

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

**September 21, 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

EXECUTIVE SESSION:

Moved by Rice, seconded by Barington, 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. Motion carried.

Mayor Everson declared the board out of executive session at 6:17 p.m. and the City Council to reconvene in regular session at 6:18 p.m.

AGENDA:

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

- a. City Council Minutes
 - 1. City Council September 8, 2020.
- b. Committee Meeting Minutes
 - 1. Planning Commission August 24, 2020, and
 - 2. Community Services Advisory Board September 10, 2020.
- c. Department Reports
 - 1. Finance (August),
 - 2. Sales Tax Collections (August),
 - 3. Building Permits (August),
 - 4. Police (August),
 - 5. Fire and EMS (August),
 - 6. Lawn Mowing (June),
 - 7. Lawn Mowing (1) (July),
 - 8. Lawn Mowing (2) (July),
 - 9. Lawn Mowing (August),
 - 10. Airport (August), and
 - 11. Water (August).
- d. Raffle Permit

- 1. John Paul II School with the drawings to be held on January 22, 29, February 5, 12, 19, 28, 2021.
- e. Request to Amend SD DOT Section 5311 Grant.
- f. Request to accept SD DOH National Diabetes Prevention Program Grant.
- g. Request to accept SD DOH Self-Measured Blood Pressure Monitoring Grant.
- h. Approval of Gas & Fuel Quotations

<u>Howes Oil Company</u>	<u>Requested</u>	<u>Bid</u>	<u>Price per</u>	<u>Total Bid</u>
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	2,400	2,400	\$1.525	\$ 3,660.00*
Off Road Diesel-#2	5,100	5,100	\$1.250	\$ 6,375.00*
		Total Bid:		\$10,035.00*

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

- i. Pay Estimates September 21, 2020
 - Pay Estimate #8 in the amount of \$190.00 for James Valley Community Center Driveup Window #2019-7 contracted to L.L. Jirsa, Architect,
 - Pay Estimate #1 in the amount of \$3,565.31 for James Valley Community Center Wall Repair #2019-7 contracted to N.H. Masonry Restoration,
 - Pay Estimate #3 in the amount of \$49,147.68 for Asphalt/Concrete Crushing #2019-9 contracted to Dakota Constructors Inc,
 - Pay Estimate #7 in the amount of \$12,982.50 for Dry Run Creek Analysis #2019-33 contracted to Infrastructure Design Group,
 - Pay Estimate #7 in the amount of \$21,692.50 for Sunnyside & University Storm Water Study #2020-8 contracted to McLaury Engineering, Inc,
 - Pay Estimate #5 in the amount of \$24,600.00 for Paving & Overlay #2020-15 contracted to Commercial Asphalt,
 - Pay Estimate #9 in the amount of \$855.00 for Public Safety Building Reroof #2020-16 contracted to L.L. Jirsa, Architect,
 - Pay Estimate #7 in the amount of \$2,049.53 for Waste Water Treatment Plant-Facility Plan #2020-17 contracted to HDR Engineering,
 - Pay Estimate #2 in the amount of \$2,249.61 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry,
 - Pay Estimate #3 in the amount of \$1,767.15 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry,
 - Pay Estimate #3 in the amount of \$665.00 for Crafty Fox Building Repairs #2020-24 contracted to L.L. Jirsa, Architect,
 - Pay Estimate #1 in the amount of \$5,000.00 for Crafty Fox Building Repairs #2020-24 contracted to N.H. Masonry Restoration,
 - Pay Estimate #5 in the amount of \$1,200.00 for MAC Ice Arena Roof Repairs #2020-36 contracted to MSH Architects, and
 - Pay Estimate #3 in the amount of \$18,598.14 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates.
- j. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer.

