

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

**May 1, 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 Tjarks, seconded by Rice, to approve the following items on the consent agenda:

- a. City Council Minutes
  - 1. City Council April 17, 2023.
- b. Committee Reports
  - 1. Planning Commission April 10, 2023,
  - 2. Planning Commission April 24, 2023 (unsigned), and
  - 3. Community Services April 13, 2023.
- c. Automatic Supplements
  - 1. General Fund-Police in the amount of \$14,000.00 from grant funds and
  - 2. General Fund-Library in the amount of \$1,500.00 from a donation of funds.
- d. Raffle Permit
  - 1. Area Community Theatre with the drawing to be held on May 18, 2023,
  - 2. Area Community Theatre with the drawing to be held on May 18, 2023, and
  - 3. Palace City Pedalers with the drawing to be held August 19, 2023.
- e. Property tax abatement for 2021, taxes payable in 2022.
- f. Declare items surplus to be sold on Purple Wave-Community Services/Nutrition.
- g. Declare items surplus to be sold on Purple Wave-Fire/EMS.
- h. Special Event Permit for Touch-a-Truck (Mitchell Public Library Summer Reading Program) on Wednesday, June 14, 2023.
- i. Special Event Permit for DWU Graduation Reception on Sunday, May 7, 2023.
- j. Authorization to apply for 2024 Law Enforcement Grant for Speed Enforcement.
- k. Authorization to apply for 2024 Law Enforcement Grant for South Central Alcohol Task Force.
- l. Authorization to apply for Sam Weller Family Foundation Grant.
- m. Change Order #1 for West Harmon Utility Improvement Project #2021-16 decreasing the contract amount by \$25,662.95 to H&W Contracting, adjust contract amount to \$773,813.80.

- n. Change Order #2 for Recreation Center Fitness Room Phase II Project #2022-50 increasing the contract amount by \$7,373.78 to Mueller Lumber Company, adjust contract amount to \$709,138.98.
- o. Set date of May 15, 2023 for hearing
1. On the application to transfer RL-5756 Retail (on-sale) Liquor License from Mitchell Hotel LLC dba Ramada Inn, 1525 W Havens Avenue to Melissa Tuttle dba Love Every, LLC, 1525 W Havens Avenue.
- p. Approval of Gas and Fuel Quotations

| <b><u>Howe's Oil Company</u></b> | <b><u>Requested Gallons</u></b> | <b><u>Bid Gallons</u></b> | <b><u>Price per Product</u></b> | <b><u>Total Bid</u></b> |
|----------------------------------|---------------------------------|---------------------------|---------------------------------|-------------------------|
| On Road Diesel-#2                | 2,600                           | 2,600                     | \$3.205                         | \$8,333.00              |
| Unleaded Gas-10% ethanol         | 4,900                           | 4,900                     | \$2.7335                        | \$13,394.15             |
| <b>Total Bid:</b>                |                                 |                           |                                 | <b>\$21,727.15</b>      |

- q. Pay Estimates May 1, 2023
- Pay Estimate #16 in the amount of \$29,371.00 for Dry Run Creek Analysis #2019-33 contracted to Infrastructure Design Group,
- Pay Estimate #16 in the amount of \$1,752.00 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
- Pay Estimate #17 in the amount of \$32,971.60 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
- Pay Estimate #12 in the amount of \$27,731.75 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering,
- Pay Estimate #4 in the amount of \$14,086.45 for Livesay Lane Utility Improvements #2021-25 contracted to Infrastructure Design Group,
- Pay Estimate #25 in the amount of \$30,815.75 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,
- Pay Estimate #14 in the amount of \$965.00 for Highway 37 Utilities #2021-45 contracted to SPN & Associates,
- Pay Estimate #4 in the amount of \$1,241.25 for Wastewater Treatment Plant-South Plant Phase II #2022-01 contracted to HDR Engineering,
- Pay Estimate #1 in the amount of \$301,713.00 for CurbTender #2022-16 contracted to Sanitation Products,
- Pay Estimate #8 in the amount of \$4,458.13 for Water & Wastewater Fee Analysis #2022-22 contracted to HDR Engineering,
- Pay Estimate #8 in the amount of \$9,912.50 for South Lake Estates Development #2022-23 contracted to SPN & Associates,
- Pay Estimate #3 in the amount of \$968.63 for Canal Bridge #2022-36 contracted to SD Department of Transportation,
- Pay Estimate #3 in the amount of \$82,488.10 for Recreation Center Fitness Room #2022-50 contracted to Mueller Lumber Company,
- Pay Estimate #2 in the amount of \$2,100.00 for Gun Range #2023-01 contracted to Civil Design,

