

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

**October 17, 2022
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 Barington, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(3) Legal. Motion carried.

Mayor Everson declared the board out of executive session at 6:20 p.m. and the City Council to reconvene in regular session at 6:21 p.m.

AGENDA:

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

- a. City Council Minutes
 1. Work Session October 3, 2022 and
 2. City Council October 3, 2022.
- b. Committee Reports
 1. Planning Commission September 26, 2022.
- c. Department Reports
 1. Sales Tax Collections (September),
 2. Finance (September),
 3. Building Permits (September),
 4. Police (September),
 5. Fire/EMS (September),
 6. Code Enforcement (September),
 7. Palace Transit (August),
 8. Water (September), and
 9. Airport (September).
- d. MADC Quarterly Report.
- e. Automatic Supplement to the General Fund-Human Resources in the amount of \$3,355.00 from grant funds.

f. Raffle Permits

1. Kiwanis Club of Mitchell with the drawing to be held on December 14, 2022,
 2. Mitchell Music Boosters FDC with the drawing to be held on January 9, 2023,
 3. Big Friend Little Friend of the Mitchell Area with the drawing to be held on February 5, 2023, and
 4. 40 & 8 Veterans Group with the drawing to be held on March 25, 2023.
- g. Set date of November 2, 2022 at 1:30 p.m. for bid opening for Waste Tire Recycling Project #2022-21.
- h. Set date of November 7, 2022 for hearing on the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall for November 12, 2022 for a Corn Hole Tournament.
- i. Pay Estimates October 17, 2022
Pay Estimate #19 in the amount of \$30,802.50 for Landfill Cell #4 #2021-08 contracted to Helms & Associates,
Pay Estimate #4 in the amount of \$888,226.11 for North Wastewater Treatment Plant Improvements #2021-31 contracted to PKG Contracting,
Pay Estimate #2 in the amount of \$10,310.00 for North Wastewater Treatment Plant Improvements #2021-31 contracted to GeoTek Engineering,
Pay Estimate #19 in the amount of \$47,745.76 for North Wastewater Treatment Plant Improvements #2021-31 contracted to HDR Engineering,
Pay Estimate #4 in the amount of \$537.45 for Spruce Street Railroad Crossing #2021-39 contracted to SD Department of Transportation,
Pay Estimate #2 in the amount of \$1,207.50 for Water & Wastewater Fee Analysis #2022-22 contracted to HDR Engineering,
Pay Estimate #8 in the amount of \$1,463.70 for 223 N Main Window Repair #2022-24 contracted to Custom Carpentry, and
Pay Estimate #2 in the amount of \$471.86 for 2022 Bridge Inspections contracted to SD Department of Transportation.
- 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 SEPTEMBER 18, 2022 – OCTOBER 1, 2022: City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,536.92, Administrative Boards \$2,060.88, Attorney \$4,601.23, Finance \$12,776.78, Human Resources \$3,703.80, Municipal Building \$3,165.97, Information Technology \$2,844.80, Police \$70,768.49, Traffic \$4,201.48, Fire \$38,134.89, Street \$29,112.78, Public Works \$17,488.28, Cemetery \$5,555.84, Animal Control \$1,630.08, Library \$16,767.36, Recreation & Aquatics \$7,408.88, Recreation Center \$12,564.04, Sports Complexes \$10,772.28, Parks \$14,708.88, Supervision \$5,666.65, E911 \$20,673.32, MVP \$499.66, Palace Transit \$24,068.96, JVCC \$3,337.11, Nutrition \$3,988.46, Water Distribution \$12,762.59, Sewer \$15,538.82, Airport \$2,672.72, Recycling Program \$6,449.82, Waste Collection \$6,056.67, Landfill \$9,032.29, Corn Palace \$18,435.83, Golf Course \$5,413.48, Campground \$2,217.60, Emergency Medical Services \$33,389.50.

