

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

**March 20, 2023
6:00 P.M.**

PRESENT: Dan Allen, Marty Barington, John Doescher, Kevin McCardle, Steve Rice,
Dan Sabers, Susan Tjarks

ABSENT: Jeffrey Smith

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 - 1. City Council March 6, 2023.
- b. Committee Reports
 - 1. Planning Commission February 27, 2023,
 - 2. Planning Commission March 13, 2023 (unsigned), and
 - 3. Park and Recreation February 9, 2023.
- c. Department Reports
 - 1. Sales Tax Collections (February),
 - 2. Finance (January/February),
 - 3. Building Permits (February),
 - 4. Police (February),
 - 5. Fire/EMS (February),
 - 6. Palace Transit (January/February),
 - 7. Water (February), and
 - 8. Airport (February).
- d. Automatic Supplements
 - 1. Park Fund-Sports Complexes in the amount of \$1,377.27 from a donation of funds.
 - 2. Park Fund-Recreation Center in the amount of \$18,260.00 from a donation of funds.
- e. Raffle Permit
 - 1. VFW Post 2750 with the drawing to be held on December 12, 2023.
- f. Special Event Permit for 301 Rodz-Outkasts Car Show on Saturday, September 23, 2023.
- g. Set date of April 3, 2023 for hearing
 - 1. On the application to transfer RL-5766 Retail (on sale) Liquor License from MG Oil Company dba Village Bowl, 1500 N Duff Street to MG Oil Company dba Village Bowl, 1500 N Duff Street to include Suite 7(G)
 - 2. On the application to transfer RL-5759 Retail (on sale) Liquor License from MG Oil

Company dba Village Bowl 7, 1500 N Duff Street to MG Oil Company dba Village Bowl 2, 1500 N Duff Street

3. On the application to transfer RB-2828 Retail (on-off sale) Malt Beverage & SD Farm Wine License from MG Oil Company dba Village Bowl 2, 1500 N Duff Street to MG Oil Company dba Jokerz Casino Mitchell, 716 N Rowley, Suite B

h. Pay Estimates March 20, 2023

Pay Estimate #6 in the amount of \$8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow

Pay Estimate #6A in the amount of \$10,000.00 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow

Pay Estimate #24 in the amount of \$3,765.00 for Landfill Cell #4 Construction #2021-08 contracted to Helms & Associates,

Pay Estimate #6 in the amount of \$13,575.70 for Recycling Building #2021-30 contracted to Helms & Associates,

Pay Estimate #9 in the amount of \$139,454.99 for North Wastewater Improvements #2021-31 contracted to PKG Contracting,

Pay Estimate #24 in the amount of \$20,409.02 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,

Pay Estimate #5 in the amount of \$12,987.50 for Spruce Street RR Crossing #2021-39 contracted to Brosz Engineering,

Pay Estimate #3 in the amount of \$1,395.00 for Wastewater Treatment Plant-South Phase II #2022-01 contracted to HDR Engineering,

Pay Estimate #8 in the amount of \$1,944.75 for 1st & Main/7th & Main Signals #2022-08 contracted to HR Green,

Pay Estimate #7 in the amount of \$7,500.43 for Water & Wastewater Fee Analysis #2022-22 contracted to HDR Engineering,

Pay Estimate #3 in the amount \$36,849.45 for 3rd & Main Streetscape #2022-26 contracted to McLaury Engineering,

Pay Estimate #2 in the amount of \$6,646.00 for Cadwell Park Crow's Nest & Shade Structure #2022-34 contracted to Ciavarella Design,

Pay Estimate #3 in the amount of \$9,000.00 for Recreation Center Replastering Pools #2022-35 contracted to Schemmer,

Pay Estimate #1 in the amount of \$1,438.55 for Canal Bridge #2022-36 contracted to SD Department of Transportation,

Pay Estimate #2 in the amount of \$68,708.78 for Recreation Center Fitness Room #2022-50 contracted to Mueller Lumber,

Pay Estimate #3 in the amount of \$6,375.00 for Jetty & Marina Bike Trail #2023-03 contracted to Brosz Engineering,

Pay Estimate #1 in the amount of \$9,601.00 for New Landfill Monitoring #2023-29 contracted to GeoTek Engineering,

Pay Estimate #3 in the amount of \$219.05 for 2022 Bridge Inspections contracted to SD Department of Transportation, and

Pay Estimate #22 in the amount of \$1,859.81 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates.