Pay Estimate #6 in the amount of \$1,423.75 for West Harmon Watermain Loop #2023-07 contracted to SPN & Associates,  
Pay Estimate #6 in the amount of \$678.75 for 12<sup>th</sup> & 13<sup>th</sup> Avenue Watermain Loop #2023-08 contracted to SPN & Associates,  
Pay Estimate #2 in the amount of \$3,146.29 for Ohlman & South Harmon Lift Station #2023-16 contracted to SPN & Associates, and  
Pay Estimate #1 in the amount of \$5,360.00 for Cadwell Booster Station #2023-19 contracted to SPN & Associates.

- r. 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 APRIL 2, 2023 – APRIL 15 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 \$13,569.05, Human Resources \$3,975.11, Municipal Building \$3,377.27, Information Technology \$3,015.53, Police \$73,012.36, Traffic \$4,861.59, Fire \$36,483.21, Street \$29,336.64, Public Works \$21,680.52, Cemetery \$5,706.50, Library \$17,830.48, Recreation & Aquatics \$6,223.62, Recreation Center \$17,254.15, Sports Complexes \$10,681.37, Cadwell Concessions-\$168.70, Parks \$12,817.98, Supervision \$6,081.69, E911 \$24,263.35, MVP \$536.27, Palace Transit \$28,901.95, JVCC \$1,249.44, Nutrition \$4,321.83 Water Distribution \$14,470.87, Sewer \$14,766.79, Airport \$3,442.17, Recycling Program \$6,585.02, Waste Collection \$6,336.61, Landfill \$10,129.27, Corn Palace \$16,909.30, Golf Course \$4,256.25, Emergency Medical Services \$32,765.99

**NEW HIRES:**

CADWELL CONCESSIONS: Kyana Thomas-\$13.30, Taryn Thomas-\$10.80

CEMETERY: Jerome Beatch-\$12.30, William Pape-\$13.30,

GOLF: Dylan Albrecht-\$12.30, James Lynde-\$14.80, Michael Shearer-\$14.30, Jaiden Walton-\$12.30

PARKS: Taylor Hughes-\$12.80, Chadwick Kendall-\$14.80

RECREATION & AQUATICS: Mattilynn Reiner-\$10.80

RECREATION CENTER: Hallie Carlson-\$11.80, Maryssa Gehrke-\$12.80, MacKenzie Stange-\$12.80

