

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

October 15, 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 Tjarks, seconded by Allen, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council Minutes October 1, 2018.
- b. Committee Meeting Minutes
 1. Planning Commission September 24, 2018.
- c. Department Reports
 1. Finance (September),
 2. Sales Tax Collections (September),
 3. Building Permits (September),
 4. Police (September),
 5. Fire (September),
 6. EMS (September),
 7. Fire & EMS Combined (September),
 8. Mitchell Public Library (July),
 9. Mitchell Public Library (August),
 10. Community Services (September),
 11. Palace Transit Ridership (August),
 12. Palace Transit Ridership (September),
 13. Water (August),
 14. Water (September), and
 15. Airport (September).
- d. Raffle Permits
 1. Kiwanis Club of Mitchell with the drawing to be held on December 8, 2018,
 2. Mitchell Aquatic Club with the drawing to be held on every Monday, Wednesday and Friday in 2019,
 3. Sam Tronnes Memorial Foundation with the drawing to be held on November 7-8, 2018, and
 4. Mitchell Aquatic Club with the drawing to be held on December 9, 2018.
- e. Change Order #1 for Curb & Gutter Project #2018-14 increasing the contract

- amount by \$17,035.67 for final quantities for curb and gutter and miscellaneous work, contracted to Colwell Concrete Inc., adjust contract amount to \$79,366.77.
- f. Request to accept DOT 5339 Funds for Dispatching Software 2018-2020.
 - g. Request to accept DOT Transit Funds 2018-2019.
 - h. Pay Estimates October 15, 2018
 - Pay Estimate #7 in the amount of \$7,317.04 for Sidewalk-Schedule "A" #2018-4 contracted to Top Grade Concrete,
 - Pay Estimate #7 in the amount of \$8,972.86 for Curb & Gutter – Schedule "A" #2018-14 contracted to Colwell Concrete Inc.,
 - Pay Estimate #36 in the amount of \$16,000.00 for Sanborn Design/Const. Street #2018-22 contracted to SPN & Associates,
 - Pay Estimate #5 in the amount of \$3,000.00 for East Havens Watermain Loop #2018-25 contracted to SPN & Associates,
 - Pay Estimate #1 in the amount of \$14,640.00 for East Central Drainage-Storm Sewer #2018-39 contracted to SPN & Associates,
 - Pay Estimate #2 in the amount of \$3,600.00 for East Central Drainage-Water #2018-39 contracted to SPN & Associates,
 - Pay Estimate #3 in the amount of \$5,100.00 for East Central Drainage-Waste Water #2018-39 contracted to SPN & Associates, and
 - Pay Estimate #1 in the amount of \$3,910.00 for Sanborn Phase II Design/Const #2019-22 contracted to American Engineering Testing.
 - i. 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 SEPTEMBER 9, 2018 – SEPTEMBER 22, 2018: City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,658.42, Attorney \$3,871.18, Finance \$13,067.01, Human Resources \$3,382.92, Municipal Building \$3,396.52, Information Technology \$2,393.43, Police \$63,642.80, Traffic \$5,049.69, Fire \$45,226.86, Street \$28,235.41, Public Works \$19,211.83, Cemetery \$4,595.10, Animal Control \$1,757.16, Emergency Medical Services \$10,994.22, Library \$13,616.34, Recreation & Aquatics \$7,391.79, Recreation Center \$13,823.14, Sports Complexes \$10,132.92, Parks \$13,540.36, Supervision \$5,010.22, E911 \$22,620.27, RSVP \$5,296.12, Palace Transit \$18,951.67, JVCC \$1,523.63, Nutrition \$1,082.02, Water Distribution \$9,876.98, Sewer \$11,260.08, Airport \$2,248.64, Waste Collection \$10,764.14, Landfill \$8,496.66, Corn Palace \$20,099.17, Golf Course \$7,873.17, Campground \$1,953.00.

NEW HIRES:

RECREATION CENTER: Gavin Turbak-\$9.85.