PAYROLL AUGUST 23, 2020 – SEPTEMBER 5, 2020: City Council \$3,199.68, Mayor \$1,331.42, City Administrator \$5,066.46, Attorney \$4,210.23, Finance \$12,311.48, Human

Resources \$3,389.09, Municipal Building \$3,235.64, Information Technology \$2,603.12, Police \$67,663.32, Traffic \$4,402.12, Fire \$31,545.79, Street \$26,187.40, Public Works \$22,373.90, Cemetery \$5,033.05, Library \$13,022.07, Recreation & Aquatics \$5,202.29, Recreation Center \$16,412.23, Sports Complexes \$10,328.18, Ballpark Concessions \$204.53, Parks \$13,423.53, Supervision \$5,449.06, E911 \$22,072.52, MVP \$743.78, Palace Transit \$19,239.64, JVCC \$1,025.04, Nutrition \$3,227.25, Water Distribution \$13,398.62, Sewer \$12,256.52, Airport \$2,445.61, Recycling Program \$5,908.54, Waste Collection \$6,050.85, Landfill \$8,943.99, Corn Palace \$21,079.26, Golf Course \$6,277.50, Campground \$1,079.40, Emergency Medical Services \$29,318.57.

NEW HIRES:

CORN PALACE: Nick Jarman-\$9.85.

SPORTS COMPLEXES: Nolan Tegels-\$11.35.

RECREATION CENTER: Noah Bartsher-\$9.85, Ashley Miedema-\$10.35, Reegan Nydam-\$10.35, Morgan Osthus-\$10.85, Rebecca Buchholz-\$10.85, Kortni Grubb-\$9.85.

WASTE COLLECTION: Walter Davis-\$18.878.

PALACE TRANSIT: Jacque High-\$18.650.

SALARY ADJUSTMENTS:

POLICE: Mandy Juhnke \$24.467, Justin Stoltenburg-\$24.467.

FIRE: Shannon Sandoval-\$30.183, Abigail Hofer-\$19.400.

STREET: Steven Anderson-\$30.570.

LIBRARY: LaJeane Jons-\$24.180.

SPORTS COMPLEXES: Shane Taylor-\$20.332.

WASTEWATER: Jonathan Rehfeldt-\$21.628.

WATER: Tylor Peterson-\$30.588.

TERMINATIONS:

PARKS: Emily Becker, Stanley Fouberg, Kaden Soukup, Taylor Hoppe, Janel Contereas.

WARRANTS: A & B Business Solutions, Contract-\$4,292.78; A-Ox Welding Supply, Supplies-\$86.94; AAA Collections, Pre-Collection-\$10.00; AAA Lawn Care and Maintenance, Service-