SPORTS COMPLEXES: Brody Huls-\$12.30, Kenneth Mayer-\$13.30, Coy Olson-\$13.30

WATER DISTRIBUTION: Dawn Morgan-\$15.30

**SALARY ADJUSTMENTS:**

FINANCE: Janice Peterson-\$26.669

FIRE: Daniel Pollreisz-\$28.080

PARKS: Bradley Gates-\$27.665

POLICE: Niko Arnold-\$28.343, Tyler Urban-\$28.698

PUBLIC WORKS: Joseph Galpin-\$30.160

RECYCLING: David Schulte-\$27.690

STREET: Nathan Hegg-\$32.890, Mark Zard-\$23.841

**WARRANTS:** A-Ox Welding Supply, Supplies-\$87.57; AAA Collections, Collection Fees-\$69.61; AFLAC, Aflac Withholding-\$10,283.24; AFLAC Group, Critical Care-\$526.02; AFSCME Council 65, Union Dues-\$529.20; Al's Engraving, Supplies-\$6.95; Amazon Capital Services, Supplies-\$1,569.93; American Garage Door, Maintenance-\$170.53; Amy Hurt, Travel-\$35.70; Aqua-Pure, Supplies-\$1,125.00; Aramark, Supplies-\$287.06; AT&T Mobility, Utilities-\$607.00; AT&T Mobility, Utilities-\$1,199.78; ATR Lighting Enterprises, Supplies-\$74.47; Austin Resick, Reimbursement-\$93.00; Auto Body Specialties, Supplies-\$387.63; Avera Occupational Medicine, Physicals-\$2,585.00; American Water Works, Membership-\$233.00; B&B Upholstery, Repair-\$130.00; Barr Engineering, 2021-20 P.E. #Ph2-12-\$27,731.75; Bender's Sewer Cleaning, Maintenance-\$12,728.00; Big Daddy D's, Contract Services-\$3,920.80; Blackstrap, Supplies-\$1,843.64; Brett Lowrie, Supplies-\$30,000.00; Brian Daughters, Reimbursement-\$60.00; C&B Operations, Maintenance-\$1,392.27; Cadwell Sanford Deibert & Garry, Indoor Pool-\$288.00; Carquest Auto Parts, Supplies-\$31.98; Central Electric, Utilities-\$12,978.46; Century Link, Utilities-\$13.55; Chesterman Company, Supplies-\$1,661.90; CHR Solutions, Billing Service-\$3,487.51; CHS Farmers Alliance, Supplies-\$309.44; City of Mitchell, Cash Change-\$2,000.00; City of Mitchell, Golf Course Deductions-\$1,389.10; City of Mitchell, Recreation Deductions-\$1,752.96; Civil Design, 2023-1 P.E. #2-\$2,100.00; CK Bicycles & Locks, Supplies-\$45.00; Claims Associates, Liability-GC21.110033-\$5,000.00; Commercial Asphalt/Spencer Quarries, Supplies-\$1,267.20; Condrey & Associates, Professional Service-\$13,750.00; Core & Main, Supplies-\$2,545.44; Core-Mark Midcontinent, Supplies-\$2,826.26; Corn Palace, Supplies-\$14.75; Craig Stucky, Travel-\$454.52; Dakota Pump, Supplies-\$920.00; Dakota Supply Group, Supplies-\$212.74; Dale Steffen, CDL Testing-\$90.00; Daniel Fechner, Reimbursement-\$14.00; Daniel Kopfmann, Supplies-\$299.98; Delta Dental Plan of South Dakota, Dental Insurance-\$15,036.06; Department of Motor Vehicle, Title and Registration-\$15.00; Department of Social Services, Child Support-\$921.22; Donald Everson, Reimbursement-\$33.00; Doug L Driggs, Repair-\$907.80; Environmental Equipment & Service, Supplies-\$3,272.80; Eric Hieb, Contract Services-\$8,783.32; Extractor Corporation, Supplies-\$43.80; Fastenal, Supplies-\$34.63; Fedex, Mailing-\$5.78; First National Bank Omaha, Payment-\$13,616.63; Fisher Scientific, Supplies-\$529.55; Galls, Supplies-\$212.64; GF Advertising Services, Punch Cards-\$250.00; Golden West Technologies, Alarm Monitoring-\$225.00; Grainger, Supplies-\$522.35; Guardian Alliance Technologies, Software License-\$100.00; Hali-