RECREATION & ACQUATICS: John Cersosimo-\$25.00, Jason Spicer-\$15.00, Logan Sparks-\$15.00, Taylor Bouchard-\$10.35, Jacob Hinker-\$15.00, Joe Wenzel-\$15.00, Ronald Hill-\$25.00, Brian Daughters-\$25.00.

SALARY ADJUSTMENTS:

FIRE: Matthew Geidel-\$16.360.

E911: Ryan Titze-\$23.098.

WATER: Tylor Peterson-\$28.125.

WASTEWATER: Brian Daughters-\$23.076.

COMMUNITY SERVICES: Patti Goudy-\$18.475.

RECREATION & ACQUATICS: Ryland DeVries-\$9.85.

CORN PALACE: Ryland DeVries-\$9.85.

WARRANTS: A-OX Welding Supply, Supplies-\$137.78; Accounts Management, Garnishment-\$363.66; Advantage Auto Glass, Repairs-\$738.26; Aflac, Aflac Withholding-\$9,943.58; Aflac Group, Critical Care-\$1,194.60; AFSCME Council 65, Union Dues-\$589.50; Airside Solutions, Repairs-\$714.79; Al's Engraving, Supplies-\$18.00; Alignment X-Perts, Repair-\$442.00; American Engineering Testing, 2019-22 P.E. #1-\$3,910.00; Ameripride Services, Supplies-\$298.16; Aqua-Pure, Supplies-\$1,562.50; Arctic Refrigeration, Repairs-\$430.93; AT&T Mobility, Utilities-\$1,028.48; ATR Lighting Enterprises, Supplies-\$154.26; Avera Heart Hospital of South Dakota, Supplies-\$77.00; Avera Occupational Medicine, Contract Services-\$2,541.97; B & L Communications, Professional Service-\$65.00; B-Y Water District, September Usage-\$74,192.88; Bailey Metal Fabricators, Supplies-\$76.58; Baker & Taylor, Books-\$1,115.69; Bierschbach Equipment & Supply-\$5,678.38; Big Daddy D's, Contract Services-\$4,536.00; Blackstone Publishing, Supplies-\$74.92; Blackstrap, Supplies-\$5,449.13; Buhl's Drycleaning, Service-\$ 46.00; Builders Firstsource, Supplies-\$51.80; C & B Operations, Repairs-\$1,598.75; Campbell Supply, Supplies-\$421.68; Carquest Auto Parts, Supplies-\$40.00; CDW Government, Supplies-\$525.38; Center Point Large Print, Books-\$89.28; Central Electric, Utilities-\$10,211.00; Century Link, Utilities-\$127.98; City of Mitchell, Utilities-\$465.95; Clubhouse Hotel & Suites, Travel-\$1,594.89; Coborn's, Contract Services-\$820.00; Coca Cola Bottling, Supplies-\$265.30; Color-Flex, Supplies-\$255.00; Colwell Concrete, 2018-14A P.E. #7-\$8,972.86; Comfort Inn & Suites, Travel-\$145.00; Commercial Asphalt/Spencer Quarries, Supplies-\$1,389.10; Confluence, Service Design-\$800.00; Construction Supply Group, Supplies-\$1,183.50; Core-Mark Midcontinent, Supplies-\$867.64; Corn Palace Concessions, Supplies-\$24.00; Corn Palace Gift Shop, Supplies-\$147.95; County Fair, Supplies-\$30.26; County Fair, Contract Services-\$540.00; Dakota Data Shred, Service-\$517.51; Dakota Pump, Supplies-\$3,628.20; Dakota Supply Group, Supplies-\$1,566.72; Dale Steffen, Testing-\$180.00; Daniel Kopfmann, Reimbursement-\$96.94; Danko Emergency Equipment, Supplies-\$1,500.00; Darrington Water Conditioning,