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 FEBRUARY 19, 2023 – MARCH 4, 2023: City Council \$3,615.68, Mayor \$1,562.81, City Administrator \$5,942.50, Administrative Boards \$2,211.81, Attorney \$4,938.27, Finance \$13,096.08, Human Resources \$3,975.10, Municipal Building \$3,537.47, Information Technology \$3,015.52, Police \$72,702.12, Traffic \$4,668.20, Fire \$38,904.20, Street \$43,393.88, Public Works \$19,103.99, Cemetery \$5,057.05, Library \$17,532.45, Recreation & Aquatics \$6,103.07, Recreation Center \$16,085.19, Sports Complexes \$10,218.89, Parks \$12,914.42, Supervision \$6,081.69, E911 \$24,050.96, MVP \$532.12, Palace Transit \$29,174.00, JVCC \$1,532.42, Nutrition \$4,111.30 Water Distribution \$15,325.36, Sewer \$14,884.63, Airport \$4,152.17, Recycling Program \$6,741.43, Waste Collection \$8,067.10, Landfill \$11,392.20, Corn Palace \$21,100.77, Golf Course \$4,211.87, Emergency Medical Services \$35,223.22

NEW HIRES:

CORN PALACE: Nevaeh Gjerdahl-\$11.30

PALACE TRANSIT: Anna Ohara-\$20.30

SALARY ADJUSTMENTS:

CORN PALACE: Jeffery Hanson-\$30.160

FIRE: Andrew Shank-\$25.765

PALACE TRANSIT: Chad Mowry-\$20.815

POLICE: Austin Van Horn-\$28.343

STREET: Spencer James-\$22.692

TRAFFIC: Joshua Harvey-\$29.420

WARRANTS: A-Ox Welding Supply, Supplies-\$593.20; AFACME Council 65, Union Dues-\$529.20; Amazon Capital Services, Supplies-\$976.37; American Garage Door, Maintenance-\$742.96; Aqua-Pure, Supplies-\$1,012.50; Aramark, Supplies-\$244.71; AT&T Mobility, Utility-\$1,200.67; ATV Holdings, LLC dba Mitchell Telecom-\$2,743.47; Austin Resick, Travel-\$180.00; Avera Occupational Medicine, Physicals-\$1,299.00; Avera Queen of Peace Hospital, Supplies-\$107.82; B-Y Water District, February Usage-\$47,391.90; Baker & Taylor, Books-\$1,048.93; Bannwarth Trucking, Snow Removal-\$1,406.25; Big Daddy D's, Contract Services-\$4,077.40; Blackstone Publishing, Audiobooks-\$31.99; Blackstrap, Supplies-\$3,719.72; Blades Group, Supplies-\$2,356.00; Boyer Ford Trucks, Supplies-\$4,359.68; Brosz Engineering, 2021-39 P.E. #5-\$19,362.50; Buhl's Drycleaners & Linen, Supplies-\$112.50; Butler Machinery, Supplies-\$6,148.11; C&B Operations, Supplies-\$56.24; Cadwell Sanford Deibert & Garry, Indoor Pool-\$288.00; Carquest Auto Parts, Supplies-\$107.69; Center Point Large Print, Books-