Brite, Supplies-\$331.97; Harve's Sport Shop, Supplies-\$111.96; HDR Engineering, 2021-31 P.E. #25-\$36,515.13; Henry Schein, Supplies-\$389.10; Howes Oil, Supplies-\$21,727.15; HSM Ammunition, Supplies-\$1,631.25; Identisys, Supplies-\$398.40; Infrastructure Design Group, 2019-33 P.E. #16-\$78,181.05; Ingram Library Services, Books-\$602.49; Innovative Office Solution, Supplies-\$154.91; Iverson Chrysler Center, Rental-\$69.95; James Valley Landscape Solutions, Supplies-\$219.78; Jason Tuttle, Reimbursement-\$33.66; JCL Solutions, Supplies-\$956.72; Jones Supplies, Supplies-\$632.46; Kehn's Carpet Cleaning, Professional Service-\$680.00; Kevin Roth, Reimbursement-\$20.00; Key Contracting, Repairs-\$67,250.00; Larry's I-90 Service, Supplies-\$322.51; Lawson Products, Supplies-\$893.28; Lewis Family Drug, Supplies-\$38.94; Locators and Supplies, Supplies-\$183.60; M&T Fire and Safety, Supplies-\$661.55; Make it Mine Designs, Supplies-\$360.00; McLeod's Printing, Supplies-\$1,108.66; Mega Wash, Car Wash-\$10.00; Menard's, Supplies-\$989.90; Midcontinent Communication, Utilities-\$16.33; Midstates Equipment & Supplies, Supplies-\$3,141.66; Midwest Turf & Irrigation, Parts-\$177.15; Millennium Recycling, Single Stream Fee-\$4,369.75; Mitchell School District, Utilities-\$1,804.74; Mitchell United Way, United Way Deductions-\$224.50; Mueller Lumber, 2022-50 P.E. #3-\$82,545.27; Muth Electric, Repair-\$62.64; N-Able Solutions, Backup & Recovery-\$276.48; Napa Central, Supplies-\$1,211.34; North Central Seed, Supplies-\$1,650.00; Northern Truck Equipment, Supplies-\$378.60; Northwestern Energy, Utilities-\$34,016.58; Parkeon, Alarms-\$2,532.77; Paulson Sheet Metal, Supplies-\$635.00; Pepsi Cola, Supplies-\$1,008.80; Peterbilt of Sioux Falls, Supplies-\$1,956.28; Premier Pest Control, Contract Services-\$175.00; Public Health Laboratory, Labs-\$482.00; Qualified Presort, Contract Services-\$457.36; Robert Kroger, CDL Renewal-\$35.00; Runnings Supply, Supplies-\$530.46; S & M Printing, Supplies-\$65.00; Sanitation Products, 2022-16 P.E. #1-\$301,713.00; Schmucker, Paul, Nohr, 2021-45 P.E. #14-\$21,486.29; Schoenfelder Portables, Rental-\$200.00; Scott Supply, Supplies-\$128.09; South Dakota Department of Transportation, 2022-36 P.E. #3-\$968.63; South Dakota Governmental Human Resources, Registration-\$50.00; South Dakota Public Assurance Alliance, Insurance Coverage-\$3,662.41; South Dakota Retirement System, Retirement Contributions-\$56,645.10; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,527.50; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,308.50; Sherwin-Williams, Supplies-\$119.69; Sign Pro, Supplies-\$391.86; Siteone Landscape Supply, Supplies-\$6,699.34; Stan Houston Equipment, Supplies-\$287.75; Standard Insurance, Life Insurance-\$2,398.82; Staples, Supplies-\$123.06; Sturdevants Auto Value Mitchell, Supplies-\$3,263.77; Subway, Meals-\$47.94; Sun Gold Sports, Supplies-\$352.00; Taylor Concrete Construction, Supplies-\$5,939.99; Tessier's, Repairs-\$893.88; The Lodge at Deadwood, Travel-\$336.00; Thomas L Price, Evaluations-\$350.00; Thune True Value & Appliance, Supplies-\$239.41; TK Electric, Repair-\$801.51; TMA Stores, Parts-\$1,144.59; United Laboratories, Supplies-\$956.45; Upper Midwest Garage Door, Maintenance-\$1,111.23; UPS Store #4227, Postage-\$29.86; Verizon Wireless, Utilities-\$360.09; Vern Eide Ford Lincoln, Supplies-\$1,498.35; Walmart/Capital One, Supplies-\$50.32; Walter Davis, Reimbursement-\$62.49; Wheelco Brake & Supply, Supplies-\$2,237.88; Wholesale Electronics, Supplies-\$25.39; Xtreme Fire Protection, Inspection-\$550.00; Zimco Supply, Supplies-\$5,250.80; South Dakota State Treasurer, Sales Tax Payment-\$15,094.09.

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

### **CITIZENS INPUT:**

Terry Sabers, president of Mitchell Area Housing Inc., stated the TIF Application was almost ready to be submitted for the MAHI development.

Kevin Bruscher of Mitchell Pickleball stated the group is waiting on grants and has a growing membership and anticipates the Mitchell Pickleball project to be moving forward.

MADC Director Geri Beck stated they do not have the information to track people moving into and out of Mitchell. This question was asked at the last City Council meeting.

Corn Palace Stampede Rodeo representative Jim Miskimins stated the annual rodeo is at risk of not being held this summer.

### **BOARD OF ADJUSTMENT:**

Moved by Allen, seconded by Sabers, 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 Cully Evers for a conditional use permit to operate a telecommunication tower located at 2700 North Main Street, legally described as Lot 1 of Brig Addition, a subdivision of Irregular Tract 12 in the SW ¼ of Section 10, T 103 N, R 60 W of the 5<sup>th</sup> PM, City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Business District. Planning Commission recommended approval of said application. Moved by Smith, seconded by Sabers, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Cully Evers for a variance for height of 174' vs 65' for construction of a telecommunication tower located at 2700 North Main Street, legally described as Lot 1 of Brig Addition, a subdivision of Irregular Tract 12 in the SW ¼ of Section 10, T 103 N, R 60 W of the 5<sup>th</sup> PM, City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Business District. Planning Commission recommended approval of said application. Moved by Rice, seconded by McCardle, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Erika Hennessey for a conditional use permit to operate a childcare, preschool, and nursery located at 1325 Palmer Place, legally described as Lot 5 and West 3' of Lot 4, Block 8, Gardenvue Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application with three conditions, the permit is non-transferable, if business ceases to operate for 6 months a new application is required, and pass a fire inspection. Moved by McCardle, seconded by Rice, to approve said application with Planning Commission recommendations. Motion carried.

