,389.87, Ballpark Concessions \$534.33, Parks \$17,049.64, Supervision \$5,449.05, E911 \$22,138.95, MVP \$743.79, Palace Transit \$18,266.27, JVCC \$990.69, Nutrition \$3,192.00, Water Distribution \$12,273.42, Sewer \$12,680.74, Airport \$2,445.60, Recycling Program \$5,862.28, Waste Collection \$4,230.51, Landfill \$8,761.56, Corn Palace \$17,749.04, Golf Course \$6,267.53, Campground \$1,079.40, Emergency Medical Services \$28,438.77.

**NEW HIRES:**

PALACE TRANSIT: Andrea Groves-\$58,290.00.

SPORTS COMPLEXES: Jensen Maeschen-\$11.35, Briggs Havlik-\$10.85.

CORN PALACE: Jeri Mickelson-\$11.35, MacKenzie Cobb-\$10.85.

**SALARY ADJUSTMENTS:**

POLICE: Wade London-\$25.098, Logan Crown-\$25.082, Andrew Becker-\$26.682.

FIRE: Justin Adams-\$20.656.

E-911: Hannah Willis-\$19.352.

**TERMINATIONS:**

PALACE TRANSIT: Jacquelyn High.

**WARRANTS:** A-Ox Welding Supply, Supplies-\$124.05; AAA Collections, Service-\$1,533.99; Abigail Hofer, Renewal-\$25.00; Adam Pope, Entertainment-\$3,000.00; Advance Auto Parts, Supplies-\$28.48; Advanced Entertainment, Service-\$1,102.04; AFLAC, Aflac Withholding-\$11,035.16; AFLAC Group, Critical Care-\$856.46; AFSCME Council 65, Union Dues-\$519.20; Al's Engraving, Supplies-\$9.90; Alexis Rumbolz, Refund-\$100.00; Amazon Capital Services, Supplies-\$662.42; American Garage Door, Repairs-\$95.00; Ameripride Services, Supplies-\$254.87; Andrea Groves, Reimbursement-\$48.00; Anita Fink, Refund-\$150.00; Aqua-Pure, Supplies-\$2,612.50; AT&T Mobility, Utilities-\$2,235.43; Audrey Graves, Refund-\$109.00; Avera Occupational Medicine, Contract Services-\$1,212.15; Axon Enterprise, Equipment-\$600.00; Bailey Metal Fabricators, Repairs-\$165.60; Baker Bros Electric, Repairs-\$573.98; Barb Falk, Refund-\$109.00; Bechen Electric, Repairs-\$779.27; Bender's Sewer Cleaning, Contract Services-\$96.00; Bernard Nolz, Refund-\$261.60; Bernice Bialas, Refund-\$109.00; Big Daddy D's, Contract Services-