\$94.08; Central Electric, Utilities-\$12,289.60; Century Link, Utilities-\$59.13; Chesterman, Supplies-\$3,119.96; CHS Farmers Alliance, Supplies-\$7,852.38; Ciavarella Design, 2022-34 P.E. #2-\$6,646.00; City of Brookings, Equipment-\$5,000.00; City of Mitchell, Utilities-\$15,960.15; Coborns, Contract Services-\$630.00; Core & Main, Supplies-\$59,911.91; Core-Mark Midcontinent, Supplies-\$9,237.27; Corn Palace, Supplies-\$14.75; Corporate Translation Service, Service-\$34.03; Corsica Stickney School District, Reg 5B Doubleheader Boys-\$4,732.45; County Fair, Contract Services-\$837.14; Culligan Water Mitchell, Supplies-\$50.00; Dak Tech, Equipment-\$1,730.00; Dakota Custom Turf, Equipment-\$25,500.00; Dakota Data Shred, Shredding Services-\$65.06; Dakota Fluid Power, Supplies-\$751.61; Dakota Pump, Supplies-\$780.03; Darrington Water Conditioning, Rental-\$99.50; Davison Rural Water System, Utilities-\$84.35; Dean Knippling, Reimbursement-\$106.97; Demco, Supplies-\$171.43; Department of Agriculture, Solid Waste-\$1,936.32; Department of Social Services, Child Support-\$921.22; Dianne Way, Corn Palace Games-\$80.00; Dice Benefits Consulting, Administration Fees-\$1,014.00; Dick's Towing, Vehicle Towing-\$298.00; Dimock Dairy, Supplies-\$253.50; DLT Solutions, Subscription-\$4,930.20; Dakota Wesleyan University Women's Basketball, Youth Basketball Tournament-\$1,275.00; Forum Communications, Advertising-\$662.08; Galls, Supplies-\$483.84; Gaylen's Gourmet Popcorn, Supplies-\$986.40; Geotek Engineering, 2023-29 P.E. #1-\$9,601.00; Grainger, Supplies-\$250.06; Harve's Sport Shop, Supplies-\$28.31; HDR Engineering, 2021-31 P.E. #24-\$29,304.45; Helms and Associates, 2021-30 P.E. #6-\$19,200.51; Henry Schein, Supplies-\$345.60; Howes Oil, Supplies-\$20,279.94; HR Green, 2022-8 P.E. #8-\$1,944.75; IACP Membership, Membership-\$190.00; Ican, Advertising-\$750.00; Ingram Library Services, Books-\$1,771.71; Intellipro Security, Maintenance-\$694.75; Interstate Office Products, Supplies-\$375.27; Ipma-HR, Supplies-\$715.00; Johnson Controls, Contract Services-\$4,537.22; Jones, Supplies-\$1,758.79; Justin Stoltenburg, Travel-\$180.00; Krohmer Plumbing, Supplies-\$86.73; Lakeview Veterinary Clinic, Supplies-\$1,042.95; Larry's I-90 Service, Service-\$1,464.67; Lawson Products, Supplies-\$167.55; Leighton Family Farms, Supplies-\$700.00; Lewis Family Drug, Supplies-\$19.98; Light & Siren, Repair-\$229.16; Lorang Grain, Snow Removal-\$3,000.00; Lori Schmidt, Corn Palace Games-\$80.00; Luke Ruml, Reimbursement-\$184.00; M&T Fire and Safety, Supplies-\$1,641.76; Make It Mine Designs, Supplies-\$15.00; McLaury Engineering, 2022-26 P.E. #3-\$36,849.45; McLeod's Printing, Supplies-\$184.50; Menard's, Supplies-\$302.85; Metcalf Archaeological Consulting, Survey-\$1,090.00; Midcontinent Communication, Advertising-\$1,899.00; Midwest Oil, Supplies-\$3,104.40; Midwest Turf & Irrigation, Supplies-\$2,387.23; Millennium Recycling, Single Stream Fee-\$1,816.85; Mitchell Animal Rescue, Management Fee-\$350.00; Mitchell Convention & Visitors Bureau, March 2023 Funding-\$20,800.00; Mitchell Iron & Supply, Supplies-\$23.10; Mitchell Local 4166, Training-\$2,100.00; Mitchell Plumbing & Heating, Boiler Maintenance-\$166.63; Mitchell Power Equipment, Supplies-\$89.19; Mitchell School District, Utilities-\$1,791.32; Mitchell School District, Corn Palace Games-\$14,893.95; Mitchell United Way, United Way Deductions-\$224.50; Mitchell Wrestling, Corn Palace Games-\$5,220.15; Mount Vernon School District, Contract Services-\$139.50; Mueller Lumber, 2022-50 P.E. #2-\$68,708.78; Muth Electric, Maintenance-\$10,450.12; N-Able Solutions, Supplies-\$1.82; Napa Central, Supplies-\$309.63; National Tactical Officers, Travel/Training-\$14,000.00; Newman Signs, Parts-\$1,971.07; Northern Plains Fitness, Equipment-\$27,500.00; Northwestern Energy, Utilities-\$70,678.98; National Recreation and Park, Membership-\$180.00; O'Connor & Son Trucking, Snow Removal-\$5,750.00; Online

