

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

March 6, 2023

6:00 P.M.

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

ABSENT:

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 - 1. City Council February 21, 2023.
- b. Committee Reports
 - 1. Planning Commission February 13, 2023 and
 - 2. Planning Commission February 27, 2023 (unsigned).
- c. Automatic Supplement to Park Fund-Sports Complexes in the amount of \$3,710 from a donation of funds.
- d. 2022 Annual Report.
- e. SD DOT Capital Grant Application.
- f. Special Event Permit for Corn Palace Shrine Circus from Sunday, April 23 through Thursday, April 27, 2023.
- g. Special Event Permit for Mitchell Main Street & Beyond: 1st Fridays on Main.
- h. Special Event Permit for Mitchell Main Street & Beyond: Memorial Weekend in Mitchell on Saturday, May 27, 2023.
- i. Special Event Permit for Mitchell Main Street & Beyond: Oktoberfest on Saturday, September 30, 2023.
- j. Special Event Permit for Mitchell Main Street & Beyond: Parade of Lights on Tuesday, November 28, 2023.
- k. Raffle Permits
 - 1. Heart & Sole with the drawing to be held on June 16, 2023.
- l. Approval of volunteer board appointments
 - 1. Blake Sabers to the Business Improvement Board #3 for a term of January 1, 2023-December 31, 2025.
- m. Change Order #2-Final for Landfill Cell #4 Construction Project #2021-08 decreasing the contract amount by \$18,658.40 to A-G-E Corporation, adjust contract amount to \$867,287.30.

n. Approval of Gas and Fuel Quotations

<u>Howe's Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
Off Road Diesel-#2	3,150	3,150	\$2.956	\$9,311.40
Off Road Diesel-#1	3,150	3,150	\$3.470	\$10,930.50
Total Bid:				\$20,241.90

o. Pay Estimates March 6, 2023

Pay Estimate #5-Final in the amount of \$62,196.59 for Landfill Cell #4 Construction #2021-08 contracted to A-G-E Corporation,

Pay Estimate #10 in the amount of \$8,731.40 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering,

Pay Estimate #12 in the amount of \$2,846.25 for Highway 37 Utility Design #2021-45 contracted to SPN & Associates,

Pay Estimate #13 in the amount of \$2,560.00 for Highway 37 Utility Design #2021-45 contracted to SPN & Associates,

Pay Estimate #6 in the amount of \$23,152.50 for South Lake Estates Development #2022-23 contracted to SPN & Associates,

Pay Estimate #4 in the amount of \$3,026.25 for 12th & 13th Avenue Watermain Loop #2023-08 contracted to SPN & Associates, and

Pay Estimate #1 in the amount of \$4,295.00 for Old Landfill Monitoring #2023-28 contracted to GeoTek Engineering.

p. 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 5, 2023 – FEBRUARY 18, 2023: City Council \$3,615.68, Mayor \$1,562.81, City Administrator \$6,092.50, Administrative Boards \$2,211.81, Attorney \$4,938.27, Finance \$13,512.30, Human Resources \$3,975.10, Municipal Building \$3,509.18, Information Technology \$3,015.52, Police \$72,640.87, Traffic \$4,861.07, Fire \$38,385.85, Street \$33,241.17, Public Works \$18,810.70, Cemetery \$5,141.86, Library \$17,792.74, Recreation & Aquatics \$6,170.07, Recreation Center \$18,215.61, Sports Complexes \$10,493.54, Parks \$12,773.25, Supervision \$6,081.70, E911 \$21,690.35, MVP \$532.13, Palace Transit \$29,853.49, JVCC \$1,195.46, Nutrition \$4,308.03 Water Distribution \$14,586.50, Sewer \$17,058.85, Airport \$3,442.18, Recycling Program \$6,813.36, Waste Collection \$6,638.75, Landfill \$9,446.69, Corn Palace \$24,203.77, Golf Course \$4,715.05, Emergency Medical Services \$33,008.81

NEW HIRES:

FIRE: Paul Bernard-\$19.616

PALACE TRANSIT: Mitchell Suehs-\$12.30

RECREATION CENTER: Kazia Ohayon-\$10.80

STREET: Matthew Geidel-\$22.412

SALARY ADJUSTMENTS:

E-911: Kyleena Dumas-\$28.741

MUNICIPAL BUILDINGS: Michael Leach-\$18.857

PALACE TRANSIT: Jacquelyn High-\$21.075

POLICE: Bryce Fuchs-\$27.993, Crystal Reitzel-\$23.862, Austin Resick-\$28.343

TERMINATIONS:

WASTEWATER: Isaiah Glanzer

WARRANTS: A&B Business Solutions, Contract-\$3,886.32; A-G-E Corporation, 2021-8 P.E. #5-Final-\$62,196.59; AAA Collections, Collection Fee-\$30.00; Advance Auto Parts, Supplies-\$88.51; AFLAC, Aflac Withholding-\$10,513.65; AFLAC Group, Critical Care-\$551.70; AFSCME Council 65, Union Dues-\$554.40; Airside Solutions, Repair Parts-\$201.20; Alex Air Apparatus, Supplies-\$1,130.12; Amazon Capital Services, Supplies-\$932.62; Aqua-Pure, Supplies-\$1,237.50; Aramark, Mat Cleaning-\$218.21; Armour School District, Corn Palace Games-\$2,314.50; AT&T Mobility, Utilities-\$646.89; Auto Body Specialties, Repair-\$16.32; Avera Occupational Medicine, Physicals-\$860.00; Bailey Metal Fabricators, Repair-\$293.33; Barr Engineering, 2021-20 P.E. #PH2-10-\$8,731.40; Bechen Electric, Maintenance-\$14,171.46; Becker Arena Products, Supplies-\$550.25; Big Daddy D's, Contract Services-\$3,340.80; Blackstone Publishing, Audiobooks-\$132.77; Blackstrap, Supplies-\$3,924.57; Brooks Oil, Supplies-\$912.18; BSN Sports, Supplies-\$7,420.00; Buckin' Wild Ranch, Sports Authority Promotion-\$600.00; Building Sprinkler, Inspection-\$368.70; Butler Machinery, Supplies-\$143,464.52; C&B Operations, Supplies-\$6,343.98; Carquest Auto Parts, Supplies-\$25.48; CDW Government, Supplies-\$385.88; Central Electric, Utilities-\$1,884.97; Century Link, Utilities-\$13.61; Chesterman, Supplies-\$594.56; CHS Farmers Alliance, Supplies-\$1,951.25; City of Mitchell, Golf Course Deductions-\$1,254.34; City of Mitchell, Recreation Deductions-\$1,805.32; Ck Bicycles & Locks, Supplies-\$39.00; Connor Carlson, Reimbursement-\$79.97; Converge One, Maintenance-\$4,492.36; Core & Main, Repair-\$71,068.48; Core-Mark Midcontinent, Supplies-\$10,012.61; Corn Palace, Supplies-\$14.75; Corsica Stickney School District, Corn Palace Games-\$3,610.50; Dakota Fluid Power, Supplies-\$8,592.03; Dakota Pump, Supplies-\$765.31; Dakota Riggers & Tool Supplies, Supplies-\$373.17; Dakota Supply Group, Supplies-\$194.00; Daniel Fechner, Travel-\$78.00; Darrington Water Conditioning, Rent-\$49.40; Davison County Register of Deeds, Annexation Paperwork-\$37.00; Delta Dental Plan of South Dakota, Dental Insurance-\$15,202.52; Department of Agriculture, Municipal Fees-\$15,500.00; Department of Motor Vehicle, Title, Plate, and Registration-\$81.00; Department of Social Services, Child Support-\$921.22; Diesel Machinery, Supplies-\$97.52; Dimock Dairy, Supplies-\$144.00; Donald Everson, Reimbursement-\$48.00; Dakota Wesleyan University, Sports Authority Promotion-\$1,500.00; EBSCO, Rate Adjustment-\$38.05; Eric Hieb, Contract