NEW HIRES:

CORN PALACE: MacKenzie Cobb-15.00, Jennifer Zens-\$15.00, Mark Zens-\$15.00

RECREATION & AQUATICS: Gayle Klein-\$13.95

SPORTS COMPLEXES: Andrew Gunnare-\$12.45, Kenneth Mayer-\$11.95, Tanner Puetz-\$11.95

SALARY ADJUSTMENTS:

E-911: Mary Aronson-\$27.115

FIRE: Justin Adams-\$24.918

PALACE TRANSIT: George Streetman-\$19.394

RECREATION CENTER: Todd Cavanaugh-\$28.452

TERMINATIONS:

CADWELL CONCESSIONS: Camryn Krogman, Madelyn Melmer, Jocelyn Prewett, Kyana Thomas, Lara Widstrom

CORN PALACE: Charles McCardle

E911: Noah Blair, Hannah Willis

RECREATION & AQUATICS: Justin Ebert, Isaiah Glanzer, Timothy Moon, Steven Schoenfelder

RECREATION CENTER: Geri Beck, Hannah Sebert, Krystyna VanOverschelde

SPORTS COMPLEXES: Hudson Borgan, Timothy McCain, Baley Miller, Carter Miller, Jared Miller, Steele Morgan, Seth Muth, Peyton Nash, Esten Schlimgen, Peyton Smith, Landen Soukup

STREET: Travis Giedd

WARRANTS: A&B Business Solutions, Contract-\$3,865.04; AFSCME Council 65, Union Dues-\$535.94; Airside Solutions, Supplies-\$399.76; Alex Young, Reimbursement-\$45.00; Amazon Capital Services, Supplies-\$2,170.75; American Engineering Testing, Testing-\$1,200.00; American Garage Door, Repair-\$508.65; Andrea Hamilton, Reimbursement-\$45.00; Andrew Schneider, Reimbursement-\$45.00; Aqua-Pure, Supplies-\$3,117.50; Aramark Uniform Services, Rental-\$366.54; Arctic Refrigeration, Repair-\$122.45; ATV Holdings, LLC DBA

Mitchell Telecom, Utilities-\$2,586.08; Automatic Building Control, Supplies-\$234.04; Avera Occupational Medicine, Contract Services-\$560.00; B-Y Water District, Utilities-\$118,694.95; Baker & Taylor, Books-\$178.55; Bender's Sewer Cleaning, Maintenance-\$6,355.00; Best Western Plus Ramkota, Travel-\$299.97; Better Containers, Supplies-\$207.24; Big Daddy D's, Contract Services-\$6,612.00; Brad Gates, Reimbursement-\$45.00; Brandon Manchester, Registration-\$261.98; Brian Daughters, Reimbursement-\$22.50; Builders First Source, Supplies-\$67.00; C&B Operations, Supplies-\$711.46; Carolina Software, Supplies-\$500.00; Carquest Auto Parts, Supplies-\$106.84; Cengage Learning Inc/Gale, Books-\$105.56; Central Electric, Utilities-\$11,127.00; Century Link, Utilities-\$58.34; Cherrybee's, Supplies-\$61.00; Chesterman, Supplies-\$2,016.94; CHS Farmers Alliance, Supplies-\$641.50; City of Mitchell, Change-\$6,000.00; City of Mitchell, Campground Hotel Tax-\$583.50; Clayton Moore, Conference-\$34.00; Coborns, Contract Services-\$593.25; Commercial Asphalt, Supplies-\$2,965.48; Connections, Quarterly EAP Service-\$2,114.70; Core & Main, Supplies-\$568.11; Core-Mark Midcontinent, Supplies-\$9,775.21; Corporate Translation Service, Translation Services-\$22.68; County Fair, Contract Services-\$656.25; Craig Stucky, Reimbursement-\$45.00; Culligan Water, Rental-\$50.00; Dak Tech, Grant-\$9,198.00; Dakota Counseling, 4th Quarter 2022 Allocation-\$6,562.50; Dakota Fluid Power, Repair-\$638.75; Dakota Heartland Development, 4th Quarter Allocation-\$7,500.00; Dakota Pump, Supplies-\$948.48; Dakota Supply Group, Supplies-\$336.70; Davison Rural Water Systems, October Fees-\$752.20; Dennis Geidel, Reimbursement-\$45.00; Department of Social Services, Child Support-\$1,008.46; Detco, Supplies-\$1,095.48; Diesel Laptops, Supplies-\$220.86; Dimock Dairy, Cheese-\$349.50; Ditch Witch of South Dakota, Maintenance-\$288.60; Doug Greenway, Reimbursement-\$45.00; Doug L Driggs, 2022-24 P.E. #8-\$1,463.70; Dr. Matthew Schafer, 4th Quarter Payment-\$1,500.00; Elliott Equipment, Supplies-\$1,295.00; Emergency Education, Training-\$910.00; Fastenal, Supplies-\$620.94; Fedex, Mailing-\$15.68; Ferguson Waterworks #2516, Supplies-\$1,154.59; Gary Walton, Reimbursement-\$45.00; Gaylen's Homegrown Popcorn, Supplies-\$672.00; Geotek Engineering, 2021-31 P.E.#2-\$10,310.00; Grace Baptist Church, Trees-\$100.00; Graham Tire, Maintenance-\$811.16; Grainger, Supplies-\$177.21; Great Western Tire, Supplies-\$1,471.60; Guardian Alliance Technology, Software License-\$50.00; Harve's Pro Prints, Supplies-\$661.50; HDR Engineering, 2021-31 P.E. #19-\$937,179.37; Heartland Association of Fairs, Membership Renewal-\$175.00; Helms and Associates, 2021-8 P.E.#19-\$30,802.50; Howes Oil, Supplies-\$22,708.97; Ican, Advertising-\$750.00; Ingram Library Services, Books-\$618.65; Innovative Office Solution, Supplies-\$85.65; Interstate Office Products, Supplies-\$257.83; Isaiah Glanzer, Reimbursement-\$22.50; James Valley Nursery, Supplies-\$394.50; Jamie Henkel, Reimbursement-\$45.00; Jaylon Tollefson, Reimbursement-\$79.00; JCL Solutions, Supplies-\$270.00; JD Concrete Products, Supplies-\$148.00; Jeff Hanson, Reimbursement-\$45.00; Jim Hohn, Maintenance-\$561.00; Joe Galpin, Reimbursement-\$45.00; Joe Haiar, Reimbursement-\$45.00; Joe Schroeder, Reimbursement-\$45.00; John Hegg, Reimbursement-\$45.00; Johnson Controls, Maintenance-\$882.44; Jon Thurman, Reimbursement-\$45.00; Jon Vermeulen, Reimbursement-\$45.00; Jones Supplies, Supplies-\$1,587.88; Kathy Hanks, Reimbursement-\$45.00; Kevin Devries, Reimbursement-\$45.00; Kevin Dykes, Reimbursement-\$45.00; Kevin Kenkel, Reimbursement-\$45.00; Kevin Roth, Reimbursement-\$45.00; Kevin Sibson, Reimbursement-\$22.50; Lakeview Golf Course, Golf Cart-\$3,035.00; Lakeview Veterinary Clinic, Supplies-\$1,036.45; Larry's I-90 Service, Supplies-\$450.17; Leighton Family Farms, Supplies-\$729.00; Liz Kitchens, Reimbursement-\$45.00; M&T Fire and Safety, Repair-\$105.08;