\$825.00; Advance Auto Parts, Supplies-\$24.68; AFSCME Council 65, Union Dues-\$519.20; Amazon Capital Services, Supplies-\$214.67; American Garage Door, Supplies-\$162.00; Ameripride Services, Supplies-\$30.00; Andrew Becker, Reimbursement-\$147.74; Aqua-Pure, Supplies-\$2,962.50; Arctic Refrigeration, Supplies-\$231.71; Aurora County Auditor's Office, Alcohol Compliance Checks-\$67.21; Avera Occupational Medicine, Contract Services-\$1,336.00; Avera Queen of Peace Hospital, Supplies-\$155.26; B-Y Water District, August Usage-\$135,611.93; Bailey Metal Fabricators, Repairs-\$99.98; Becker Arena Products, Supplies-\$157.26; Bender's Sewer Cleaning, Maintenance-\$200.00; Big Daddy D's, Supplies-\$3,599.37; Bob Lemon, Refund-\$109.00; Boyer Trucks Sioux Falls, Supplies-\$41.90; Buhl's Drycleaning, Service-\$49.00; C & B Operations, Repairs-\$459.60; Carquest Auto Parts, Supplies-\$14.97; Cathy Weber, Bid District #3 Grant-\$2,700.00; CDW Government, Supplies-\$2,898.63; Central Electric, Monthly Service-\$12,014.67; Cherrybee's, Supplies-\$106.00; City of Mitchell, Utilities-\$34,251.85; City of Mitchell, Campground Hotel Tax-August-\$228.00; City of South Sioux City, Garnishment-\$464.78; Claims Associates, Liability-\$2,018.56; Coborns, Contract Services-\$615.00; Coca Cola Bottling, Supplies-\$2,385.74; Commercial Asphalt, Pay Estimates-\$24,600.00; Commercial Asphalt/Spencer Quarries, Supplies-\$594.60; Construction Products, Supplies-\$375.80; Cook Implement, Supplies-\$1,422.20; Core & Main, Supplies-\$9,769.28; Core-Mark Midcontinent, Supplies-\$2,943.98; Corn Palace Concessions, Supplies-\$12.00; Corporate Translation Service, Translation Service-\$43.72; County Fair, Supplies-\$518.36; Custom Carpentry, Pay Estimates-\$4,016.76; Dakota Constructors, 2019-9 P.E. #3-\$49,147.68; Dakota Fluid Power, Supplies-\$1,508.76; Dakota Pump, Repair-\$3,959.27; Dakota Supply Group, Supplies-\$624.42; Dakota Wesleyan University, CP Street Expense-\$1,500.00; Dan Anderson, Refund-\$163.50; Daniel Fechner, Supplies-\$295.63; Darrington Water Conditioning, Repairs-\$215.45; Davison County Register of Deeds, Copies-\$93.00; Davison Rural Water Systems, Utilities-\$85.25; Dawn Niehoff, Reimbursement-\$67.96; Deb Fastnacht, Travel-\$107.10; Dell Marketing, Supplies-\$9,440.10; Department of Transportation, Renewal-\$620.00; Department of Social Services, Child Support-\$1,126.96; Dick's Body Shop, Repairs-\$90.00; Dick's Towing, Police Tow-\$170.00; Doug's Custom Paint & Body, Supplies-\$79.98; Dug Out, Contract Services-\$595.00; Duwayne Helm, Refund-\$132.80; Emergency Education, Training-\$50.00; Environmental Equipment & Service, Supplies-\$1,351.07; Environmental Systems Research Institute, Maintenance-\$3,650.00; Farmers Alliance, Repairs-\$2,953.47; Fastenal, Supplies-\$288.03; Fedex, Express Services-\$13.62; Forum Communications, Advertising-\$1,542.30; Gaylen's Homegrown Popcorn, Supplies-\$1,184.40; Gene Larsen, Refund-\$109.00; Grainger, Supplies-\$68.84; Great Western Tire, Supplies-\$7,286.00; Harve's Pro Prints, Supplies-\$364.90; Harve's Sport Shop, Supplies-\$17.40; Hauge Associates, Garnishment-\$304.96; Hawkins, Supplies-\$2,886.80; HDR Engineering, 2020-17 P.E. #7-\$2,049.53; Heartland Ag Systems, Supplies-\$6.50; Helms and Associates, AIP '28 P.E. #3-\$18,598.14; Hillyard/Sioux Falls, Supplies-\$69.80; Hohn's Services, Lawn Mowing-\$1,890.00; Honda of Mitchell, Supplies-\$66.42; Howes Oil, Supplies-\$12,100.22; Ican, Contract-\$750.00; Independent Viking Glass Supplies-\$109.09; Infrastructure Design Group, 2019-33 P.E. #7-\$12,982.50; Innovative Office Solution, Supplies-\$502.03; Integrity Transcription, Transcribing Service-\$125.40; Interstate Office Products, Supplies-\$145.47; Iverson Chrysler Center, Supplies-\$502.80; Jackie Penne, Membership-\$80.00; James Valley Nursery, Supplies-\$3,892.73; JCL Solutions, Supplies-\$5,095.88; JD Concrete Products, Supplies-\$612.50; Johnson Controls, Maintenance-\$4,109.33; Johnson South Dakota, Supplies-\$147.28; Jones Supplies, Supplies-\$2,273.49; Josh's Tools, Supplies-\$117.00; Julie Kunkel, Refund-\$130.80; Kansas Highway Patrol Car, 2019 Ford Police Interceptor-\$26,350.00; Kay Park Recreation,