It was advised that this is the date and time set for hearing on the application of Kelly Jones for a rear yard (road side) variance of 20' vs 30' for construction of a house and attached garage located at 84 North Harmon Drive, legally described as Lot 42 of Bayside Subdivision, City of Mitchell, Davison County, South Dakota. The property is zoned RL Residential Lake District. 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, to set date for May 15, 2023 on the application of Jensen Capital and Development LLC for a conditional use permit to construct multi-family dwelling units at 1303 South Ohlman, legally described as the East 625' of Lot X lying North of X-2 in the SE ¼ of NE ¼ of Section 29, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota. Motion carried.

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

### **HEARING:**

It was advised that this is the date and time set for hearing on the application to transfer RL-28511 Retail (on-sale) Liquor License from Jeremy Andersen, 909 North Ohlman, Suite 3 to V.V. Inc dba The Garage, 909 North Ohlman, Suite 3. (This license is inactive.) Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Sabers, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer RB-28510 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Jeremy Andersen, 909 North Ohlman, Suite 3 to V.V. Inc dba The Garage, 909 North Ohlman, Suite 3. (This license is inactive.) Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by Smith, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer PL-4686 Package (off-sale) Liquor License from IYS Ventures LLC dba IMART Stores USA, 512 South Sanborn to Kareem Inc dba IMART Stores USA, 512 South Sanborn. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Allen, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer RB-25873 Retail (on-off sale) Malt Beverage & SD Farm Wine License from IYS Ventures LLC dba IMART Stores USA, 512 South Sanborn to Kareem Inc dba IMART Stores USA, 512 South Sanborn. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Rice, to approve said application. Motion carried.

### **AWARD BIDS:**

Bids were opened and read on Rock Chips Project #2023-10 on the 24<sup>th</sup> day of April, 2023. Moved by Allen, seconded by Tjarks, to award, as follows:

**ROCK CHIPS  
PROJECT #2023-10**

Spencer Quarries Inc., 25341 430<sup>th</sup> Avenue, Spencer, SD 57374

|                 |             |             |
|-----------------|-------------|-------------|
| Item 1-1500 ton | \$14.00/ton | \$21,000.00 |
|-----------------|-------------|-------------|

Motion carried.

Bids were opened and read on Petroleum Products Project #2023-13 on the 24<sup>th</sup> day of April, 2023. Moved by McCardle, seconded by Tjarks, to award, as follows:

**PETROLEUM PRODUCTS  
PROJECT #2023-13**

Jebro Inc., 2303 Bridgeport Drive, Sioux City, IA 51111

|        |              |
|--------|--------------|
| Item 1 | \$232,890.90 |
|--------|--------------|

|        |              |
|--------|--------------|
| Item 2 | \$ 69,807.40 |
|--------|--------------|

Motion carried.

Bids were opened and read on Paving & Overlay Project #2023-15 on the 24<sup>th</sup> day of April, 2023. Moved by Smith, seconded by Barington, to award, as follows:

**PAVING & OVERLAY  
PROJECT #2023-15**

Commercial Asphalt, 25254 413<sup>th</sup> Avenue, Mitchell, SD 57301

|                |              |
|----------------|--------------|
| Bid Schedule A | \$497,156.50 |
|----------------|--------------|

|                |             |
|----------------|-------------|
| Bid Schedule B | \$73.00/ton |
|----------------|-------------|

Motion carried.

**CONSIDER APPROVAL:**

Moved by Tjarks, seconded by Allen, to approve the the Electric Easement with Central Electric at the Above Ground Water Storage Site. Motion carried.

Moved by Smith, seconded by Tjarks, to approve the request for reimbursement from Mitchell Area Housing, Inc. in the amount of \$28,317.00 to offset the cost to purchase, demo, and clean up a lot located at 622 N Duff. Motion carried.

Moved by Rice, seconded by Tjarks, to approve Agreement #A2023-15, TID #28 Developer Agreement for the Flats on Havens. Sabers abstained. Motion carried.

### **RESOLUTIONS:**

Moved by McCardle, seconded by Tjarks, to approve Resolution #R2023-25, Dissolving Tax Increment #7-Westwood Addition, as follows:

#### **RESOLUTION #R2023-25 Resolution Dissolving Tax Increment District #7**

##### **PREAMBLE:**

WHEREAS, Tax Increment District #7, hereinafter referred to as TID #7, was established on or about August 23, 2005; and

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

WHEREAS, all debts and expenses of TID #7 have been paid in full, and pursuant to SDCL 11-9-46, the TID shall terminate and the District will be dissolved when the payment of all projected costs and all tax incremental bonds and notes have been paid;