Services-\$4,765.84; First National Bank Omaha, Supplies-\$14,967.27; Geotek Engineering, 2023-28 P.E. #1-\$4,295.00; Grainger, Supplies-\$98.28; Hach, Supplies-\$516.00; Harve's Sport Shop, Supplies-\$59.96; Hawkins, Supplies-\$50.00; Henry Schein, Supplies-\$172.94; Howes Oil, Supplies-\$25,692.02; Ingram Library Services, Books-\$917.42; Innovative Office Solution, Supplies-\$57.56; Interstate Office Products, Supplies-\$104.94; Jones, Supplies-\$1,245.84; Kone Chicago, Maintenance-\$892.56; Krohmer Plumbing, Repair-\$139.39; Lakeview Books, Books-\$146.93; Larry's I-90 Service, Maintenance-\$4,762.16; Lawson Products, Supplies-\$4,912.89; Lifequest, 2023 Allocation-\$8,000.00; Lori Schmidt, Corn Palace Games-\$195.00; Marco Technologies, Maintenance-\$207.72; Mark Gran, Reimbursement-\$48.00; McLeod's Printing, Supplies-\$2,603.13; Menard's, Supplies-\$716.94; Microsoft Corporation, Online Services-\$910.00; Midway Service/Vollan Oil, Supplies-\$21,267.20; Midwest Fire & Safety, Extinguisher Service-\$1,068.50; Midwest Oil, Supplies-\$222.54; Midwest Turf & Irrigation, Maintenance-\$3,145.49; Millennium Recycling, Single Stream Fee-\$1,597.75; Minnesota Valley Testing, Supplies-\$123.80; Mitchell Iron & Supply, Supplies-\$125.32; Mitchell Music Boosters, Sports Authority Promotion-\$3,000.00; Mitchell United Way, United Way Deductions-\$249.50; Napa Central, Supplies-\$261.01; Northwestern Energy, Utilities-\$20,839.32; O'Connor & Son Trucking, Snow Removal-\$11,156.25; O'Reilly Automotive, Supplies-\$6.31; Parkeon, Professional Fee-\$65.00; Pat Dockendorf, Corn Palace Games-\$195.00; Pepsi Cola, Supplies-\$1,180.48; Peterbilt of Sioux Falls, Supplies-\$92.82; Pfeifer Implement, Repair-\$2,009.16; Powerplan-Oib, Supplies-\$1,033.36; Premier Pest Control, Supplies-\$600.00; Public Health Laboratory, Labs-\$225.00; Qualified Presort, Postage-\$438.66; Ramkota Hotel Watertown South Dakota, Travel-\$314.70; Riverside Technologies, Licenses-\$23,547.04; Robert B Everson Jr., Travel-\$162.18; Runnings Supply, Supplies-\$1,218.35; S&M Printing, Supplies-\$107.00; Sanitation Products, Supplies-\$8,699.09; Schmucker Paul & Nohr, 2021-45 P.E. #13-\$31,585.00; Scott Supply, Supplies-\$733.55; South Dakota Public Assurance Alliance, Insurance Coverage-\$419,518.09; South Dakota Retirement System, Retirement Contributions-\$57,353.04; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,494.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,158.50; Sherwin-Williams, Supplies-\$64.51; Standard Insurance, Life Insurance-\$2,487.42; Staples, Supplies-\$353.47; Steve Stanforth, Corn Palace Games-\$80.00; Stryker Sales, Supplies-\$419.58; Sturdevants Auto Value Mitchell, Supplies-\$3,101.28; Subway, Meals-\$47.94; Sun Gold Sports, Supplies-\$70.00; Solid Water association of North America, Membership-\$490.00; Texas Refinery, Supplies-\$569.00; Thomas Holleman, Travel-\$238.72; Thune True Value & Appliances, Supplies-\$1,451.29; TK Electric, Supplies-\$166.80; TMA Stores, Supplies-\$12.48; Traffic Control, Supplies-\$1,815.00; Transource, Supplies-\$2,567.59; True North Steel, Supplies-\$11,758.30; Verizon Wireless, Utilities-\$360.09; Walmart/Capital One, Supplies-\$17.76; Watertown Wholesale, Supplies-\$177.22; Watts Regulator, Software Updates-\$600.19; Wellmark Blue Cross Blue Shield, Claims Processing Fee-\$2,508.00; Wheelco Brake & Supply, Supplies-\$717.53; South Dakota State Treasurer, 2023 Sales Tax Payment-\$15,904.16; Ellwein Brothers, Supplies-\$792.00; US Bank, Bond Payments-\$200,547.61.

