

WORK SESSION OF THE CITY COUNCIL
MITCHELL, SOUTH DAKOTA

June 20, 2023
5:15 P.M.

PRESENT: Mayor Bob Everson, Dan Allen, Marty Barington, John Doescher,
Steve Rice, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT:

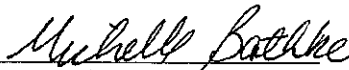
PRESIDING: Council President Kevin McCardle

PRESENTATION:

The City Council met June 20, 2023 for a work session in the Council Chambers of City Hall. Barr Engineering presented information regarding previous and future alum treatments on Lake Mitchell.

ADJOURN:

There being no further business to come before the meeting, Council President McCardle adjourned the work session at 5:56 p.m.


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.

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

**June 20, 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 June 5, 2023,
 - 2. Special City Council June 12, 2023, and
 - 3. Work Session June 12, 2023.
- b. Committee Reports
 - 1. Planning Commission May 22, 2023 and
 - 2. Planning Commission June 12, 2023 (unsigned).
- c. Department Reports
 - 1. Sales Tax Collections (May),
 - 2. Finance (May),
 - 3. Building Permits (May),
 - 4. Police (May),
 - 5. Fire/EMS (May),
 - 6. Code Enforcement (May),
 - 7. Palace Transit (April/May),
 - 8. Water (May), and
 - 9. Airport (May).
- d. Automatic Supplements
 - 1. General Fund-Library in the amount of \$15,000.00 from grant funds.
- e. Declare items surplus to be sold on Purple Wave-Palace Transit.
- f. Declare items surplus to be sold on Purple Wave or disposed of as noted.
- g. Special Event Permit for Corn Palace Stampede Rodeo Parade on Saturday, July 15, 2023.
- h. Special Event Permit for South Dakota Professional Towing Association Tow Show on Saturday, September 9, 2023.
- i. Special Event Permit for The 437 Project on Saturday, September 23, 2023.

- j. Special Event Permit for VFW Post 2750 Chili Cook-Off on Saturday, October 14, 2023.
- k. Fireworks Permit request for Lew's Fireworks 4th of July display.
- l. Volunteer Boards
 - 1. Reappoint Jeff McEntee to the Golf & Cemetery Board for a term of July 1, 2023-June 30, 2026,
 - 2. Reappoint Tom Young to the Golf & Cemetery Board for a term of July 1, 2023-June 30, 2026,
 - 3. Reappoint Luke Norden to the Park & Recreation Board for a term of July 1, 2023-June 30, 2026,
 - 4. Reappoint Pat Skinner to the Park & Recreation Board for a term of July 1, 2023-June 30, 2026, and
 - 5. Reappoint Jon Osterloo to the Planning Commission for a term of July 1, 2023-June 30, 2026.
- m. Purchase of a drum mulcher for Forestry Division off of the Sourcewell Contract.
- n. Authorization to purchase BAF & Transfer Switch for \$48,754.00.
- o. Application for a Bureau of Reclamation WaterSmart Grant.
- p. Set date of 3:00 p.m. on July 10, 2023 for bid opening for Firesteel Creek Ducks Unlimited Project #2023-26 at Ducks Unlimited in Grand Island, Nebraska.
- q. Set date for hearing on the application of the Exchange Club of Mitchell for a Special Event Malt Beverage & SD Farm Wine License at Cadwell Park for August 2-13, 2023 for the State Amateur Baseball Tournament.
- r. Pay Estimates June 20, 2023
 - Pay Estimate #1 in the amount of \$5,243.50 for Above Ground Pump Station #2020-20 contracted to GeoTek Engineering,
 - Pay Estimate #1 in the amount of \$649,264.43 for Above Ground Pump Station #2020-20 contracted to Rice Lake West,
 - Pay Estimate #5 in the amount of \$20,575.70 for Livesay Lane Utilities #2021-25 contracted to Infrastructure Design Group,
 - Pay Estimate #9 in the amount of \$170.00 for Recycling Building #2021-30 contracted to Helms & Associates,
 - Pay Estimate #12 in the amount of \$877,967.00 for North Wastewater Improvements #2021-31 contracted to PKG Contracting,
 - Pay Estimate #8 in the amount of \$1,000.00 for Fuel Storage Tank Replacement #2021-51 contracted to West Plains Engineering,
 - Pay Estimate #3 in the amount of \$67,412.51 for 200-400 Blocks of East 10th #2022-02 contracted to First Rate Excavating,
 - Pay Estimate #3 in the amount of \$1,497.50 for Gun Range #2023-01 contracted to Civil Design,
 - Pay Estimate #1-Final in the amount of \$6,000.00 for Airport Tracking System #2023-25 contracted to Virtower, and
 - Pay Estimate #25 in the amount of \$13,018.70 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates.
- s. 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 MAY 28, 2023 – JUNE 10, 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 \$14,574.12, Human Resources \$3,975.10, Municipal Building \$3,470.32, Information Technology \$3,015.51, Police \$73,509.48, Traffic \$4,813.58, Fire \$37,330.84, Street \$31,423.00, Public Works \$21,890.00, Cemetery \$7,036.84, Library \$17,541.12, Recreation & Aquatics \$23,365.71, Recreation Center \$14,356.94, Sports Complexes \$18,800.16, Cadwell Concessions-\$830.09, Parks \$23,647.99, Supervision \$6,081.69, E911 \$23,995.30, MVP \$536.26, Palace Transit \$28,434.96, JVCC \$1,584.55, Nutrition \$4,190.58, Water Distribution \$16,896.78, Sewer \$12,409.24, Airport \$2,868.48, Recycling Program \$7,837.88, Waste Collection \$6,451.66, Landfill \$10,197.75, Corn Palace \$32,000.64, Golf Course \$9,899.02, Campground \$1,228.80, Emergency Medical Services \$33,934.88