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

That Tax Increment District #7 be, and it is hereby, dissolved, inasmuch as the payment of all projected costs and all tax incremental bonds and notes have been paid in full.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Barington, to approve Resolution #R2023-26, Plat of Lot 4 in Tract D, Wild Oak Golf Club Addition, as follows:

#### **RESOLUTION #R2023-26**

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 24<sup>th</sup> day of April, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 4 IN TRACT D, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Nathan L. Jibben, 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 4 IN TRACT D, WILD OAK GOLF CLUB ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Nathan L. Jibben, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Barington, to approve Resolution #R2023-27, Plat of Lot 5 of North Maui's First Addition and Sara Ave, a Subdivision of Lot 4 in the East ½ of the West ½ of Section 31, T 104 N, R 60 W of the 5<sup>th</sup> P.M., Davison County South Dakota, as follows:

#### **RESOLUTION #R2023-27**

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 24<sup>th</sup> day of April, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 5 OF NORTH MAUI'S FIRST ADDITION AND SARA AVENUE, A SUBDIVISION OF LOT 4 IN THE EAST ½ OF THE WEST ½ OF SECTIN 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOT 5 OF NORTH MAUI'S FIRST ADDITION AND SARA AVENUE, A SUBDIVISION OF LOT 4 IN THE EAST ½ OF THE WEST ½ OF SECTIN 31, T 104 N, R 60 W OF THE 5<sup>TH</sup> P.M., 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 Allen, to approve Resolution #R2023-28, Plat of Lot 10, Block 4 of the Woods First Addition, as follows:

### **RESOLUTION #R2023-28**

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 24<sup>th</sup> day of April, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 10, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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 10, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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 #R2023-29, Plat of Lot C, Block 1 and Lot 1, Block 3, Lakeridge Addition, as follows:

### **RESOLUTION #R2023-29**

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 24<sup>th</sup> day of April, 2023; and

WHEREAS, it appears from an examination of the plat of LOT C, BLOCK 1 AND LOT 1, BLOCK 3 OF LAKERIDGE ADDITION, A SUBDIVISION OF IRREGULAR TRACTS NOS. 1 AND 2 IN THE NW ¼ OF SECTION 10, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, 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 C, BLOCK 1 AND LOT 1, BLOCK 3 OF LAKERIDGE ADDITION, A SUBDIVISION OF IRREGULAR TRACTS NOS. 1 AND 2 IN THE NW ¼ OF SECTION 10, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., CITY OF MITCHELL, 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 Sabers, to approve Resolution #R2023-30, Historic Preservation Commission Findings to the Property at 116 and 118 E 1<sup>st</sup> Avenue, as follows:

### **RESOLUTION #R2023-30**

#### **A RESOLUTION REGARDING SDCL SECTION 1-19A-11.1 FINDINGS IN RELATION TO THE PROPERTY AT 116 and 118 E 1<sup>ST</sup> Ave**

WHEREAS, Eternal Hope LLC is the owner of certain real property at 116 and 118 E 1<sup>st</sup> Ave which is legally described as:

**E 40.5' of W 92' of Lots 5 & 6, Block 12; 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 Eternal Hope LLC sought a demolition for their property on November 14, 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 on of the status of the property, reports of its condition, and eventually the Eternal Hope LLC demolition plan to the State Historic Preservation Office (SHPO) received on December 7, 2022. At which point SHPO issued its determination on January 4, 2023 that the proposed demolition plan would "encroach upon damage, or destroy a historic property which is included in the National and State Registers of Historic Places" and requested an 11.1 abbreviated case report,

WHEREAS an 11.1 abbreviated case report requires Mitchell Historic Preservation Commission to hear and act upon which did so at the meeting held on April 6, 2023 and agreed with the 11.1 abbreviated case report to demo the existing building due to financial impact and safety to the public.

WHEREAS SHPO received this 11.1 abbreviated case report on April 12, 2023. On April 18, 2023 SHPO issued findings based upon the information provided, a structural engineer and the insurance company inspected the building, and the cost to bring the building up to usable standards proved to be unfeasible for the owner based on current costs and structural damage. Therefore, SHPO has made the following determination that the proposal will encroach upon, damage, or destroy a historic property which is included in the National and State Registers of Historic Places. However, it appears that there are no feasible and prudent alternatives to the

proposal and that the proposal includes all possible planning to minimize harm to the historic resource.