McLeod's Printing, Supplies-\$104.00; Mega Wash, Supplies-\$10.00; Menard's, Supplies-\$460.65; Michael Leach, Reimbursement-\$45.00; Michelle Bathke, Reimbursement-\$45.00; Mid-American Research Chemical, Supplies-\$649.09; Midcontinent Communication, Advertising-\$2,381.00; Midwest Oil, Supplies-\$2,621.90; Mitchell Animal Rescue, Management Fee-\$350.00; Mitchell Area Development, 4th Quarter Allocation-\$41,750.00; Mitchell Baseball, Advertising-\$150.00; Mitchell Convention & Visitors Bureau, Entertainment Tax Distribution-\$20,800.00; Mitchell High School Volleyball, Youth Volleyball Program-\$2,270.00; Mitchell Iron & Supply, Finance Charge-\$47.47; Mitchell Main Street and Beyond, 4th Quarter Allocation-\$8,750.00; Mitchell Plumbing & Heating, Supplies-\$876.46; Mitchell School District, Utilities-\$1,900.69; Mitchell United Way, United Way -\$197.66; Mount Vernon School District, Contract Services-\$165.75; Muth Electric, Supplies-\$11,791.23; Napa Central, Supplies-\$91.30; Nate Hegg, Reimbursement-\$45.00; Nedved Media, Advertising-\$4,483.05; Northwestern Energy & Communications-Utilities-\$70,693.17; O'Reilly Automotive, Supplies-\$55.08; Online Computer Library Center, Cataloging Subscription-\$378.90; One Source The Background, Background Checks-\$517.00; Overdrive, Ebooks-\$1,775.10; Overtime Steak House and Sports Bar, Contract Services-\$2,282.00; Parkeon, Supplies-\$65.00; Paulson Sheet Metal, Repair-\$468.11; Pepsi Cola, Supplies-\$598.31; Prehistoric Indian Village, 4th Quarter Allocation-\$3,250.00; Premier Pest Control, Pest Control-\$375.00; Public Health Laboratory, Lab Fees-\$483.00; Quick Med Claims, Supplies-\$3,444.90; R Place Kennel, Kennel Fee-\$150.00; Rantizo, Supplies-\$1,500.00; Riverside Technologies, Supplies-\$17,499.00; Robert B Everson Jr, Travel-\$115.50; Roger Prewett II, Reimbursement-\$45.00; Runnings, Supplies-\$612.93; S&M Printing, Supplies-\$708.50; Safety Benefits, Registration-\$225.00; Saga Communications of South Dakota, Advertising-\$589.00; Santel Communications, Utilities-\$106.16; Schmit Pumping and Drain Service, Repairs-\$350.00; Schoenfelder Portables, Rental-\$5,100.00; Scott Supply, Supplies-\$47.50; South Dakota Department of Agriculture & Natural Resources, September Solid Waste-\$3,250.37; South Dakota Department of Transportation, 20221-39 P.E.#4-\$1,009.31; South Dakota Retirement System, Retirement Contributions-\$53,903.96; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,574.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,158.50; Shannon Sandoval, Supplies-\$40.00; Sherwin-Williams, Supplies-\$255.18; Shirley Petersen, Trees-\$100.00; Sioux Equipment, Repairs-\$200.85; Siteone Landscape Supply, Supplies-\$3,256.39; South Dakota 811, Professional Service-\$222.60; Stan Houston Equipment, Supplies-\$204.93; Standard Insurance, Life Insurance-\$426.42; Staples, Supplies-\$280.20; Stephanie Ellwein, Reimbursement-\$153.36; Steve Anderson, Reimbursement-\$45.00; Sturdevants Mitchell, Supplies-\$2,150.58; Subway, Meals-\$29.96; Sun Gold Sports, Supplies-\$620.72; Swiftel, Supplies-\$164.00; Teamsters Local No. 120, Union Dues-\$1,402.00; Terry Johnson, Reimbursement-\$45.00; Tessier's, Maintenance Contract-\$890.31; The Dugout, Contract Services-\$962.00; Thomas Holleman, Reimbursement-\$22.50; Thomas L Price, Professional Service-\$700.00; Thomas Schuman, Reimbursement-\$22.50; Thomson Reuters West, Subscription-\$777.48; Thune True Value Hardware, Supplies-\$216.73; TK Electric, Repair-\$433.25; TMA Stores, Supplies-\$1,157.15; Todd Cavanaugh, Reimbursement-\$45.00; Tom Schaffner, Reimbursement-\$200.00; Tractor Supply Credit Plan, Supplies-\$64.99; Tyler Vetch, Reimbursement-\$45.00; Tylor Peterson, Reimbursement-\$22.50; UPS Store #4227, Shipping-\$260.12; US Bank, Bond Fee-\$550.00; Verizon Wireless, Utilities-\$756.47; Vern Eide Chevrolet Buick, Maintenance-\$302.50; Vern Eide Ford Lincoln, Repair-