NEW HIRES:

CADWELL CONCESSIONS: Matthew Johnson-\$11.30

CORN PALACE: Landon Bollinger-\$11.30, Rubiany Ferreira-Escalera-\$10.80, Brennen Penne-\$11.30, Brayden Reindl-\$11.30, Reed Renken-\$13.30, Tyson Sabers-\$11.30, Gavin Soukup-\$11.30, Markus Talley-\$11.30, Eva Vaughan-\$11.30

EMS: Mark White-\$24.738

FIRE: Joel Reiter-\$19.616

PARKS: Tyra Hill-\$12.30, Ashlynn Pollreisz-\$10.80, Jared Roth-\$12.30, Michael Wantoch-\$12.30, Jeren Zens-\$12.30

RECREATION & AQUATICS: Macy Allhiser-\$10.80, Ciara Blake-\$11.30, Jordyn Cranny-\$10.80, Raeana Eggert-\$12.80, Hope Flippen-\$11.80, Elise Foster-\$10.80, Hannah Hetland-\$13.30, Olivia Huber-\$11.80, Keirstyn Krcil-\$11.30, Nancy Leach-\$14.80, Bruce Mastel-\$14.80, Lori Schmidt-\$14.80, Sarah Sebert-\$11.30, Mariyha Turner-\$12.80, Kent Van Overschelde-\$14.80, Lisa Vermeulen-\$11.80, Ella Ziegeldorf-\$12.80

RECREATION CENTER: Lydia Brink-\$13.00, Erika Clark-\$13.80, Sophia Huber-\$12.80, Avrie London-\$12.80, Robert McCardle-\$12.80, Kean Mimmack-\$12.80, Emma Plamp-\$12.80, Mikayla Ratigan-\$12.80,

SPORTS COMPLEXES: Brady Hawkins-\$12.30

WATER DISTRIBUTION: Dick Figland-\$16.30

SALARY ADJUSTMENTS:

E-911: Kathleen Brink-\$29.464

FINANCE: Jerilyn Mickelson-\$20.558

FIRE: Chad Cody-\$28.431, Zachary Dalrymple-\$28.786, Luke Ruml-\$24.228

POLICE: Bradley Buysse-\$38.142

PUBLIC WORKS: Debra Hanson-Sudbeck-\$28.028

TERMINATIONS:

CORN PALACE: Nicholas Jarman, Gage Renken

WARRANTS: A-Ox Welding Supply, Supplies-\$171.95; AAA Collections, Fees-\$327.77; Accounts Management, Garnishment-\$372.23; AFSCME Council 65, Union Dues-\$604.80; Amazon Capital Services, Supplies-\$291.86; American Garage Door, Supplies-\$216.00; Aqua-Pure, Supplies-\$1,125.00; Aramark, Mat Cleaning-\$119.16; Arctic Refrigeration, Repairs-\$81.49; AT&T Mobility, Utilities-\$524.19; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,801.03; Avera Occupational Medicine, Physicals-\$1,799.00; Avera Queen of Peace Hospital, Supplies-\$87.87; B-Y Water District, Utilities-\$95,309.51; Baker & Taylor, Books-\$109.94; Big Daddy D's, Contract Services-\$3,744.03; Blackburn Manufacturing, Supplies-\$233.80; Boyer Ford Trucks, Supplies-\$841.29; Brenda Bohn, Election Worker-\$250.00; Buckin' Wild Ranch, Sports Authority Promotion-\$600.00; Builders First Source, Supplies-\$1,370.00; Butler Machinery, Supplies-\$728.89; C&B Operations, Supplies-\$493.21; Cadwell Sanford Deibert & Garry, Professional Service-\$72.00; Carquest Auto Parts, Supplies-\$153.25; Central Electric, Utilities-\$11,413.00; Century Link, Utilities-\$58.48; CHS Farmers Alliance, Supplies-\$8,637.61; City of Mitchell, Utilities-\$44,592.02; City of Mitchell, Utilities-\$511.50; Civil Design, 2023-1 P.E. #3-\$1,497.50; CK Bicycles & Locks, Supplies-\$42.50; Clubhouse Hotel & Suites, Travel-\$521.16; Coborns, Contract Services-\$656.25; Core & Main, Supplies-\$13,530.86; Core-Mark Midcontinent, Supplies-\$16,313.71; Corn Palace, Supplies-\$322.00; Corporate Translation Service, Translation Service-\$77.01; County Fair, Contract Services-\$1,328.25; Culligan Water, Rental-\$52.00; Cummins Sales & Service, Equipment-\$699.96; Dakota Pump, Excise Tax-\$2,167.68; Dakota Supply Group, Supplies-\$406.94; Dan London, Reimbursement-\$33.00; Daniel Fechner, Reimbursement-\$151.89; Darrington Water Conditioning, Rental-\$105.85; Davison County Register of Deeds, Easement-\$60.00; Davison Rural Water Systems, Utilities-\$96.70; Deann Schmidt, Election Worker-\$250.00; Deb Toomey, Election Worker-\$250.00; Department of Agriculture, Solid Waste-\$3,109.31; Department of Motor Vehicle, 2024 Trailer Plate, Title, and Registration-\$26.70; Department of Social Services, Child Support-\$921.22; Dice Benefits Consulting, Consulting Fee-\$507.00; Dick's Towing, Towing Fee-\$230.00; Dimock Dairy, Supplies-\$267.00; Direct Digital Control, Repair-\$202.50; Dogpoopbags, Supplies-\$46.62; Donald Roti, Election Worker-\$250.00; Doug's Custom Paint & Body, Supplies-\$132.38; Environmental Equipment & Services, Supplies-\$1,522.56; Eric Hieb, Contract Services-\$1,173.24; Fastenal, Supplies-\$107.12; Ferguson Waterworks #2516, Supplies-\$2,326.02; First Rate Excavate, 2022-2 P.E. #3-\$67,412.51; Fisher Scientific, Supplies-\$829.31; Forum Communications, Advertising-\$1,465.00; Frank Welding, Repair-\$110.00; Galls, Supplies-\$720.90; Gaylen's Gourmet Popcorn, Supplies-\$1,490.40;