Supplies-\$3,147.00; Kendall Menutt, Refund-\$196.20; Kiplinger Letter, Renewal-\$99.00; Krohmer Plumbing, Repairs-\$492.34; Lakeview Veterinary Clinic, Dog Pound-\$1,059.52; Larry Jirsa, Pay Estimates-\$1,710.00; Larry's I-90 Service, Supplies-\$516.39; M & T Fire and Safety, Supplies-\$2,350.38; Make it Mine Designs, Supplies-\$696.27; Marlene Jendersee, Refund-\$130.80; Matt & Michaela Doerr, Bid District #3 Grant Payment-\$7,000.00; McLaury Engineering, 2020-8 P.E. #7-\$21,692.50; McLeod's Printing, Supplies-\$2,088.42; Mebius Nursery & Landscaping, Repairs-\$750.00; Mega Wash, Supplies-\$12.00; Menard's, Supplies-\$1,325.20; Meyers Oil, Supplies-\$2,302.62; Mid States Audio, Maintenance-\$816.57; Midcontinent Communication, Advertising-\$1,746.00; Midwest Laboratories, Lab-\$377.00; Misty Miller, Refund-\$174.40; Mitchell Concrete Product, Supplies-\$1,515.75; Mitchell Convention & Visitors Bureau, 2020 Funding-September-\$22,750.00; Mitchell Christian School Cross Country, Sports Authority Promotion-\$500.00; Mitchell Iron & Supply, Supplies-\$121.56; Mitchell School District, Utilities-\$1,475.44; Mitchell School District, Sports Authority Promotion-\$900.00; Mitchell Telecom, Utilities-\$2,672.88; Mitchell United Way, United Way Deductions-\$196.00; Mobotrex, Maintenance-\$112.00; MSH Architects, 2020-36 P.E. #5-\$1,200.00; Mount Vernon School District, Contract Services-\$7.15; Mueller Lumber, Supplies-\$241.48; Muth Electric, Supplies-\$548.79; Nalco, Supplies-\$87.50; Nancy McPeck, Refund-\$261.60; Napa Auto Parts, Supplies-\$83.37; New Century Press, Advertising-\$187.50; Nick Heisinger, Pay Estimates-\$8,565.31; North Central Seed, Supplies-\$142.50; Northwestern Energy & Communications, Utilities-\$58,012.53; Online Computer Library Center, Cataloging Fees-\$354.63; One Source the Background, Background Checks-\$117.00; Parkston Boom's Restaurant, Contract Services-\$2,740.25; Pepsi Cola, Supplies-\$767.11; Peterbilt of Sioux Falls, Supplies-\$99.80; Porta Pros, Rental-\$151.00; Postal Solutions, City Mailers-\$1,997.31; Premier Pest Control, Contract Services-\$200.00; Public Health Laboratory, Lab-\$777.00; Qualified Presort, Mailing Service-\$472.81; Richard & Betty Anderson, Bid District #3 Grant Payment-\$9,250.00; Ron's Bicycle and Locksmith, Repairs-\$130.00; Roxanne Ford, Refund-\$261.60; Runnings Supply, Supplies-\$2,289.45; S & M Printing, Supplies-\$133.00; S & S Willers, Supplies-\$785.31; Saga Communications of South Dakota, Contract-\$3,482.70; Santel Communications, Utilities-\$106.16; Schoenfelder Portables, Rentals-\$3,450.00; South Dakota Federal Property Agency, 2008 Chevy Ext Cab Pickup-\$12,500.00; South Dakota Newspaper Services, Advertising-\$458.88; South Dakota Retirement System, Retirement Contributions-\$49,148.18; South Dakota Supplemental Retirement, Supplemental Retirement Contributions-\$2,609.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$525.00; South Dakota Library, Membership-\$70.00; Sherwin-Williams, Supplies-\$241.78; SHI International, Supplies-\$2,516.64; Shive-Hattery, August Services-\$13,120.00; Solarwinds, August Service/Usage-\$203.99; Sonco Perimeter Security, Supplies-\$3,349.19; South Dakota 811, Professional Service-\$239.40; Spectacular Quilting, Supplies-\$26.99; Standard Insurance Company, Life Insurance-\$415.14; Staples, Supplies-\$189.32; State Disbursement Unit, Garnishment-\$546.77; Sturdevant's Auto Parts, Supplies-\$1,572.64; Subway, Meals-\$44.03; Sun Gold Sports, Supplies-\$800.00; Tabitha Girard, Refund-\$50.00; Teamsters Local No. 120, Union Dues-\$981.00; Tessier's, Parts-\$162.14; Thune True Value Hardware, Supplies-\$516.96; Ticketforce, Usage Fees for August-\$869.80; Tim's Towing & Recovery, Police Tow-\$125.00; TK Electric, Supplies-\$323.06; TMA Stores, Repair-\$155.23; Tractor Supply Credit Plan, Supplies-\$5.29; Trizetto Provider Solution, September Claims-\$71.70; Upper Midwest Garage Door, Supplies-\$1,156.12; United Parcel Service Store #4227, Shipping-\$88.28; United States Postal Service, Postage-\$60.53; Van Diest Supply, Supplies-\$2,496.50; Verizon Wireless, Utilities-\$320.15; Vern Eide Chevrolet Buick, Supplies-