\$182.27; Walmart, Supplies-\$272.09; Wanda Graves, Reimbursement-\$45.00; Wheelco Brake & Supply, Supplies-\$494.46; Ellwein Brothers, Supplies-\$3833.20.

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

CITIZENS INPUT:

Mayor Everson thanked the Mitchell Police Department and the other agencies involved for the quick response and reaction to the prank call concerning Mitchell High School last week.

Mitchell resident, Reed Bender, stated he did not like how the Mitchell School District responded to the prank call at Mitchell High School last week.

BOARD OF ADJUSTMENT:

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

Moved by Tjarks, seconded by Rice, to set date for November 7, 2022 on the application of Dakota Land and Property Management LLC for a conditional use permit to operate an automotive sales, repair, parts, and detailing business located at the NE corner of Highway 37 and East 54th Avenue, legally described as Lot 12 of Maui Farms 1st Addition in the SW ¼ of Section 34, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. Motion carried.

Moved by McCardle, seconded by Rice, to set date for November 7, 2022 on the application of Genesis Farms LLC for a conditional use permit to operate a medical cannabis dispensary located at 716 North Rowley, legally described as Lots 18-21, Block 4, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. 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.

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Barington, to authorize the Mitchell Exchange Club to upgrade the infant cemetery. The project will also be funded by the Mitchell Exchange Club. Motion carried.