Geotek Engineering & Testing, 2020-20 P.E. #1-\$5,243.50; Gloria Montgomery, Election Worker-\$250.00; Government Finance Officer, Membership-\$190.00; Grainger, Supplies-\$81.73; Great Western Tire, Supplies-\$1,554.56; Greg Docter, Hydrant Deposit Refund-\$2,000.00; Hank Kor, Tree Program-\$100.00; Harve's Sport Shop, Supplies-\$219.99; Hawkins, Supplies-\$13,072.17; Heartland Ag Systems, Maintenance-\$24.31; Helms and Associates, 2021-30 P.E. #9-\$13,188.70; Henry Schein, Supplies-\$783.52; Hohn's Carpet Cleaning, Supplies-\$260.00; Holly Fechner, Refund-\$40.00; Honda of Mitchell, Supplies-\$17.10; Howes Oil, Supplies-\$21,182.67; Hydro Tech Service, Maintenance-\$950.00; Ican, Advertising-\$750.00; Infrastructure Design Group, 2021-25 P.E. #5-\$20,575.70; Ingram Library Services, Books-\$1,527.02; Innovative Office Solution, Supplies-\$17.35; Interstate Office Products, Supplies-\$525.41; Jabr Trucking, Police Tow-\$145.00; James Montgomery, Election Worker-\$250.00; James Valley Landscape Solutions, Supplies-\$9,417.08; Janice Claussen, Trees Reimbursed-\$200.00; Jason Tuttle, Reimbursement-\$33.00; JCL Solutions, Supplies-\$44.00; Jean Koehler, Election Worker-\$250.00; Jeanette Jones, Election Worker-\$250.00; Jeff Hurt, Reimbursement-\$35.00; John Adamo, Bid District #3 Grant-Tuck Point-\$2,394.06; Johnson Controls, Maintenance-\$7,297.94; Jones Supplies, Supplies-\$2,389.47; Kari Kirchmeyer, Election Worker-\$250.00; Kathy Frank, Election Worker-\$250.00; Kimball-Midwest, Supplies-\$298.20; Krohmer Plumbing, Repair-\$1,111.44; Lakeview Veterinary Clinic, Supplies-\$1,042.95; Larry's I-90 Service, Repair-\$188.68; Lawson Products, Supplies-\$880.35; Lewis Family Drug, Supplies-\$11.96; Liz Kitchens, Travel-\$188.65; LTS Distributing, Supplies-\$595.00; Ludens, New Trailer-\$7,575.00; Lyla Jerke, Election Worker-\$250.00; M & T Fire and Safety, Supplies-\$1,640.67; Mac's - Huron, Supplies-\$1,211.07; Make it Mine Designs, Supplies-\$830.00; Mary Ellen Jepsen, Election Worker-\$250.00; Mary Freeman, Election Worker-\$50.00; Mary Overbay, Election Worker-\$250.00; McLeod's Printing, Supplies-\$338.50; Menard's, Supplies-\$2,246.33; Michelle Bathke, Travel-\$185.08; Microsoft Corporation, Online Service-\$910.00; Midcontinent Communication, Utilities-\$121.50; Midcontinent Communication, Advertising-\$1,771.40; Midwest Fire & Safety, Inspection-\$1,102.17; Midwest Laboratories, Labs-\$373.00; Midwest Oil, Supplies-\$806.75; Millennium Recycling, Single Stream Fee-\$2,350.15; Minnesota Valley Testing, Contract-\$3,943.50; Mitchell Concrete Product, Supplies-\$213.60; Mitchell Convention & Visitors Bureau, June 2023 Funding-\$20,800.00; Mitchell Iron & Supply, Supplies-\$296.50; Mitchell Municipal Band, 2023 Allocation-\$11,000.00; Mitchell School District, Utilities-\$1,869.73; Mitchell United Way, United Way-\$224.50; Motorola Solutions, Maintenance-\$10,739.76; Mueller Lumber, Supplies-\$292.61; Muth Electric, Supplies-\$2,650.63; MW Mini Melts, Supplies-\$2,112.00; N-Able Solutions, Supplies-\$160.46; Northwest Pipe Fittings, Supplies-\$984.96; Northwestern Energy, Utilities-\$57,448.42; Online Computer Library Center, Cataloging Subscription-\$378.95; Odeys, Supplies-\$433.00; One Source The Background, Background Check-\$769.00; Overtime, Contract Services-\$2,334.00; Parkeon, Professional Service-\$65.00; Patrick Marler, Travel-\$156.00; Pepsi Cola, Supplies-\$11,133.14; Peterbilt of Sioux Falls, Supplies-\$1,020.89; Pictometry International, Supplies-\$12,348.70; PKG Contracting, 2021-31 P.E. #12-\$877,967.00; Porter Distributing, Supplies-\$66.45; Premier Pest Control, Contract Services-\$200.00; Prestige Flag, Supplies-\$568.17; Public Health Laboratory; Lab Fees-\$120.00; Qualified Presort, Postage-\$324.32; Reel Sharp, Supplies-\$1,089.50; Renee Michael, Election Worker-\$250.00; Rice Lake West, 2020-20 P.E. #1-\$649,264.43; Robin Dutt, Election Worker-\$250.00; Roxi Brown, Election Worker-\$50.00; Runnings Supply, Supplies-\$1,472.31; S&M Printing, Supplies-\$69.50; Saga Communications