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

CITIZENS INPUT:

The Mitchell Main Street & Beyond executive board introduced themselves.

Council Member McCardle publicly apologized for how long the concession lines have been during basketball games and stated both concession stands should be open.

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 Rice, seconded by McCardle, to set date for March 20, 2023 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. Motion carried.

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

CONSIDER APPROVAL:

Moved by Allen, seconded by Tjarks, to reject both proposals received for Minnow Removal at Wastewater Treatment Lagoons Project #2023-18 and rebid. The two bids received were from Skinner Bait Farm and No Wait Bait, both in the amount of \$3,000.00. Motion carried.

AWARD BIDS:

Bids were opened and read on Water Main Distribution System Improvements, Project #2020-20A on the 15th day of February, 2023. Moved by Smith, seconded by Barington, to award contingent upon DANR approval and acquiring additional funds from utility rate increases and an SRF loan increase, as follows:

WATER MAIN DISTRIBUTION SYSTEM IMPROVEMENTS PROJECT #2020-20A

H & W Contracting, 3416 W Hoaland Drive, Sioux Falls, SD 57107

Total Bid	\$2,262,671.30
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Motion carried.

Bids were opened and read on Street Shop Fuel Storage Tank Replacement, Project #2021-51 on the 1st day of March, 2023. Moved by McCardle, seconded by Allen, to award, as follows:

**STREET DEPARTMENT FUEL STORAGE TANK REPLACEMENT
PROJECT #2021-51**

Dockendorf Equipment, PO Box 1212, Sioux Falls, SD 57101

Total Bid \$464,742.35

Motion carried.

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Sabers, to approve the Transfer of Entitlements for the Airport Pavement Maintenance. Motion carried.

Moved by Rice, seconded by Allen, to approve Amendment #1 to Agreement #A2021-07, Construction Services for Livesay Lane Utility Improvements with Infrastructure Design Group in an amount not to exceed \$205,094.00. Motion carried

Moved by Sabers, seconded by Barington, to approve Agreement #A2023-08, Joint Powers Agreement with Attorney General's Office and Mitchell Police Department Joint Drug Enforcement. Motion carried.

Moved by Allen, seconded by McCardle, to approve Agreement #A2023-09, Engineering Services for Cadwell Booster Station with Schmucker, Paul, Nohr & Associates in the amount of \$6,700.00. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Tjarks, to approve Resolution #R2023-10, Creating Tax Increment District #29 and Approving the Project Plan, as follows:

RESOLUTION R2023-10

A RESOLUTION PROVIDING FOR THE CREATION OF CITY OF MITCHELL TAX INCREMENTAL DISTRICT NUMBER TWENTY-NINE

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Twenty-nine (TID 29) and to define the district's boundaries; and

WHEREAS notice of the hearing before the city planning commission was provided pursuant to SDCL 11-9-3; and

WHEREAS, the City of Mitchell Planning Commission held a hearing on February 27, 2023 at which any interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district; and

WHEREAS the City of Mitchell Planning Commission after said hearing has recommended the proposed plan for Tax Incremental District Number Twenty-nine and has recommended its creation, setting the boundaries as listed in the project plan, and recommending adoption of the project plan.

THEREFORE, IT IS HEREBY RESOLVED:

1. Pursuant to SDCL 11-9-5, there is hereby created, as of March 6, 2023, the City of Mitchell Tax Incremental District Number Twenty-nine (TID 29). TID 29 is legally described as follows:

Lots Seven (7), Eight (8), Nine (9) and Ten (10), Block Two (2), Original Town (now City) of Mitchell, Davison County, South Dakota.

with a map showing said boundaries included in the Project Plan presented to Council on March 6, 2023.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 29 was held on February 27, 2023.
3. The City Council, in consideration of the project plan, other documentary evidence, and testimony, hereby makes the following findings:
 - a. Pursuant to SDCL 11-9-8, not less than fifty percent (50%) by area of the real property within the proposed tax increment district will stimulate and develop the general economic welfare and prosperity of the City of Mitchell and State of South Dakota through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources;
 - b. Further pursuant to SDCL 11-9-8, the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TID 29;
 - c. Pursuant to SDCL 11-9-13, the project plan for TID 29 includes information satisfying each of the 5 requirements contained therein;
 - d. Pursuant to SDCL 11-9-16, the project plan for TID 29 includes information satisfying each of the 6 requirements contained therein; and
 - e. The plan is feasible and in conformity with the master plan of the City.
 - f. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts does not exceed ten (10%) percent of the total assessed valuation of the City.
 - g. TID 29 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
4. Based on the findings in Section 3 above, the City hereby approves and adopts the project plan and the proposed boundaries as recommended by the City of Mitchell Planning Commission.