\$6,419.94; Billy Harp, Refund-\$80.00; Boyer Trucks Sioux Falls, Supplies-\$595.87; Brosz Engineering, 2019-22 P.E. #10-\$36,975.00; Bryce Voigt, Refund-\$250.00; Building Sprinkler, Maintenance-\$489.55; Butler Machinery, Repairs-\$2,022.82; C & B Mitchell, Equipment-\$8,496.42; C & B Operations, Maintenance-\$1,654.78; Caroline Klinkhammer, Refund-\$130.80; Carquest Auto Parts, Supplies-\$397.98; Casey Tegethoff, Reimbursement-\$37.95; CDW Government, Supplies-\$330.22; Cemcast Pipe & Precast, Supplies-\$10,864.50; Central Dakota Times, Supplies-\$40.66; Central Electric, Utilities-\$490.65; Century Link, Utilities-\$68.95; Chad Brech, Refund-\$80.00; Charles Bannwarth, Refund-\$109.00; Cherrybee's, Supplies-\$12.00; CHR Solutions, Utilities-\$2,923.89; Christi Walz, Refund-\$320.00; City of South Sioux City, Garnishment-\$391.11; Claims Associates, Claim-\$5,000.00; Coborns, Contract Services-\$520.00; Coca Cola Bottling, Supplies-\$77.18; Commercial Asphalt/Spencer Quarries, Supplies-\$11,289.60; Connie Thury, Refund-\$261.60; Conrad Repair, Repairs-\$210.39; Continental Research, Supplies-\$541.71; Core-Mark Midcontinent, Supplies-\$3,661.61; Corporate Translation Service, Utilities-\$26.80; County Fair, Contract Services-\$540.00; Cyndy Demers, Refund-\$90.00; Dakota Fluid Power, Supplies-\$2,062.75; Dakota Pump, Repairs-\$ 8,489.52; Damon Bartscher, Refund-\$87.20; Daniel Stahl, Refund-\$218.00; Darrington Water Conditioning, Rental-\$21.00; Dave Pearson, Refund-\$80.00; David Eitemiller, Refund-\$130.80; David Thompson, Refund-\$130.80; Davison County Register of Deeds, Copies-\$2.00; Dawn Burns, Refund-\$80.00; Debra Walburg, Refund-\$210.80; Delta Dental Plan of South Dakota, Dental Insurance-\$14,132.66; Department of Motor Vehicle, Vehicle Registration-\$21.20; Department of Social Services, Child Support-\$1,126.96; Detco, Supplies-\$1,508.64; DMM Systems, Entertainment-\$19,060.00; Don Schryvers, Refund-\$261.60; Donald Husman, Refund-\$261.60; Donna Lafortune, Refund-\$65.40; Donna Lepke, Refund-\$109.00; Doug Driggs, 2020-24 P.E. #1-\$2,130.78; Eileen Moller, Refund-\$130.80; Elizabeth Jansen, Refund-\$75.00; Elwood Peterson, Refund-\$160.00; Eric Hieb, Contract Service-\$6,708.55; Ethan Hegg, Supplies-\$310.00; Etterman Enterprises, Supplies-\$355.86; Evident, Supplies-\$54.00; Farmers Alliance, Supplies-\$1,332.70; Fastenal, Supplies-\$324.88; Fedex, Express Services-\$13.39; First National Bank Omaha, Loan Payment-\$6,804.27; Fisher Scientific, Supplies-\$732.27; Forterra Pipe & Precast, Supplies-\$209.40; Forum Communications, Advertising-\$1,108.25; Gaylen's Homegrown Popcorn, Supplies-\$1,684.40; Goscoma, Annual Membership-\$150.00; Graham Tire, Repairs-\$92.52; Grainger, Supplies-\$133.79; Greg Horstman, Refund-\$80.00; H & W Contracting, 2019-22 P.E. #14-\$387,958.58; Hach, Supplies-\$2,420.44; Harlan Miller, Refund-\$54.50; Hauge, Garnishment-\$301.59; Hawkins, Supplies-\$4,824.34; HDR Engineering, 2020-17 P.E. #6-\$21,013.84; Helen Jacobsen, Refund-\$150.00; Henry Schein, Supplies-\$1,297.64; Hohbach Electric, Repairs-\$3,947.46; Honda of Mitchell, Supplies-\$31.96; Innovative Office Solution, Supplies-\$268.50; Integrity Transcription, Transcribing Service-\$128.70; Intellipro Security, Professional Service-\$2,853.36; Interstate Glass & Door, Maintenance-\$66.33; Interstate Office Products, Supplies-\$68.51; Irene Hoadley, Refund-\$54.50; Irma Zimmerman, Refund-\$130.80; Ivan Jelsma, Refund-\$109.00; Iverson Chrysler Center, Rental-\$49.95; James Valley Nursery, Repair-\$6,327.60; Jason Dicus, Reimbursement-\$91.40; JCL Solutions, Supplies-\$2,498.00; Jebro, Supplies-\$35,794.39; Jim Murtha, Refund-\$109.00; John Hegg, Refund-\$360.00; Jones Supplies, Supplies-\$1,736.75; Jordon Olson, Refund-\$90.00; Jordyn Glowcheski, Refund-\$90.00; Judy Haiwick, Refund-\$30.80; Judy Haverevold, Refund-\$196.20; Julie Mccord, Refund-\$176.40; Karen Martin, Refund-\$40.00; Karlee Tiesler, Refund-\$140.00;