\$140.00; Walmart, Supplies-\$141.04; Wellmark, Cobra-\$2,972.28; Wheelco Brake & Supply, Supplies-\$441.60; Wholesale Electronics, Supplies-\$42.50; Wireless Links, Maintenance-\$90.00; Zimco Supply, Supplies-\$3,053.00; South Dakota State Treasurer, Sales Tax-\$20,438.24; US Bank, 2013 Norway Lift Station-\$9,058.30; Wage Works, Flex Expense-\$4,411.51; Wellmark of South Dakota, Medical Expenses-\$197,208.51; CorTrust Bank, Supplies-\$44.60.

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

CITIZENS INPUT:

Mayor Everson commended Mitchell Police Officers Niko Arnold, and Tyler Urban for their professional handling of the recent incident at the Mitchell School Board meeting.

BOARD OF ADJUSTMENT:

Moved by Tjarks, seconded by Barington, 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 Randy & Tami Young for a conditional use permit to operate a family residential childcare center located at 522 N Duff St, legally described as Lot 4, Block 13, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given and affidavit of publication is on file. The Planning Commission recommended approval of said application with the following conditions: the permit is not transferable, and if the business ceases for a period of six months or longer then a new permit will be required. Moved by Allen, seconded by McCardle, to approve said application with the Planning Commission recommendations. Motion carried.

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

CONSIDER APPROVAL:

Moved by Sabers, seconded by Rice, to approve repairs for two storm sewer outfall washout repairs and to reallocate funds from the storm water fund as follows:

1. Washout located south of Hitchcock Park and to the east of Northwestern Energy lot north of Dry Run Creek with an estimated cost of \$30,000.00 to Schoenfelder Construction and Forterra Pipe and Precast.
2. Washout east of the Foster Street Bridge north of Dry Run Creek with an estimated cost of \$38,000.00 to VanderPol Dragline and Cemcast Pipe and Precast.

Motion carried.

Moved by Allen, seconded by Barington, to approve Amendment #1, SPN & Associates for Kibbee Ditch Improvements Phase I-Staking Project #2018-31. The Amendment will update SPN's billable rates from 2017 to 2020 rates. The amount of the proposed contract will increase by \$900.00. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the proposed resolution for Collection of Special Assessments for 2019 Construction Projects, Sidewalk Projects and Nuisance Abatements. Terry Johnson, Engineering Project Supervisor, reviewed the assessment roll. Discussion continued with property owners in the proposed area.