5. The City hereby directs the City of Mitchell Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
6. There is hereby created, pursuant to SDCL 11-9-31, the Tax Incremental District Number Twenty-nine Fund (TID 29 Fund).
7. All tax increments collected pursuant to TID 29 shall be deposited into the TID 29 Fund.
8. All funds in the TID 29 Fund shall be used solely for the purposes expressly stated and reasonably inferred in SDCL 11-9.
9. The City finds that the aggregate assessed value of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed ten percent of the total assessed value of taxable property in the municipality.
10. The project plan is on file with the City of Mitchell Finance Officer.
11. A Developer's Agreement consistent with the provisions of this Resolution and the Project Plan shall be approved by separate action of the City Council.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Tjarks, to approve Resolution #R2023-11, Plat of Lot 1 of Albrecht's Addition in the NE ¼ of Section 18, T 103 N, R 60 W of the 5th P.M., Davison County South Dakota, as follows:

RESOLUTION #R2023-11

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 27th day of February, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 1 OF ALBRECHT'S ADDITION IN THE NE ¼ OF SECTION 18, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Jeremy A. Wolbrink, 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 1 OF ALBRECHT'S ADDITION IN THE NE ¼ OF SECTION 18, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Jeremy A. Wolbrink, 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 Rice, to approve Resolution #R2023-12, Historic Preservation Findings in Relation to the Property at 112 and 114 E 1st Avenue, as follows:

RESOLUTION #R2023-12

A RESOLUTION REGARDING SDCL SECTION 1-19A-11.1 FINDINGS IN RELATION TO THE PROPERTY AT 112 AND 114 EAST 1st AVE

WHEREAS, the Tobins Transfer Inc is the owner of certain real property at 112 and 114 E 1st Ave which is legally described as:

**West 30' of Lots 5 & 6, Block 12; E 21 ½' of W 52 ½' of Lot 5
& 6, Block 12 all in Original Plat of Town (now City) of
Mitchell, Davison County, South Dakota.**

WHEREAS the above described property is listed on the National Register of Historic Places.

WHEREAS Tobins Transfer Inc sought a demolition and building permit for their property on November 1, 2022.

WHEREAS state law puts certain processes in place which must be followed prior to any governmental action that may damage, destroy, or encroach upon any historic property.

WHEREAS, in consideration of such laws, the City of Mitchell did provide notice of the status of the property, reports of its condition, and eventually the Tobins Transfer Inc demolition plan to the State Historic Preservation Office (SHPO) which was received on December 7, 2022. On January 7, 2023 SHPO requested an abbreviated 11.1 case review which includes Mitchell Historic Preservation Commission to hear and act upon. This report was received by SHPO on February 6, 2023 but requested more information. On February 7, 2023 SHPO received additional information and photographs. On February 17, 2023 SHPO reached out to the City of Mitchell as to whether the building was a danger to public safety. On February 21, 2023, the City of Mitchell indicated that the building has been a pedestrian safety hazard since the accident to the building, which took place in December of 2021. On February 21, 2023 SHPO issued its determination based on the information provided, the structures do not appear to be deteriorated beyond repair. Upon review of the information submitted, it is the final opinion of the SHPO that this project will destroy historic property and that alternatives to this project have not been adequately considered and should be further explored.

WHEREAS SDCL 11.1 requires in this case that the City make a written determination that "based upon the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property, resulting from such use."