Kathi Baade, Refund-\$130.80; Kathleen Wingen, Refund-\$109.00; Kathy Tupper, Refund-\$174.40; Keith Wels, Refund-\$130.80; Kelsi Oldencamp, Refund-\$90.00; Kimball-Midwest, Supplies-\$331.85; Kimberly York, Refund-\$70.00; Kiplinger Letter, Renewal-\$124.00; Kiwanis Club of Mitchell, Sports Authority Promotion-\$3,000.00; Ko Pest Control, Professional Service-\$315.00; Kone, Maintenance-\$808.89; Lawson Products, Supplies-\$117.91; Leland Tiede, Refund-\$109.00; Lenny Schrank, Refund-\$80.00; Levi Loudenburg, Refund-\$180.00; Liz Schiefen, Refund-\$400.00; Lucas Miller, Refund-\$70.00; M & T Fire and Safety, Repair-\$379.20; Make It Mine Designs, Supplies-\$692.50; Mark Harrington, Refund-\$109.00; Marlyn Heckel, Refund-\$130.80; Mary Perrson, Refund-\$163.50; Mathew Waters, Refund-\$180.00; Matt Geidel, Reimbursement-\$155.00; McKaylyn Bruce, Refund-\$70.00; McLeod's Printing, Supplies-\$6,744.59; Menard's, Supplies-\$2,377.46; Menning Backhoe, 2018-39 P.E #12-\$99,489.40; Merle Tilberg, Refund-\$109.00; Mettler Implement, Supplies-\$304.95; Meyers Oil, Supplies-\$5,221.94; Michael Frederick, Books-\$48.00; Microsoft, Supplies-\$910.00; Midcontinent Communications, Utilities-\$104.80; Midwest Alarm, Maintenance-\$81.00; Midwest Equipment Repair, Repairs-\$516.50; Midwest Laboratories, Lab-\$557.00; Midwest Turf & Irrigation, Supplies-\$2,154.29; Mike Phinney, Refund-\$109.00; Millennium Recycling, Contract Services-\$2,420.60; Mitchell Animal Rescue, Impound-\$350.00; Mitchell Baseball, Sports Authority Promotion-\$5,000.00; Mitchell Concrete Product, Supplies-\$63.12; Mitchell Iron & Supply, Supplies-\$13.44; Mitchell Lion's Club, Fireworks Cleanup-\$750.00; Mitchell Power Equipment, Supplies-\$35.00; Mitchell Skating & Hockey, Refund-\$3,622.75; Mitchell Telecom, Utilities-\$238.35; Mitchell United Way, Deductions-\$296.00; MSH Architects, Professional Service-\$1,800.00; Mueller Lumber, Supplies-\$15.44; Muth Electric, Repairs-\$1268.17; Nancy Conzemius, Refund-\$130.80; Napa Auto Parts, Supplies-\$677.41; Natalie Keating, Refund-\$105.00; Norma Cunningham, Refund-\$87.20; Northwestern Energy & Communications, Utilities-\$33,964.18; OCLC, Cataloging Fees-\$354.63; Olsen Auction Service, Surplus Auction-\$250.00; One Source the Background, Background Checks-\$203.65; Ordeen Ebel, Refund-\$100.00; Pam Fluit, Refund-\$285.00; Pamela Wolff, Refund-\$174.40; Paul Widman, Refund-\$109.00; Peg Rice, Refund-\$80.00; Pepsi Cola, Supplies-\$345.64; Peterson Concrete, Repair-\$5,887.44; Pfeifer Implement, Supplies-\$139.45; Pheasants Forever, 2019 Banquet-\$1,000.00; Pomp's Tire Service, Supplies-\$304.50; Premier Pest Control, Service-\$150.00; Public Health Laboratory, Lab-\$120.00; Puetz, 2019-48 P.E. #9-\$19,725.36; Qualified Presort, Mailing Service-\$392.96; Quick Med Claims, Service-\$2,892.18; Rick Plough, Refund-\$80.00; Robert Ferguson, Entertainment-\$500.00; Robert Stahl, Refund-\$90.00; Romeo Entertainment Group, Festival Concert-\$1,450.00; Ron Halweg, Refund-\$261.60; Ron Kogel, Refund-\$457.80; Ron's Bicycle and Locksmith, Supplies-\$60.50; Rose Moore, Refund-\$130.80; Rowman & Littlefield Publishing, Book-\$210.57; Runnings Supply, Supplies-\$535.98; Saga Communications of South Dakota, Advertising-\$250.00; Salley Florey, Refund-\$80.00; Sarah Blue, Refund-\$90.00; Sarah Reimche, Refund-\$28.00; Sarah Swenson, Refund-\$90.00; Savvik, Supplies-\$3,080.33; Schmucker Paul & Nohr, 2019-22 P.E. #56-\$7,912.35; Schoenfelder Portables, Rentals-\$1,040.00; Scott Supply, Supplies-\$76.48; South Dakota Department of Public Safety, Teletype Service-\$1,608.00; South Dakota Federal Property Agency, Supplies-\$300.00; South Dakota Newspaper Services, Advertising-\$630.96; South Dakota Retirement System, Retirement Contributions-\$48,373.74; South Dakota-Supplemental Retirement, Supplemental Retirement-\$2,609.80; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$525.00; South Dakota Solid Waste Management,