Moved by Allen, seconded by Rice, to approve Agreement #A2022-40, Cadwell Park Crow's Nest and Shade Structure Project #2022-34 with Ciavarella Design in the amount of \$32,700.00. Motion carried.

Moved by Rice, seconded by Tjarks, to approve Agreement #A2022-41, Design and Bidding Services for Jetty Sidewalk with Brosz Engineering in an amount not to exceed \$86,700.00. Motion carried.

Moved by McCardle, seconded by Barington, to postpone Agreement #A2022-42, Second Addendum to Joint Pipeline and Water Supply Agreement with B-Y Rural Water until November 21, 2022. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the proposed resolution of necessity for the construction of the 600, 700, and 800 Blocks of West Quince Street from Miller to Wisconsin Street for Asphalt Roadway which includes excavation, storm sewer, gravel base, asphalt surfacing, topsoil, seeding, other items to construct roadway, accessories, engineering fees and miscellaneous expenses. Public Works Director Joe Schroeder reviewed the area for the proposed construction. Discussion took place with property owners in the proposed area.

RESOLUTIONS:

Moved by Allen, seconded by Rice, to approve Resolution #R2022-65, Resolution of Necessity for Quince Street Improvements.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and resolution declared duly adopted. This resolution will be published separately from these proceedings.

Moved by Rice, seconded by McCardle, to approve Resolution #R2022-66, Plat of Lot 41 of the Island First Addition, as follows:

RESOLUTION #R2022-66

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 11th day of October, 2022; and

WHEREAS, it appears from an examination of the plat of LOT 41 OF THE ISLAND FIRST 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 41 OF THE ISLAND FIRST 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, 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 #R2022-67, Plat of Lot 3, Block 6 of Woodland Heights First Addition, as follows:

RESOLUTION #R2022-67

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 11th day of October, 2022; and

WHEREAS, it appears from an examination of the plat of LOT 3, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, 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 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 3, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Tjarks, to approve Resolution #R2022-68, Plat of West Plum Avenue; Poplar Drive; Lots 13-26, Block 2; Lots 1-4, Block 3, and Lots 1-8, Block 4, MLC Addition, as follows:

RESOLUTION #R2022-68

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 11th day of October, 2022; and

WHEREAS, it appears from an examination of the plat of WEST PLUM AVENUE; POLAR DRIVE; LOTS 13 THRU 26, BLOCK 2; LOTS 1 THRU 4, BLOCK 3; AND LOTS 1 THRU 8, BLOCK 4, MLC ADDITION, A SUBDIVISION OF BLOCK 3; LOT 4B, BLOCK 4; BLOCK

5; AND BLOCK 6, 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 WEST PLUM AVENUE; POLAR DRIVE; LOTS 13 THRU 26, BLOCK 2; LOTS 1 THRU 4, BLOCK 3; AND LOTS 1 THRU 8, BLOCK 4, MLC ADDITION, A SUBDIVISION OF BLOCK 3; LOT 4B, BLOCK 4; BLOCK 5; AND BLOCK 6, MORNINGVIEW ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Tjarks, seconded by Sabers, to place Ordinance #O2022-15, Revising Section 6-1-4(I)(3) of the Mitchell City Code Regarding the Keeping of Hogs within the City on second reading. Motion carried. Moved by Tjarks, seconded by Smith, to adopt Ordinance #O2022-15, Revising Section 6-1-4(I)(3) of the Mitchell City Code Regarding the Keeping of Hogs within the City, as follows:

ORDINANCE NO. O2022-15

AN ORDINANCE REVISING SECTION 6-1-4(I)(3) OF THE MITCHELL CITY CODE REGARDING THE KEEPING OF HOGS WITHIN THE CITY.

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

Section 1.

That Section 6-1-4(I)(3) of the Mitchell City Code be repealed and replaced to read as follows:

3. No person shall place, keep or maintain any live hogs within the city except such hogs as are kept in the yards or pens of the railway companies for shipping purposes or in pens, houses or yards of the stockyards, packinghouses or butcher shops and kept for the purpose of immediate shipment or slaughter. However, a household may keep one hog per dwelling unit as a household pet so long as such hog has been bred for human companionship, the hog weighs no more than two hundred (200) pounds, and does not otherwise violate any animal control or nuisance ordinances of the city.

Section 2.

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


Section 3.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

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

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 _____.