WHEREAS such a hearing by the City Council was scheduled, noticed, and held on March 6, 2023 during regular session and that at such hearing interested parties were afforded an opportunity to comment on the matter and the City Council did consider and discuss relevant facts relating to such demolition plan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City Council does hereby make the following findings of fact and conclusions:

1. The above described property is listed on the National Register of Historic Places.
2. The City of Mitchell, did submit a notice, abbreviated case report, and supplemental materials as required by state law and as requested by the State Historic Preservation Office.
3. The City Council, in its capacity as the governing body designated to make a final determination of project acceptability under SDCL 1-19A-11.1, must determine that, "based on the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property."
4. The City Council has taken into consideration all relevant factors including all testimony provided at the above described hearing, all documentation provided at or for use in such hearing, and specifically, the following materials:

112 and 114 E 1st Ave-State Case Report-1-3-2023

City of Mitchell Historic Preservation Commission Unsigned Minutes 1-26-2023

11.1 Case_ReportForm-112 and 114 E 1st Ave-Signed

112 and 114 E 1st Ave-GIS

112 and 114 E 1st Ave-Photos

112 and 114 E 1st Ave-State Case Report-2-10-23

112 and 114 E 1st Ave-Additional Information 2-16-23

112 and 114 E 1st Ave-Photos 2-16-23

112 and 114 E 1st Ave-State Case Report-2-21-23

5. Upon review of all of the materials and testimony described above, the City Council does hereby find that, based on the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property.
6. That in recognition of these findings and conclusions, the State Office of History shall be provided with notice of this determination by certified mail, to include a complete record of factors considered.

7. That after ten days from sending such notice, compliance with SDCL 1-19A-11.1 shall no longer serve as an impediment to carrying out the proposed demolition plan.

Allen abstained. Motion carried and resolution declared duly adopted.

Moved by Sabers, seconded by Allen, to approve Resolution #R2023-13, Setting Utility Rates for 2023-2024 and Implementing a New Utility Rate Structure, as follows:

Resolution #R2023-13

A RESOLUTION AMENDING CITY OF MITCHELL WATER & SEWER RATES & FEES TO FUND CURRENT AND FUTURE INFRASTRUCTURE IMPROVEMENT PROJECTS.

WHEREAS, the City of Mitchell has been involved in a comprehensive infrastructure planning process,

WHEREAS, many of these projects will include state revolving loan financing that the city will be obligated to repay through rates,

WHEREAS, these improvements are necessary to meet expected demands of current customers in the next 5-10 years, as well as any future demands from growth and development within the City of Mitchell;

WHEREAS, the Mitchell City Council asked that rates be set with quarterly increases until they reach the necessarily level in 2027 to fund the projected increases required for planned improvements in order to make the increases more gradual for residents;

THEREFORE, BE IT RESOLVED, by the City Council of the City of Mitchell, SD that effective June 1, 2023 rates be set at:

Water Rates			
		<i>Current</i>	<i>Effective 6/1/2023</i>
<i>Base Rate</i>	<i>1" and less</i>	<i>\$9.21</i>	<i>\$ 13.00</i>
	<i>1 1/2"</i>	<i>\$9.21</i>	<i>\$ 26.00</i>
	<i>2"</i>	<i>\$9.21</i>	<i>\$ 41.60</i>
	<i>3"</i>	<i>\$9.21</i>	<i>\$ 78.00</i>
	<i>4"</i>	<i>\$9.21</i>	<i>\$ 130.00</i>
	<i>6"</i>	<i>\$9.21</i>	<i>\$ 260.00</i>
<i>Water Usage</i>		<i>\$4.15</i>	<i>\$ 5.10</i>

Water rates include the following surcharges that are segregated from the total fees collected:

\$1.78/month/user
 \$.85/month/user

DSWRF- 02
 DSWRF-05

Water Storage Tank
 West Water Tower Repairs

Sewer Rates

		<i>Current</i>	<i>Effective 6/1/2023</i>
<i>Residential</i>	<i>Base</i>	\$ 22.01	\$ 29.05
	<i>Volume</i>	\$ 3.40	\$ 4.00
<i>Non Residential</i>	<i>Base</i>	\$ 22.01	\$ 29.05
	<i>Volume</i>	\$ 3.40	\$ 5.00
<i>Industrial</i>	<i>Base</i>	\$ 22.01	\$ 29.05
	<i>Volume</i>	\$ 3.40	\$ 3.98
	<i>BOD</i>	\$ 0.22	\$ 0.88
	<i>TSS</i>	\$ 0.21	\$ 1.29
	<i>TKN</i>	\$ -	\$ 4.80