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 May 1, 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:

116 and 118 E 1<sup>st</sup> Ave-State Case Report-1-4-23  
Historic Preservation Commission Unsigned Minutes 4-6-2023  
11.1 Case\_ReportForm-116 and 118 E 1<sup>st</sup> Ave-Signed  
116 and 118 E 1<sup>st</sup> Ave-Demo Permit  
116 and 118 E 1<sup>st</sup> Ave-GIS  
116 and 118 E 1<sup>st</sup> Ave-Exterior Photos  
116 and 118 E 1<sup>st</sup> Ave-Interior Photos  
116 and 118 E 1<sup>st</sup> Ave-State Case Report-4-18-23

5. 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.

6. 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.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Barington, to approve Resolution #R2023-31, Designating the Lake Fund as the Appropriate Depository for Certain Revenue, as follows:

**Resolution #R2023-31**  
**A RESOLUTION DESIGNATING THE LAKE FUND AS THE APPROPRIATE**  
**DEPOSITORY FOR CERTAIN REVENUE**

**WHEREAS**, an initiated measure petition was filed with the City of Mitchell that would remove the park land designation from eight city-owned properties with platted lots located on Lake Mitchell;

**WHEREAS**, the initiated measure is included on the ballot for the June 6, 2023 City Election for consideration by Mitchell voters;

**WHEREAS**, if the initiated measure is approved by Mitchell voters, it is possible for the eight city-owned properties with platted lots to be sold;

**WHEREAS**, if any of the eight city-owned properties were to be sold, the City of Mitchell intends for the proceeds from the future sale of the properties to be deposited in the Lake Mitchell Fund to be used for Lake Mitchell improvements;

**WHEREAS**, the purpose of this resolution is to plan for contingent events and not for the purpose of advocating for any particular outcome of the election relating to the initiated measure;

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Mitchell, SD that if the initiated measure is approved by voters, and if any of the eight properties are sold, the proceeds from such sale or sales shall be deposited into the Lake Mitchell Fund for Lake Mitchell Improvements.

Motion carried and resolution declared duly adopted.

**ORDINANCE:**

Moved by Tjarks, seconded by Barington, to place Ordinance #O2023-03, Establishing the Discretionary Formula for Certain Classes of Real Property and Setting Boundaries for Certain Districts Relating Thereto on second reading. Motion carried. Moved by Barington, seconded by Allen, to adopt Ordinance #O2023-03, Establishing the Discretionary Formula for Certain Classes of Real Property and Setting Boundaries for Certain Districts Relating Thereto, as follows:

## **ORDINANCE #O2023-03**

### **AN ORDINANCE ESTABLISHING THE DISCRETIONARY FORMULA FOR CERTAIN CLASSES OF REAL PROPERTY AND SETTING BOUNDARIES FOR CERTAIN DISTRICTS RELATING THERETO**

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

##### **Section 1.**

That a NEW CHAPTER BE ADDED to the Mitchell City Code, under Title 2 – Finances and Taxation, titled Chapter 7: Property Tax Discretionary Formula, with Sections to read as follows:

**2-7-1: PURPOSE:** The purpose of this Chapter is to provide reduced taxation of the following identified property classes pursuant to SDCL Section 10-6-137.

**2-7-2: CLASSES OF PROPERTY ELIGIBLE FOR DISCRETIONARY FORMULA**

- A. Industrial and Commercial. Any new industrial or commercial structure, or any addition, renovation, or reconstruction to an existing structure, located within a designated urban renewal area, if the new structure, addition, renovation, or reconstruction has a full and true value of thirty thousand dollars or more. The structure must be located in an urban renewal area defined under MCC Section 2-7-3 below;
- B. Redevelopment Neighborhoods: Any new residential structure, or addition to or renovation of an existing structure, located within a redevelopment neighborhood, if the new structure, addition, or renovation has a full and true value of five thousand dollars or more. The structure must be located in a redevelopment neighborhood defined under MCC Section 2-7-3 below.
- C. Other than those classes specifically adopted by this section as eligible for the discretionary formula, no other classes of property under SDCL Section 10-6-137. If a class is not adopted under this section, but a discretionary formula is established for such class under MCC Section 2-7-5, such discretionary formula shall not be used until such class is adopted by ordinance and expressly included in this section.

**2-7-3: BOUNDARIES OF DISCRETIONARY FORMULA DISTRICTS:** For those property classes which require the establishment of district boundaries, each district shall have the boundaries set below:

- A. Mitchell Historic Commercial Urban Renewal Area. The Mitchell Historic Commercial Urban Renewal Area is hereby established for discretionary formula purposes. The Mitchell Historic Commercial Urban Renewal Area shall have the same boundaries as the previously established Mitchell Historic Commercial District. Pursuant to SDCL Section 11-8-3, such area is a blighted area due to the predominance of deteriorated site improvements.
- B. Mitchell West Central Residential Redevelopment Neighborhood. The Mitchell West Central Residential Redevelopment Neighborhood is hereby established for discretionary formula purposes. The Mitchell West Central Residential Redevelopment Neighborhood shall have the same boundaries as the previously established Mitchell West Central Residential District. Pursuant to SDCL Section 11-7-3, such area is a blighted area due to the predominance of deteriorated site improvements.