Computer Library Center, Subscription-\$378.90; One Source the Background, Background Checks-\$147.00; Overdrive, Books-\$865.39; Papa Murphy's Pizza, Pizzas-\$618.96; Pat Dockendorf, Corn Palace Games-\$80.00; Paulson Sheet Metal, Supplies-\$160.25; Pepsi Cola, Supplies-\$1,323.02; Peterbilt of Sioux Falls, Supplies-\$253.38; Pfeifer Implement, Service Charge-\$3.08; Pioneer Research, Supplies-\$200.29; Pkg Contracting, 2021-31 P.E. #9-\$139,454.99; Powerphone, Training-\$4,179.00; Premier Equipment, Supplies-\$1,594.86; Pro-Tech Sales, Supplies-\$30,611.00; Qualified Presort, Postage-\$261.90; Quality Cut Lawn & Tree Service, 2019-53R2 P.E. #6A-2022-\$18,666.66; Rockmount Research & Alloy, Supplies-\$2,785.71; Runnings Supply, Supplies-\$1,346.65; Ryland Devries, Reimbursement-\$40.00; S&M Printing, Supplies-\$95.25; Saga Communications of South Dakota, Advertising-\$813.00; Santel Communications, Utilities-\$106.16; Schemmer, 2022-35 P.E. #3-\$9,000.00; Schoenfelder Portables, Rental-\$300.00; Scott Supply, Supplies-\$5.41; South Dakota Department of Public Safety, Service Contract-\$2,108.00; South Dakota Department of Public Safety, Maintenance-\$290.00; South Dakota Department of Transportation, 2022 Bridge #3-\$1,657.60; South Dakota Federal Property, Supplies-\$503.00; South Dakota Public Assurance Alliance, Mobile Equipment-\$138.41; South Dakota Retirement System, Retirement Contributions-\$59,555.46; South Dakota Sheriff's Association, Conference Registration-\$230.00; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,494.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,158.50; Sherwin-Williams, Supplies-\$192.97; Sign Solutions, Supplies-\$364.13; Sirchie Acquisition, Supplies-\$440.90; South Dakota 811, Locations-\$16.80; Stan Houston Equipment, Supplies-\$107.40; Standard Insurance, Life Insurance-\$428.09; Staples, Supplies-\$243.36; Sterling Codifiers/America, Publishing-\$2,275.00; Steve Norgaard, Fundraising-275.00; Streicher's-Minneapolis, Supplies-\$837.00; Sturdevants Auto Value Mitchell, Supplies-\$4,370.77; Subway, Meals-\$39.95; Sun Gold Sports, Supplies-\$40.00; Teamsters Local No. 120, Union Dues-\$1,671.00; Tessier's, Maintenance-\$397.54; The Dugout, Contract Services-\$756.00; The Fire Group, Maintenance-\$1,010.00; Thomson Reuters – West, Online Subscription-\$777.48; Thune True Value & Appliance, Service Call-\$157.84; TMA Stores, Repair-\$56.34; Todd O. Brueske Construction, Supplies-\$7,500.00; Transource, Supplies-\$197.96; Trizetto Provider Solution, Professional Service-\$81.80; Velma Wagner, Ambulance. Refund-\$173.17; Verizon Wireless, Utilities-\$1,035.52; Vern Eide Chevrolet Buick, Repair-\$673.65; Vern Eide Ford Lincoln, 2020 Ford F-150 Truck-\$38,500.00; Walmart/Capital One, Supplies-\$70.85; Wheelco Brake & Supply, Supplies-\$37.69; Wholesale Electronics, Finance Charge-\$0.13; Wageworks, \$12,714.61; Wellmark, Administration, Prescription, Medical-\$190,235.92; Ellwein Brothers, Supplies-\$792.00.

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

CITIZENS INPUT:

Bill Middendorp of the Salvation Army stated he is looking into the possibility of a homeless shelter in the City of Mitchell.

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 Jay Schreurs for a variance for a combination of attached and detached accessory buildings of 2,704 square feet vs 2,000 square feet to build a new detached accessory building of 1,920 square feet located at 1800 Charles Avenue, legally described as Lots 8 & 9, Block 5 of Woods First Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District. The Planning Commission recommended approval of said application. Moved by Allen, seconded by Sabers, to approve said application. Motion carried.

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

HEARING:

City Attorney Justin Johnson reviewed the facts on the revocation of the Ride Service License of Speedy Taxi LLC. Dustin Feistner, operator of Speedy Taxi, was in attendance and spoke regarding the revocation of the license. Moved by McCardle, seconded by Allen, to uphold the revocation of the ride service license for Speedy Taxi LLC. Roll Call vote-Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Tjarks. Members present voting nay: none. Motion carried.

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Rice, to approve a request for a fifteen minute loading and unloading sign west of the Chamber building within the City parking lot. Motion carried.

Moved by Allen, seconded by Sabers, to approve the Release of Easement on the adjoining property line of Lots 10 and 11, Tract J, Wild Oak Golf Club Addition. Motion carried

Moved by Tjarks, seconded by Allen, to postpone the approval of Agreement #A2023-10, 2nd & 4th Main Street Streetscape Project #2023-21 with McLaury Engineering. Motion carried.

Moved by Rice, seconded by McCardle, to approve Agreement #A2023-11, Section 5310 ARPA Grant Funding Agreement for Palace Transit. Motion carried.

Moved by Rice, seconded by Tjarks, to approve Agreement #A2023-12, Axon Fleet Equipment, Storage, and Support Agreement. Motion carried.