RESOLUTIONS:

Moved by Tjarks, seconded by Rice, to approve Resolution #R2020-63, Collection of Special Assessments for 2019 Construction Projects, Sidewalk Projects and Nuisance Abatements, as follows:

RESOLUTION #R2020-63
PROVIDING FOR COLLECTION
OF SPECIAL ASSESSMENT ROLLS FOR
2019 CONSTRUCTION PROJECTS, 2019
SIDEWALK PROJECTS AND 2019 NUISANCE ABATEMENTS
#2019-4 Sidewalk Projects, #2019-14 Curb and Gutter,
#2019-15 Paving and Overlay, Misc. Projects and
#2019 Nuisance Abatements

WHEREAS, Special Assessment Roll for the 2019 Construction Projects and 2019 Nuisance Abatements have been submitted by the Engineering Project Supervisor of Public Works to the City Council of the City of Mitchell for their approval.

WHEREAS, SDCL-9-43-29, 1981; requires the governing body of a municipality provide by resolution or ordinance whether said aforementioned special assessments and installments thereof shall be payable under Plan One, collection by the County Treasurer, or Plan Two, collection by the Municipal Finance Officer, and the number of annual installments into which said assessments shall be divided; and

WHEREAS, SDCL-9-43-13, 1981; requires the rate of interest that deferred installments shall bear be specified on that assessment roll.

The Special Assessments to be levied for payment of construction costs for the #2019-4 Sidewalk Project, if the total assessment is over one hundred dollars (\$100.00) shall be divided into five (5) annual installments each equal to one-fifth of the total amount assessed to each lot of tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-29. The interest to be charged shall be 8%. If the construction costs for sidewalk is under one hundred dollars (\$100.00) payment shall be one (1) installment equal to the total amount assessed to each lot or tract listed

in said Special Assessment Roll and that the collections thereof shall be according to Plan One, as provided by SD-9-43-29.

The Special Assessments to be levied for payment of costs of 2019 Nuisance Abatement Projects shall be one (1) installment, equal to the total amount assessed to each lot or tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-29. The interest to be charged shall be 8%.

The description of all lots and parcels of land to be assessed together along with the amount properly chargeable are shown on said Special Assessment Roll.

The Property Owner will have 30 days after the collection hearing, starting September 22, 2020 until October 21, 2020 to pay their assessment in full to avoid paying any interest. Payments can be made in the finance office in City Hall at 612 North Main Street.

The Assessment Role shall be open for public inspection at the finance office in City Hall.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Rice, to approve Resolution #R2020-64, Dissolving Tax Increment District #22, as follows:

RESOLUTION #R2020-64

Resolution Dissolving Tax Increment District #22

PREAMBLE:

WHEREAS, Tax Increment District #22, hereinafter referred to as TID #22, was established on or about April 4, 2016; and

WHEREAS, the positive tax increments during the term of this TID have been deposited in a special fund denominated "Tax Increment District Number Twenty-Two", for the payment of the incurred authorized debt and expenses of the TID; and

WHEREAS, all debts and expenses of TID #22 have been paid in full, and pursuant to SDCL 11-9-46, the TID shall terminate and the District will be dissolved when the payment of all projected costs and all tax incremental bonds and notes have been paid;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MITCHELL:

That Tax Increment District #22 be, and it is hereby, dissolved, inasmuch as the payment of all projected costs and all tax incremental bonds and notes have been paid in full.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Barington, to approve Resolution #R2020-65, Authorizing Nuisance Abatement at 124 East 1st Avenue, as follows:

RESOLUTION #R2020-65

**A RESOLUTION AUTHORIZING THE ABATEMENT
OF A NUISANCE AT 124 EAST 1ST AVENUE**

WHEREAS the City of Mitchell issued an Order to Correct to Santos Mejia Cerritos and Maria Emelina De Mejia, 501 S Mcknelly Avenue, Sioux Falls, SD 57106, on August 29, 2019 regarding property at 124 East 1st Avenue, Mitchell, SD legally described as the "East 50' Of Lot 5 & Lot 6, except the north 34' of Lot 5, Block 12, Original Mitchell, Davison County, South Dakota"; and

WHEREAS the property described in the Order to Correct is hereby declared a public nuisance upon the same grounds stated therein; and

WHEREAS the City has given notice and order to abate or otherwise cure the nuisance condition of the property to the record owner of the premises; however, the record owner of the premises has failed to abate or otherwise cure the nuisance conditions upon the property above described; and

WHEREAS the City has a statutory right to abate nuisances and assess such costs against the nuisance property.