**2-7-4: VALUATION OF ELIGIBLE PROPERTIES:**

- A. Any residential property located within the corporate limits of the City of Mitchell, South Dakota, classified pursuant to the following, shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to as the "Pre-Adjustment Value." The assessed value to be used for tax purposes shall follow the discretionary formula described in MCC Section 2-7-5 below.
- B. Reconstruction and renovation as used in this chapter means only improvements that increase the true and full value of the structure and shall not include normal maintenance and repair.
- C. For properties classified under MCC Section 2-7-2(A):
  - i. The assessed value during any of the five years may not be less than the assessed value of the property in the year preceding the first year of the tax years following construction.
  - ii. Any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Chapter and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction.
  - iii. The period that the property is valued for tax purposes under this Chapter may include the years when the property is partially constructed.
- D. For properties classified under MCC Section 2-7-2(B):

- i. During construction, the assessed value of the property may not exceed the assessed value of the property in the year preceding the beginning of construction.
  - ii. For purposes of MCC Section 2-7-5, the percentages used in the discretionary formula are limited to that portion of the assessed value that exceeds the property's assessed value in the year preceding the start of construction.
- E. Property owners of any discretionary formula eligible property may choose to waive the application of the discretionary formula by submitting a written waiver to the City Finance Office, in which case the property will be assessed in full without application of the discretionary formula. Any waiver of the discretionary formula by an owner shall not prevent the discretionary formula from applying to subsequent eligible new structures by that owner.

**2-7-5: DISCRETIONARY FORMULA:** The following discretionary formulas shall apply:

- A. For properties classified as affordable housing, redevelopment districts, or commercial residential:
 

|            |                              |
|------------|------------------------------|
| Year One   | 25% of Pre-Adjustment Value  |
| Year Two   | 25% of Pre-Adjustment Value  |
| Year Three | 50% of Pre-Adjustment Value  |
| Year Four  | 50% of Pre-Adjustment Value  |
| Year Five  | 75% of Pre-Adjustment Value  |
| Year Six   | 75% of Pre-Adjustment Value  |
| Year Seven | 100% of Pre-Adjustment Value |
- B. For properties classified in any class other than those listed in MCC 2-7-5(A) above:
 

|            |                              |
|------------|------------------------------|
| Year One   | 20% of Pre-Adjustment Value  |
| Year Two   | 40% of Pre-Adjustment Value  |
| Year Three | 60% of Pre-Adjustment Value  |
| Year Four  | 80% of Pre-Adjustment Value  |
| Year Five  | 100% of Pre-Adjustment Value |
- C. Following the applicable five (5) year or seven (7) year period above, discretionary formula eligible properties shall thereafter be assessed at the same percentage as all other property for tax purposes.

**2-7-6: STANDARDS FOR IMPROVEMENTS:**

- A. For a property to be eligible to receive the discretionary formula, any new structures, additions, reconstructions, renovations, or other such

improvements must meet all applicable city or county building and zoning code requirements.

- B. For a property to be eligible to receive the discretionary formula under the redevelopment neighborhood classification, in addition to the requirements in MCC Section 2-7-6(A) above, and pursuant to SDCL 10-6-142, the property must meet any standards for redevelopment neighborhoods adopted by the City. Such standards may be established by the City Council by resolution.

## **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, unless the referendum is invoked within twenty (20) days after the completed publication, this ordinance shall become effective for taxes assessed in calendar year 2023 and payable in calendar year 2024 and each successive taxation year thereafter unless repealed by the City Council of the City of Mitchell, South Dakota.

Pursuant to SDCL Section 10-6-137.1 and Section 10-6-140, any real property receiving benefit from the previously adopted Discretionary Taxation Ordinance, will continue to be assessed and taxed through the course of the said discretionary formula.

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

Ordinance #O2023-04, Updating the City of Mitchell Comprehensive Plan will return as a resolution on the May 15, 2023 City Council meeting.

## **PRESENTATION:**

Eric Lund of Barr Engineering presented the Lake Mitchell Phase 2 Design Project Update and recommendations for internal load control projects to improve water quality given anticipated budget constraints.

## **EXECUTIVE SESSION:**

The executive session scheduled was removed from the agenda.

**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 \_\_\_\_\_.