HEARING:

A public hearing was held for the Mitchell Water Storage and Distribution System Project. The City is seeking up to \$16,000,000.00 from the DWSRF program. The expected loan term for the Drinking Water SRF loan is 1.875% for 30 years. Public Works Director Joe Schroeder

discussed the proposed project, the proposed financing, and the source of repayment for the loan. There were no comments from the public.

RESOLUTIONS:

Moved by Tjarks, seconded by Barington, to approve Resolution #R2023-14, Authorizing an Application for Financial Assistance, as follows:

RESOLUTION NO. #R2023-14

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Mitchell (the “City”) has determined it is necessary to proceed with improvements to the city’s water storage and distribution system (the “Project”); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) is being prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$16,000,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Motion carried and resolution declared duly adopted.

Moved by Barington, seconded by McCardle, to approve Resolution #R2023-15, Authorize an Application with the National Parks Service for an LWCF Grant for Hitchcock Park Pickleball Complex Project #2023-14, as follows:

RESOLUTION #R2023-15

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 **Mayor Robert B. Everson, Jr** 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 **Hitchcock Park Pickleball Complex 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.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Rice, to approve Resolution #R2023-16, Vacation of a Public Right-of-Way in the 1900 and 2000 Block of West 8th Avenue, as follows:

RESOLUTION #R2023-16

WHEREAS, The petitions and consent in writing of TTKlingaman LLC, a South Dakota limited liability company, owner of Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota and Jeffrey R. DelFavero and Denise DelFavero, husband and wife, owner of Lots One through Twelve (1-12) inclusive, Block Five (5), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota respectfully in due and proper for, are requesting the Governing Body of the City of Mitchell to vacate the street and ally right-of way described as set forth below pursuant to the statues in such cases made, and provided, particularly SDCL 9-45-7, et. Sep and petitioners respectfully show and represent the following:

That portion of dedicated street running north and south platted between Blocks Four (4) and Five (5), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota and,

That portion alley platted running east and west through the center of Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota.

WHEREAS, such property is located west of the City of Mitchell and outside the city limits but is within its extra territorial jurisdiction as defined by SDCL 11-6-10, all as more particularly set forth on the original plat and survey, true copies of which are attached to the Petition on file with the City Finance Officer.

WHEREAS, the petition was presented to the City Council of Mitchell, South Dakota, in a regular meeting assembled on the 20th day of March, 2023.

WHEREAS, this council did thereupon consider said petition and did find that said Petition and Consent in writing requesting and consenting to the vacation of said street and alley was signed by all the owners of property abutting the street and ally sought to be vacated; and,

WHEREAS, this Council did, by proper motion, made, seconded and carried in regular meeting assembled on the 20th day of March, 2023 deem it proper that the matter be proceeded with and did order that the said Petition be filed with the City Finance Officer and did order said Finance Officer to give notice of a hearing thereon, by publication, as required by law, that said Petition had been filed and that the same would be heard and considered by the Governing Body of the City on the 20th day of March, 2023 at 6:00 PM. In the Chambers of the City Council of the City of Mitchell Davison County South Dakota;

WHEREAS, said Council did meet to consider and hear said Petition on the 20th day of March, 2023 at the time and place specified in said Notice, and that the said Petition was duly heard and considered by this Council, the Petitioners and consideration of those objecting were heard by Council were presented in regards to said Petition, writing or otherwise; and,

WHEREAS, this Council having duly heard and considered said Petition 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 Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota, for two (2) successive weeks, to-wit: March 1 and 8, 2023.
2. That the Petitioners are the sole owners of all of the property abutting the street and alley right-of-way requested to be vacated and have requested that the said alley and street right -of-way be vacated. Said owners having consented in writing to the

vacation of the said street and alley and which consent is made part of the said Petition.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 20th day of March, 2023 that street right of way identified as portion alley platted running east and west through the center of Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota located within the real property owned by TKKlingaman LLC is hereby vacated.

BE IT FURTHER RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 20th day of March, 2023 that street right of way identified as portion of dedicated road running north and south platted between Blocks Four (4) and Five (5), Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South located within the real property owned by TKKlingaman LLC and Jeffrey R. DelFavero and Denise DelFavero is hereby NOT vacated.

BE IT FURTHER RESOLVED the above actions are subject to Davison County Commission passing a resolution vacating the same rights of way.

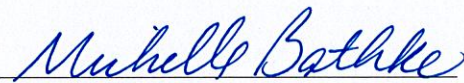
Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Allen, seconded by Barington, to place Ordinance #O2023-02, Supplemental Appropriations on first reading. Motion carried.

ADJOURN:

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


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.