Rental-\$78.40; Davison Rural Water Systems, Utilities-\$88.60; Dean Knippling, Reimbursements-\$200.00; Delta Dental Plan of South Dakota, Dental Premiums-\$13,753.54; Demco, Supplies-\$456.94; Dependable Sanitation, Contract Services-\$23,800.00; Department of Social Services, Child Support-\$1,275.22; Diesel Machinery, Supplies-\$6,029.33; Direct Digital Control, Repairs-\$150.00; Doug Bormann, Contract Services-\$200.00; Dug Out, Contract Services-\$661.50; Farm & Home Publishers, Book-\$53.90; Farmers Alliance, Repair-\$15.00; Fastenal, Supplies-\$199.46; Fedex, Professional Service-\$13.23; Forum Communications, Advertising-\$3,606.80; Gale, Supplies-\$499.16; Galls, Supplies-\$204.00; Gaylen's Homegrown Popcorn, Supplies-\$882.00; Gempler's, Supplies-\$162.93; Grainger, Supplies-\$169.92; Grey House Publishing, Book-\$1,288.20; Happy Memories Band, Contract Services-\$150.00; Harve's Sport Shop, Supplies-\$74.95; Heartland Customer Solutions, Repairs-\$700.49; Heiman Fire Equipment, Supplies-\$224.35; Henke Tractor Repair Shop, Repair-\$62.50; Henry Schein, Supplies-\$303.50; Honda of Mitchell, Supplies-\$21.90; Howes Oil, Supplies-\$19,145.09; Identisys, Supplies-\$350.00; Ingram Library Services, Books-\$38.43; Innovative Office Solution, Supplies-\$260.86; Integrity Transcription, Transcribing Service-\$427.75; Intellipro Security, Supplies-\$25,395.09; Interstate Office Products, Supplies-\$326.63; Iverson Chrysler Center, Rental-\$49.95; JCL Solutions, Supplies-\$605.86; Jebro, Supplies-\$11,419.78; Johnson South Dakota, Supplies-\$752.14; Jones Supplies, Supplies-\$1,711.18; Junction Ave Floral, Supplies-\$50.00; Karol Iburg, Reimbursement-\$48.00; KIKN-FM, Advertising-\$1,800.00; Kimball-Midwest, Supplies-\$459.31; Lakeview Veterinary Clinic, Service Dog Tommy-\$905.38; Lawson Products, Supplies-\$816.60; M & T Fire and Safety, Supplies-\$275.00; Make It Mine Designs, Advertising-\$88.40; Malloy Electric Bearing Supplies, Repairs-\$3,473.00; Marilyn Schneider, Refund-\$100.00; Marilyn Vollbracht, Refund-\$90.00; Matthew Bender & Company, Books-\$102.08; McLeod's Printing, Supplies-\$586.13; Menard's, Supplies-\$546.76; Meyers Oil, Supplies-\$3,563.22; Michelle Bathke, Travel-\$157.04; Midamerica Books, Books-\$291.83; Midcontinent Communication, Advertising-\$1,670.57; Midwest Turf & Irrigation, Supplies-\$79.91; Minitex, Supplies-\$211.00; Mitchell Area Chamber of Commerce, 2018 Funding-October-\$5,417.00; Mitchell Area Convention Visitors Bureau, 2018 Funding-October-\$17,333.00; Mitchell Area Development, 2018 Allocation-\$35,750.00; Mitchell Concrete Product, Supplies-\$432.00; Mitchell Iron & Supply, Supplies-\$107.43; Mitchell Plumbing & Heating, Repair-\$779.84; Mitchell Telecom, Utilities-\$2,583.31; Mitchell United Way, United Way Deductions-\$149.92; Mount Vernon School District, Contract Services-\$51.70; Mueller Lumber, Supplies-\$680.37; Muth Electric, Repair-\$556.98; Myron Corp, Supplies-\$54.65; Napa Auto Parts, Supplies-\$550.44; Nathan Powell, Travel-\$117.00; Northwestern Energy & Communications, Utilities-\$63,045.35; Online Computer Library Center, Cataloging-\$341.81; On Sight 24/7, Rental-\$900.00; One Source, Professional Service-\$204.00; PDG Creative, Supplies-\$485.00; Penguin Random House, Supplies-\$101.25; Pepper Entertainment, Advertising-\$4,158.52; Pepsi Cola, Supplies-\$1,033.28; Porter Distributing, Supplies-\$616.95; Powerplan-Oib, Supplies-\$945.65; Premier Pest Control, Contract Services-\$300.00; PT