THEREFORE, IT IS RESOLVED by the City Council of the City of Mitchell, SD that the City authorizes the abatement of nuisance conditions at 124 East 1st Avenue by demolition of the structure and backfilling the lot so as to remove all nuisance conditions from the property.

BE IT FURTHER RESOLVED that the City Attorney is authorized to take any further legal action deemed appropriate to address the nuisance.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Barington, to approve Resolution #R2020-66, Vacation of the Right-Of-Way described as: That Strip of Land 20 feet wide by 158 feet East and West along the North Edge of said Vacated "F" Avenue, also known as "Fir" Avenue, Adjacent to Lot 7, Block 19, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2020-66

WHEREAS, The petitions and consent in writing of Gregory R. & Marjorie J. Tilberg owners of Lots 7 to 12 and vacated Ave F Adjacent of Lot 7, Block 19, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota respectfully in due and proper form, are requesting the Governing Body of the City of Mitchell to vacate the alley right-of-way, subject to existing utilities, described as set forth

below pursuant to the statutes in such cases made, and provided, particularly SDCL 9-45-7, et. Seq. and the petitioners respectfully show and represent the following;

That strip of land 20 feet wide by 158 feet east and west along the north edge of said vacated "F" Avenue, also known as "Fir" Avenue, adjacent to Lot 7, Block 19, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota.

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

WHEREAS, Notice of Hearing in relation to said Petitions was made by publication as required by law providing that such Petitions would be heard and considered by the Governing Body of the said City Council on the 21st day of September, 2020 at 6:00 p.m., in the Chambers of the City Council of the City of Mitchell, South Dakota; and

WHEREAS, Said Council did meet to consider and hear said Petition on the said 21st day of September, 2020 at the time and place specified in said Notice, and that the said Petitions was duly heard and considered by this Council, the Petitioners and considerations of those objecting were heard by Council were presented in regards to said Petitions, in writing or otherwise.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 21st day of September, 2020 that upon proper hearing and consideration of said Petitions, this Council finds;

1. That due notice of the hearing of said Petition was given by the City Finance Officer by publication of a Notice thereof in the form prescribed by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota , for two (2) successive weeks, to-wit: September 2 & 9, 2020.
2. That the Petitioners are the sole owners of all of the property abutting the right-of-way requested to be vacated and have requested that said right-of-way be vacated subject to existing utilities, easements, and other restrictions of record, and further subject to a prohibition against construction of improvements within the above described area to be vacated. Said owners having consented in writing to the vacation of said alley and which consent is made part of the petition.

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

That strip of land 20 feet wide by 158 feet east and west along the north edge of said vacated "F" Avenue, also known as "Fir" Avenue, adjacent to Lot 7, Block 19, Van Eps 1st Addition, City of Mitchell, Davison County, South Dakota.

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

vacated, specifically, the City reserves to itself an easement for sewer and other utility purposes encompassing the entire area to be vacated.