Membership-\$550.00; Secretary of State, Registration-\$250.00; Shannon Peters, Refund-\$100.00; Sharon Braun, Refund-\$100.00; Sharon Effling, Refund-\$130.80; Shawna Stach, Refund-\$90.00; Sherwin-Williams, Supplies-\$3,114.27; Sheryl Hartman, Refund-\$180.80; Sidney Wangerin, Refund-\$135.00; Sign Pro, Supplies-\$205.50; Sirchie Finger Print Labor, Supplies-\$216.15; Solarwinds Msp Canada, Supplies-\$203.43; Standard Insurance, Life Insurance-\$2,007.58; Staples, Supplies-\$803.72; State Disbursement Unit, Garnishment-\$546.77; Stephanie Boehnke, Refund-\$132.80; Stephanie Ellwein, Refund-\$18.00; Stitchtogether, Service-\$24.00; Sturdevant's Auto Parts, Supplies-\$2,481.02; Subway, Meals-\$37.74; Sun Gold Sports, Supplies-\$1,186.69; Susan Adams, Refund-\$87.20; The Center for Western Studies, Book-\$29.50; The Outkast Car Club, Car Show-\$1,500.00; Thomas L Price, Professional Service-\$350.00; Three-D Specialties, Supplies-\$621.15; Thune True Value Hardware, Supplies-\$276.39; Ticketforce, June Usage-\$90.00; TK Electric, Repairs-\$8,056.08; TMA Stores, Repair-\$163.82; Top Grade Concrete, Pay Estimates-\$19,977.40; Tractor Supply Credit Plan, Maintenance-\$74.24; Traffic Control, Supplies-\$66.00; Transource, Supplies-\$2,018.17; Tri Air Testing, Repair-\$195.01; Trizetto Provider Solution, Service Contract-\$71.70; Two Way Solutions, Supplies-\$2,614.99; Tyler Technologies, Maintenance-\$1,273.39; United Parcel Service Store #4227, Shipping-\$86.99; Van Diest Supply, Supplies-\$1,235.00; Verizon Wireless, Utilities-\$2,165.04; Vern Eide Chevrolet Buick, Supplies-\$292.98; Vicki Letcher, Refund-\$196.20; Vicky Gerlach, Refund-\$196.20; Viola Winters, Refund-\$54.50; Wade Miller, Refund-\$90.00; Wheelco Brake & Supply, Supplies-\$3,506.63; Wholesale Electronics, Supplies-\$11.76.

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

### **ORDINANCE:**

Moved by Rice, seconded by Sabers, to place Ordinance #O2020-10, An Ordinance that changes the Zoning Classification of the Real Property legally described as the W 56 feet of Outlot #7A, SW 1/4 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. Moved by Rice, seconded by McCardle, to adopt Ordinance #O2020-10, as follows:

### **ORDINANCE #O2020-10**

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; The 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 15<sup>th</sup> Ave) from R2 Single Family Residential District to HB Highway Oriented Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; The 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 15<sup>th</sup> Ave) from R2 Single Family Residential District to HB Highway Oriented Business District AND THE OFFICIAL ZONING MAP 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, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

**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 Steven Ahlers for a front yard variance of 20 feet vs 30 feet for construction of a commercial storage building located at 126 W 15<sup>th</sup> Ave, legally described as W 56 feet of Outlot #7A, SW 1/4 of Section 15, T 103 N, R 60 W, City of Mitchell, Davison County, South Dakota. The property is rezoned to HB Highway Oriented Business District. Notice of hearing has been given and affidavit of publication is on file. The Planning Commission recommended approval of said application. Moved by Allen, 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 Juan Contereras for an oversize variance of 2,296 square feet vs 2,000 square feet as required to construct a detached garage located at 901 E 4<sup>th</sup> Ave, legally described as Lots 9 & 10, Block 13, F.M. Greene 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. The Planning Commission recommended approval of said application. Moved by Smith, seconded by Rice, to approve said application. Motion carried.

Moved by Rice, seconded by McCardle, to set date of September 21, 2020 on the application of Randy & Tami Young for a conditional use permit to operate a family residential childcare center at located 522 N Duff St, legally described as Lot 4, Block 13, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

**CONSIDER APPROVAL:**

Moved by Sabers, seconded by Tjarks, to approve the closure of the Corn Palace Plaza parking lot on September 11, 2020 from 4:00 p.m.-11:00 p.m. for the 100 Day Challenge/Abbott House Fundraiser. Motion carried.