Enterprise, Rental-\$300.00; Push Pedal & Pull, Repairs-\$1,188.66; Qualified Presort, Contract Services-\$390.10; Recorded Books, Supplies-\$809.68; Ron's Bicycle and Locksmith, Supplies-\$22.50; Sage Publishing, Book-\$266.16; Santel Communications, Utilities-\$145.00; Satcom Global Contract Plan-\$42.75; Schmucker Paul & Nohr, 2018-22 P.E. #36-\$42,340.00; South Dakota Department of Environment & Natural Resources, September Fees-\$2,418.28; South Dakota Department of Health, Lab-\$219.00; South Dakota Department of Revenue, Registration-\$21.20; South Dakota Newspaper Services, Training-\$1,578.46; South Dakota Public Assurance Alliance, Insurance-\$562.02; South Dakota Retirement System, Retirement Contributions-\$48,585.80; South Dakota-Supplemental Retirement, Supplemental Retirement Contributions-\$3,037.66; South Dakota-Supplemental, Roth 457 Contributions-\$425.00; South Dakota Planners, Registration-\$80.00; Senior Meals Program, Meals-\$56.00; Sherwin-Williams, Supplies-\$69.36; Sinclair Broadcast Group, Advertising-\$435.00; Siteone Landscape Supply, Supplies-\$488.33; Standard Insurance Company, Life Insurance-\$2,400.26; Stephanie Ellwein, Travel-\$21.97; Sturdevant's Auto Parts, Supplies-\$1,750.84; Subway, Meals-\$31.45; Sun Gold Sports, Supplies-\$264.63; Tessier's, Supplies-\$58.06; The Outkast Car Club, Corn Palace Games-\$792.00; Thomas L Price, Professional Service-\$350.00; Thomson Reuters-West, September Charges-\$642.76; Thune True Value Hardware, Supplies-\$106.82; Ticketforce, Usage Fees-\$1,120.00; TK Electric, Repairs-\$6,484.78; TMA Stores, Supplies-\$74.12; Top Grade Concrete, 2018-4A P.E. #7-\$7,317.04; Traditions Meal Solutions, Supplies-\$1,984.00; Transource, Supplies-\$273.77; Trittech Software Systems, Service-\$500.00; True North Steel, Supplies-\$1,220.40; United Parcel Service Store #4227, Shipping-\$167.99; United States Postal Service, Postage-\$75.33; Verizon Wireless, Utilities-\$1,089.98; Vern Eide Chevrolet Buick, Supplies-\$2.44; Walmart, Supplies-\$134.05; Watertown Wholesale, Supplies-\$39.11; Wholesale Electronics, Supplies-\$16.46; Wright Brothers Aviation, Administration September-\$500.00; Cooper Crouse-Hinds, Supplies-\$20,152.15; South Dakota State Treasurer, Sales Tax Payment-\$22,276.53; Ellwein Brothers, Supplies-\$3,352.65; Wage Works, Flex Expense-\$1,923.53; Wellmark, Administration, Prescription, Medical, Refunds-\$207,392.98.

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

CITIZENS INPUT:

City Council Member Steve Rice asked about the completion of the Burr Street project. Public Works Director Kyle Croce said he has been attending the Department of Transportation progress meetings and the contractor's completion date is November 15, 2018. Croce said there is a lot of concrete to be poured and if it would get too late temporary asphalt would be installed. Croce will continue to work with the Department of Transportation for future snow removal.

City Council Member Kevin McCardle asked about the alley work behind Jitters. Public Works Director Kyle Croce said that Northwestern Energy utilities are in the process of being buried underground and then the poles will be removed.