Roll call vote. Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by McCardle, to approve Resolution #R2020-67, A Plat of Lots 6, 7, 8, 9, 10, 11, and 12, Block 2, MLC Addition, A Subdivision of Lot 4B, Block 4, Morningview Addition to the City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2020-67

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 14th day of September, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 6, 7, 8, 9, 10, 11, AND 12, BLOCK 2, MLC ADDITION, A SUBDIVISION OF LOT 4B, BLOCK 4, MORNINGVIEW ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOTS 6, 7, 8, 9, 10, 11, AND 12, BLOCK 2, MLC ADDITION, A SUBDIVISION OF LOT 4B, BLOCK 4, MORNINGVIEW ADDITION TO THE 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 Allen, seconded by Sabers, to approve Resolution #R2020-68, A Plat of Lift Station Tract 1, A Subdivision of Irregular Tract No. 3 in the SW 1/4 of Section 32, T 104 N, R 60 W of 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2020-68

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 14th day of September, 2020; and

WHEREAS, it appears from an examination of the plat LIFT STATION TRACT 1, A SUBDIVISION OR IRREGULAR TRACT NO. 3 IN THE SW ¼ OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set

forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LIFT STATION TRACT 1, A SUBDIVISION OR IRREGULAR TRACT NO. 3 IN THE SW ¼ OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Rice, to approve Resolution #R2020-69, A Plat of Lot 35 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 #R2020-69

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 14th day of September, 2020; and

WHEREAS, it appears from an examination of the plat LOT 35 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOT 35 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 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 Tjarks, seconded by Smith, to approve Resolution #R2020-70, A Plat of Lots 2A and 3 of L. Robinson's First Addition, A Subdivision of the Southerly 936 Feet of the Easterly 932.2 Feet of the SE 1/4 of Section 24, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2020-70

WHEREAS, It appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 14th day of September, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 2A AND 3, OF L. ROBINSON'S FIRST ADDITION, A SUBDIVISION OF THE SOUTHERLY 936 FEET OF THE EASTERLY 932.2 FEET OF THE SE ¼ OF SECTION 24, T 104 N, R 61W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas Lynn Week, 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 2A AND 3, OF L. ROBINSON'S FIRST ADDITION, A SUBDIVISION OF THE SOUTHERLY 936 FEET OF THE EASTERLY 932.2 FEET OF THE SE1/4 OF SECTION 24, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Thomas Lynn Week, 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 Tjarks, seconded by Allen, to place Ordinance #O2020-12, A Supplemental Appropriations Ordinance on second reading. Motion carried. Moved by Sabers, seconded by McCardle, to adopt Ordinance #O2020-12, as follows:

**ORDINANCE #O2020-12
SUPPLEMENTAL APPROPRIATION ORDINANCE
CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**

BE IT ORDAINED, BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, that the following sums be appropriated to authorize certain expenditures and to meet certain obligations for the year 2020 according to statute:

GENERAL FUND

MUNICIPAL BUILDINGS

101-41920-42812	Air Purification System	\$200,000
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FIRE DEPARTMENT

101-42200-43400	Machinery & Equipment Self-Cont. Breathing Apparatus	\$200,000
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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 Tjarks, seconded by Barington, to amend Ordinance #O2020-11 by reducing subsidy requests to 25% of the 2020 allocations and reallocating \$83,625.00 of contingency funds to the following organizations:

Casa	\$2,250.00
LifeQuest	\$6,750.00
Mitchell Prehistoric Indian Village	\$11,250.00
Mitchell Area Safehouse	\$3,375.00
Dakota Counseling	\$26,250.00
Mitchell Exchange Club	\$7,500.00
Mitchell Main Street & Beyond	\$26,250.00

Roll call vote: Members present voting aye: Allen, Barington, Doescher, Rice, Sabers, Tjarks. Members present voting nay: McCardle, Smith. Motion carried.

Moved by Rice, seconded by McCardle, to amend Ordinance #O2020-11 by directing staff to notify Mitchell Area Development Corporation that the funding of \$167,000.00 will need final approval by City Council after January 1, 2021 prior to awarding.

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

Moved by Smith, seconded by Barington, to place Amended Ordinance #O2020-11, 2021 Annual Appropriation Ordinance on second reading. Motion carried. Moved by Rice, seconded by Allen, to adopt Ordinance #O2020-11.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

This ordinance will be published separately from these proceedings.

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 _____.