Moved by Sabers, seconded by Allen, to approve one 15 minute restricted parking space on the corner for Exit Reality, 117 East 4<sup>th</sup>. Motion carried.

Moved by McCardle, seconded by Barington, to approve Agreement #A2020-26, Airport Master Plan Grant Offer with Federal Aviation Administration, Project AIP #3-46-0037-28, and authorize the Mayor to sign all documents required for the project. Motion carried.

Moved by Tjarks, seconded by Barington, to approve Agreement #A2020-35, SDDOT-Air, Rail, & Transit for Airport Improvement, Project AIP #3-46-0037-28, in an amount not to exceed \$422,854.00 and authorize the Mayor to sign all documents required for the project. Motion carried.

Moved by Allen, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2020-36, Technical Assistance Agreement for EDA Contract Administrative Services for East Central Drainage Phase II, Project #2019-39 with District III Planning & Development. Motion carried.

Moved by Tjarks, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2020-37, Palace Transit & South Central Child Development, Inc. Motion carried.

Moved by Rice, seconded by McCardle, to approve and authorize the Mayor to sign Agreement #A2020-38, Perpetual Easement for East Central Drainage Phase II Project #2019-39. Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on the proposed resolution Levying Business Improvement District #3. Discussion continued with property owners in the proposed area.

**RESOLUTIONS:**

Moved by Tjarks, seconded by Allen, to approve Resolution #R2020-48, Levying Business Improvement District #3 Special Assessments for 2020-2021, as follows:

**RESOLUTION #R2020-48**

**A RESOLUTION IMPLEMENTING AN OCCUPATIONAL TAX FOR  
BUSINESS IMPROVEMENT DISTRICT #3**

WHEREAS a public hearing was held on September 8, 2020 by the City Council for the City of Mitchell, South Dakota regarding levying of special assessment for properties included in Business Improvement District #3 (BID #3); and



WHEREAS the City Council following said hearing has determined that the special assessments are proper and reflect the special benefit to each property proposed to be assessed; and

WHEREAS the assessment roll has been reviewed and found to be acceptable;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Mitchell, SD that:

1. That as required by Ordinance #O2018-05, a BID #3 assessment “year” is hereby established to begin on July 1<sup>st</sup> and continue until June 30<sup>th</sup> of the following year.
2. The special assessments for BID #3 as outlined in the attached assessment roll are hereby levied against the properties listed in the assessment roll.
3. These assessments shall be due and payable in two installments, the first half due on or before December 31, 2020 and the remainder due on or before June 30, 2021. The assessments shall be collected under Ordinance #O2018-05 and Plan Two as provided by SDCL 9-43-102.
4. Such assessments shall be subject to the provisions of Ordinance #O2018-05.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Tjarks, to approve Resolution #R2020-56, A Plat of Lots 1-5, Kirkegaard Addition in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE 1/4 SW 1/4 SE 1/4) of Section 3, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota (Revised from #R2020-49), as follows:

**RESOLUTION #R2020-56**

\*Revised from #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 24<sup>th</sup> day of August, 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 Allen, seconded by Barington, to approve Resolution #R2020-57, A Plat of Lot 31 of Maui Farms Second Addition, A Subdivision of the SE 1/4 of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2020-57**

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 24<sup>th</sup> day of August, 2020; and

WHEREAS, it appears from an examination of the plat LOT 31 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, 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 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 LOT 31 FOR MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> 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.

Moved by McCardle, seconded by Smith, to approve Resolution #R2020-58, A Plat of Lots 13A and 13B, H.C. Applegate's Addition to the City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2020-58**

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 24<sup>th</sup> day of August, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 13A AND 13B, BLOCK 7, H.C. APPLGATE'S ADDITION TO THE CITY OF MITCHELL, 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 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 OF 13A AND 13B, BLOCK 7, H.C. APPLGATE'S ADDITION TO THE CITY OF MITCHELL, 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.

Moved by Tjarks, seconded by Rice, to approve Resolution #R2020-59, A Plat of Tract 1 of Wendelboe First Addition in the NE 1/4 of Section 15, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

**RESOLUTION #R2020-59**

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 24<sup>th</sup> day of August, 2020; and

WHEREAS, it appears from an examination of the plat TRACT 1 OF WENDELBOE FIRST ADDITION IN THE NE ¼ OF SECTION 15, T 102 N, R 60 W OF THE 5<sup>TH</sup> 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 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 TRACT 1 OF WENDELBOE FIRST ADDITION IN THE NE ¼ OF SECTION 15, T 102 N, R 60 W OF THE 5<sup>TH</sup> 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.