Mayor Bob Everson stated that the Public Safety and Public Works Departments have purchased a drone. Public Works Director Kyle Croce will be coordinating the training for the drone.

Mayor Bob Everson reported that all committee meetings will be held in the City Council Chambers in City Hall going forward. This will allow the meetings to be live streamed on the city's website.

City Council Member Susan Tjarks welcomed Mitchell Main Street & Beyond Director Jared Indahl to the meeting.

COMMITTEE REPORTS:

Traffic:

A request from Susan Galpin for a "No Parking Zone" in front of her house/mail box located at 1529 Country Drive was not approved.

A request from Corn Palace Director Scott Schmidt to close Main Street from 5th Avenue to 7th Avenue for the Corn Palace Mural Dedication from 8:00 a.m.-3:00 p.m. on Friday, October 26th, 2018 was approved.

A request from Mitchell Main Street & Beyond was approved for a parade permit, no parking and street closures from 4:00 p.m. on December 4, 2018 for the Parade of Lights beginning at 7:00 p.m. The street lights on Main Street will be turned off at 7:00 p.m. for the duration of the parade.

Sidewalk:

The Sidewalk Committee met on October 15, 2018. Sidewalk Committee Chairman Terry Johnson presented a review of the sidewalk projects from the past two years and included the 2019-2020 proposed sidewalk areas.

The Sidewalk Committee recommended figuring the cost for all areas including the assessment cost and the cost to install ADA ramps as part of the Federal sidewalk requirement and to bring it back to the Sidewalk Committee in December.

Moved by Allen, seconded by Rice, to approve the Committee Reports. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer Retail (On-Sale) Liquor License RL-5765, ACT Booking Services LLC dba Moonlight Bar & Lounge,

511 North Main Street, Mitchell, South Dakota to V.V. Inc., dba The Hideout, 510 E Havens St, Suite #2, Mitchell, South Dakota. Notice of hearing has been given and affidavit of publication is on file. Moved by Smith, seconded by Barington, to approve said application. Motion carried.

BOARD OF ADJUSTMENT:

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

SET DATE:

Moved by Allen, seconded by Tjarks, to set date for November 5, 2018 for a hearing on the application of John & Lisa Mentele for a conditional use permit/massage business/home occupation located at 1206 W Hanson Ave, legally described as Lot 9, Western Heights Addition, City of Mitchell, Davison County, South Dakota. Zoned R3 Medium Density Residential District. Motion carried.

Moved by Tjarks, seconded by McCardle, to set date for November 5, 2018 for a hearing on the application of Bill & Pamela Wittstruck for a front yard variance of 0 feet vs. 35' to construct an unenclosed front porch located at 316 E. Hackberry Ave, legally described as Lots 10 & 11, Block 4, Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota. Zoned HB Highway Oriented Business District. Motion carried.

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

DISCUSSION:

Discussion took place regarding the location of future Corn Palace Festivals. The festival is currently located on Main Street between First Avenue and Seventh Avenue. The proposed change is locating the festival on Main Street from Fifth Avenue to Ninth Avenue including area parking lots. This year the contract between Goldstar Entertainment and the Corn Palace has ended and they are looking for a new five-year agreement. The revenue from the carnival has been decreasing over the past years and the committee is looking for a way to make it profitable for both the carnival and the Corn Palace by increasing the number of rides and games to ensure that the festival continues to be successful. The Corn Palace Committee is meeting on November 13, 2018 for further discussion and will bring it back to the City Council on November 19, 2018. No action was taken.