Sewer rates include the following surcharges that are segregated from the total fees collected:

\$8.05/month/user	CW-05	Sanborn Phase II
\$3.70/month/user	CW-06	East Central Drainage Phase I
\$.99/month/user	CW-07	East Central Drainage Phase II
\$1.11/month/ user	CW-08	Daily Drive Lift Station
		Waste Water Treatment Plant Improvements
\$11.60/month/user	CW-09	Phase I
\$.77/month user	CW-12	Livesay Improvements

IT IS FURTHER RESOLVED by the City Council of the City of Mitchell, SD that the following rate increases be implemented at the dates listed below in 2024 in order to facilitate water & waste water improvements within the City of Mitchell:

Water Rates

2024 Water Rate & Effective Date		1/1/2024	4/1/2024	7/1/2024	10/1/2024
Base Rate	1" and less	\$ 13.94	\$ 14.88	\$ 15.82	\$ 16.75
	1 1/2"	\$ 27.87	\$ 29.74	\$ 31.62	\$ 33.50
	2"	\$ 44.60	\$ 47.60	\$ 50.60	\$ 53.60
	3"	\$ 83.62	\$ 89.24	\$ 94.87	\$ 100.50
	4"	\$ 139.37	\$ 148.74	\$ 158.12	\$ 167.50
	6"	\$ 278.75	\$ 297.50	\$ 416.25	\$ 335.00
Water Usage		\$ 6.48	\$ 6.48	\$ 6.48	\$ 6.48

Water rates include the following surcharges that are segregated from the total fees collected:

\$1.78/month/user	DSWRF- 02	Water Storage Tank
\$.85/month/user	DSWRF-05	West Water Tower Repairs

Sewer Rates

2024 Sewer Rate & Effective Date		1/1/2024	4/1/2024	7/1/2024	10/1/2024
Residential	Base	\$ 29.45	\$ 29.85	\$ 30.25	\$ 30.65
	Volume	\$ 4.05	\$ 4.10	\$ 4.16	\$ 4.22
Non Residential	Base	\$ 29.45	\$ 29.85	\$ 30.25	\$ 30.65
	Volume	\$ 5.06	\$ 5.13	\$ 5.20	\$ 5.27
Industrial	Base	\$ 29.45	\$ 29.85	\$ 30.25	\$ 30.65
	Volume	\$ 4.03	\$ 4.08	\$ 4.14	\$ 4.20
	BOD	\$ 0.89	\$ 0.90	\$ 0.91	\$ 0.92
	TSS	\$ 1.30	\$ 1.32	\$ 1.34	\$ 1.36
	TKN	\$ 4.86	\$ 4.92	\$ 4.99	\$ 5.06

Sewer rates include the following surcharges that are segregated from the total fees collected:

\$8.05/month/user	CW-05	Sanborn Phase II
\$3.70/month/user	CW-06	East Central Drainage Phase I
\$.99/month/user	CW-07	East Central Drainage Phase II
\$1.11/month/ user	CW-08	Daily Drive Lift Station
		Waste Water Treatment Plant Improvements
\$11.60/month/user	CW-09	Phase I
\$.77/month user	CW-12	Livesay Improvements

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Smith, seconded by Barington, to place Ordinance #O2023-01, Rezoning Lots 3 and

4, Square 8, Weavers Squares Addition from R3 Medium Density Residential District to HB Highway Business District on second reading. Motion carried.

Moved by Rice, seconded by McCardle, to adopt Ordinance #O2023-01, Rezoning Lots 3 and 4, Square 8, Weavers Squares Addition from R3 Medium Density Residential District to HB Highway Business District, as follows:

ORDINANCE NO. O2023-01

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lots 3 and 4, Square 8, Weavers Squares Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME. BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED; Lots 3 and 4, Square 8, Weavers Squares Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Motion carried and ordinance declared duly adopted.

PRESENTATION:

Jonathan Wiegand of HDR Engineering presented the Master Transportation Plan. A public meeting will be held on March 20th from 5-7 pm in the Corn Palace.

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 _____.