Moved by Rice, seconded by Allen, to approve Resolution #R2020-60, Granting an Easement in Relation to an Encroaching Structure in Public Alleyway at 421 South Wisconsin, as follows:

**RESOLUTION #R2020-60**

A RESOLUTION GRANTING AN EASEMENT REGARDING A MINOR  
ENCROACHMENT OF A STRUCTURE INTO PUBLIC ALLEYWAY  
AT 421 SOUTH WISCONSIN

WHEREAS the City has been informed of a minor encroachment of a longstanding dwelling into a public alleyway; and

WHEREAS the City has determined that the most equitable solution in regards to the minor encroachment is to grant a conditional easement in relation to the structure.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the Mayor of Mitchell, SD, is by these presents authorized, pursuant to SDCL 9-1-5, on behalf of the City of Mitchell, to execute the Easement as to 421 South Wisconsin, and any supplementary documentation, so long as such are in substantially the same form as has been presented to the Council.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by McCardle, to approve Resolution #R2020-61, Authorize Application for Land & Water Conservation Fund (LWCF) Grant, as follows:

**RESOLUTION #R2020-61**  
**Resolution of Governing Body**

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreations projects;

NOW, THEREFORE BE IT RESOLVED:

1. That **Robert B. Everson, Jr. Mayor** is hereby authorized to execute and file an application on behalf of the **City of Mitchell** with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing the **Dry Run Creek Trail Lighting Project** for the **City of Mitchell**, South Dakota and its Environs.
2. That **Michelle Bathke**, Municipal Finance Officer, is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.
3. That the **City of Mitchell** shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

**Certification of Recording Officer**

The undersigned duly qualified and acting Municipal Finance Officer of the **City of Mitchell** does hereby certify: That the attached Resolution is a true and correct copy of the Resolution, authorizing the filing of

application with the National Park Service as regularly adopted at a legally convened meeting of the **City of Mitchell** duly held on the **8th day of September 2020**, and further that such Resolution has been fully recorded in the journal of proceedings and records in my office.

Motion carried and resolution declared duly adopted.

**DISCUSSION:**

Donald Hammond, Brosz Engineering, updated the City Council on the box culverts located at Dry Run Creek on Minnesota Avenue, Burr Street, and the West End Bridge. Hammond told the City Council that the bridges are in satisfactory working conditions.

**RESOLUTION:**

Moved by McCardle, seconded by Tjarks, to approve Resolution #R2020-62, A Resolution Declaring an Emergency for Repairs to Municipal Buildings, as follows:

**RESOLUTION #R2020-62**

**A RESOLUTION DECLARING AN EMERGENCY FOR REPAIRS TO MUNICIPAL BUILDINGS**

WHEREAS the lack of adequate air purification systems in Municipal Buildings poses a serious threat to occupant health and safety, including staff and the public during the current COVID-19 Pandemic;

WHEREAS the existing HVAC systems can be modified to add a purification system to improve indoor air quality for staff and the public who use the facilities;

WHEREAS Davison County continues to see increasing cases, making those modifications necessary as soon as possible;

THEREFORE, IT IS RESOLVED by the City Council of the City of Mitchell, SD that, pursuant to SDCL 5-18A-9, there is hereby declared an emergency on the basis of public health and safety due to the current COVID-19 pandemic.

IT IS FURTHER RESOLVED that the Public Works Department shall purchase such equipment and engage a competent contractors to complete the installation of such equipment as is necessary to install the air purification systems at the following municipal buildings: City Hall, Public Safety, JVCC, Library, Corn Palace, Mitchell Activity Center. Recreation Center, and Indoor Pool. These procurements are to be made with such competition as is practicable under the circumstances. Public Works shall include a copy of this resolution and a written document explaining the basis for choosing the selected contractor in the contract file for this project.

Motion carried with Rice voting nay and resolution declared duly adopted.


**ORDINANCES:**

Moved by Allen, seconded by McCardle, to place Ordinance #O2020-12, A Supplemental Appropriation Ordinance on first reading and remove Professional Services of \$50,000.00 from the Ordinance. Motion carried.

Moved by Allen, seconded by Barington, to place Ordinance #O2020-11, 2021 Annual Appropriation Ordinance 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 \_\_\_\_\_.