RESOLUTIONS:

Moved by Tjarks, seconded by Allen, to approve Resolution #R2018-53, Authorizing a Quiet Title Action, as follows:

RESOLUTION NO. R2018-53

A RESOLUTION AUTHORIZING A QUIET TITLE ACTION

WHEREAS, the City of Mitchell appears to be the record owner of certain land legally described as:

ALL THAT PART OF THE CHICAGO, SAINT PAUL, MINNEAPOLIS, AND OMAHA RAILWAY COMPANY RIGHT-OF-WAY AND ALL THAT PART OF VACATED EIGHTH AVENUE IN THE SE ¼ OF THE SE ¼ OF SECTION 16; AND IN THE NE ¼ OF THE NE ¼ OF SECTION 21; AND BEING BOUNDED ON THE WEST BY THE WEST LINE OF THE EAST ½ OF THE ALLEY, AND BEING BOUNDED ON THE NORTH BY THE SOUTH LINE OF LOT 5, BLOCK 55, CAPITAL ADDITION, AND BOUNDED ON THE EAST BY THE WEST LINE OF DUFF STREET, AND BOUNDED ON THE SOUTH BY A LINE DRAWN PARALLEL WITH AND 15 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN TRACT OF THE CHICAGO, SAINT PAUL, MINNEAPOLIS, AND OMAHA RAILWAY COMPANY, ALL IN T 103 N, R 60 W 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

WHEREAS, the title to the above described land is not clear and it appears the only way to definitively resolve the status of the title is to pursue a quiet title action in court.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City Attorney is hereby authorized to pursue such legal action as is necessary to quiet title to the above described property.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Allen, to approve Resolution #R2018-54, A Plat of Lot 6-7-B, 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 #R2018-54

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 9th day of October, 2018, and

WHEREAS, it appears from an examination of the plat of LOT 6-7-B, 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 6-7-B, 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 hereby 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 Sabers, to approve Resolution #R2018-55, Creating Sidewalk Snow and Ice Special Removal Areas, as follows:

RESOLUTION NO. R2018-55

A RESOLUTION CREATING SIDEWALK SNOW AND ICE SPECIAL REMOVAL AREAS

WHEREAS, the City Council of the City of Mitchell, SD desires to establish certain Sidewalk Snow and Ice Special Removal Areas pursuant to Mitchell City Code Section 8-1-7-2; and

WHEREAS, the City Council believes that the legitimate public purpose of maintaining public safety is thereby served and that the creation of the Burr Street and Lake-Golf Special Removal Areas are a rationally related means of accomplishing said purpose.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City, in furtherance of the above described public purposes, hereby creates the Burr Street Special Removal Area and the Lake-Golf Special Removal Area with such boundaries to be reflected on maps as approved by the City Council at the October 15th, 2018 regular meeting.

Motion carried with Rice abstaining and resolution declared duly adopted.

ORDINANCE:

Moved by Smith, seconded by Tjarks, to place Ordinance #O2018-12, Amending MCC Chapter 2-6: Tax Increment Financing on second reading. Motion carried. Moved by Rice, seconded by Barington, to adopt Ordinance #O2018-12, as follows:

ORDINANCE #O2018-12

AN ORDINANCE AMENDING MITCHELL CITY CODE CHAPTER 2-6: TAX INCREMENT FINANCING.

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

Section 1.

That Mitchell City Code Section 2-6-1 be REPEALED in its entirety and REPLACED with the following language:

2-6-1: Tax Increment Financing Permitted:

The City of Mitchell hereby permits the use of Tax Increment Financing pursuant to the provisions of SDCL Chapter 11-9. A developer seeking to utilize Tax Increment Financing must comply with the City's administrative review process prior to being considered by the Planning Commission and the City Council. Such administrative review process shall be outlined in a handbook which shall be approved by the City Council by resolution.

Section 2

That Mitchell City Code Sections 2-6-2 through and including 2-6-5 be REPEALED in their entirety. As such, the TIF Project Review Committee is hereby disbanded.

Section 3.

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

Section 4.

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.

EXECUTIVE SESSION:

Moved by Rice, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2 (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Motion carried.

Mayor Everson declared the board out of executive session at 8:35 p.m. and the City Council to reconvene in regular session at 8:36 p.m.

ADJOURN:

There being no further business to come before the meeting, Mayor Everson adjourned the meeting.

Michelle Bathke

Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.