of South Dakota, Advertising-\$589.00; Sanitation Products, Supplies-\$10,190.21; Santel Communications, Utilities-\$106.16; Schoenfelder Portables, Rental-\$320.00; Scott Supply, Supplies-\$722.15; South Dakota Public Assurance Alliance, Additional Coverage-\$2,254.44; South Dakota Retirement System, Retirement Contributions-\$57,142.42; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,579.50; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,258.50; Sherwin-Williams, Supplies-\$175.29; Smart Apple Media, Books-\$129.78; South Dakota 811, Professional Service-\$326.55; Southeast South Dakota Tourism, Membership Dues-\$265.00; Staples, Supplies-\$42.62; Sturdevants Auto Value, Supplies-\$2,145.19; Subway, Planning Meals-\$39.95; Sun Gold Sports, Supplies-\$209.00; The Dugout, Contract Services-\$1,186.00; The Office Advantage, Supplies-\$190.50; Thomson Reuters – West, Online Subscription-\$800.80; Thune True Value & Appliance, Supplies-\$767.02; Tim's Towing & Recovery, Tow-\$45.00; TK Electric, Maintenance-\$1,775.40; TMA Stores, Repair-\$184.70; Two Way Solutions, Maintenance-\$450.00; US Bank, Admin Charge-\$660.00; Van Diest Supply, Supplies-\$10,047.98; Verizon Wireless, Utilities-\$754.97; Virtower, 2023-25 P.E. #1-Final-\$6,000.00; Walmart/Capital One, Supplies-\$437.15; Wanda Kobes, Election Worker-\$250.00; West Plains Engineering, 2021-51 P.E. #8-\$1,000.00; Wheelco Brake & Supply, Supplies-\$676.09; White Cap, Supplies-\$9,477.00; Wholesale Electronics, Supplies-\$17.77; William Lutjen, Reimbursement-\$36.16; Willow Lane Education, Books-\$239.89; Foreman Charters, Buses-\$43,102.00; Ellwein Brothers, Supplies-\$948.00; Wageworks, Expense Posting-\$10,449.30; Wellmark, Administration, Medical and Refunds-\$182,611.06; US Bank, Lakeland-\$58,843.75; US Bank, Community Project Bonds-\$89,228.75; Ellwein Brothers, Supplies-\$95.10; AFLAC, Aflac Withholding-\$9,990.71; AFLAC Group, Critical Care-\$460.78; City of Mitchell, Golf-\$1,662.01; City of Mitchell, Rec Center-\$1,188.20; Delta Dental plan of South Dakota, Dental Insurance-\$15,281.91; Standard Insurance, Life Insurance-\$2,426.80.

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

CITIZENS INPUT:

Mayor Everson recognized the 2023 MHS Girls Golf Team, who were state champions, and read a proclamation in honor of the team.

EXECUTIVE SESSION:

Moved by Rice, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(3) Legal. Motion carried.

Mayor Everson declared the board out of executive session at 6:19 p.m. and the City Council to reconvene in regular session at 6:20 p.m.

BOARD OF ADJUSTMENT:

Moved by Rice, seconded by Allen, 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 Jensen Capital and Development LLC for a conditional use permit to construct multi-family dwelling units located at 1303 South Ohlman Street, legally described as the East 625' of Lot X lying north of X-2 in the SE ¼ of the NE ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Business District. The Planning Commission recommended approval of said application. Moved by Sabers, seconded by Tjarks, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of The Flower Shop LLC for a conditional use permit to operate a medical cannabis dispensary located at 100 North Main Street, legally described as Lot 7, Block 12, Original Plat of Town (now City) of Mitchell, Davison County, South Dakota. The property is zoned CB Central Business District. The Planning Commission recommended denial of said application. 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 of Corn Palace Stampede Inc for a conditional use permit to operate rodeo grounds located on North Ohlman Street north of Industrial Road, legally described as Lot 1 in the South ½ of the NW ¼ of Section 33, T 104 N, R 60 W of the 5th P.M., said lot formerly within the boundaries of the Mitchell Municipal Airport, Mitchell, South Dakota. The property is zoned PL Public Lands and Institutions District. The Planning Commission recommended approval of said application. Moved by Allen, 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 Habitat for Humanity for a rear yard variance of 16' vs 25' and front yard variance of 18' vs 25' for construction of a house with a rear deck and front porch located at 505 South Langdon Street, legally described as Lot 81A of Overlook 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. Moved by McCardle, seconded by Rice, to approve said application. Motion carried.

Moved by Tjarks, seconded by Rice, to set date for July 5, 2023 on the application of Jodi Hofer for a conditional use permit to operate a family residential daycare located at 314 East 10th Avenue, legally described as Lot 10, Block 8, DA Scott's First Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Barington, seconded by McCardle, to set date for July 5, 2023 on the application of Jennifer Gerfen for a conditional use permit to operate a family residential daycare located at 1026 North Langdon Street, legally described as the West 81' of Lot 5, Block 4, DA Scott's Second Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Smith, seconded by Tjarks, to set date for July 5, 2023 on the application of Bailey Week for a conditional use permit to operate a family residential daycare located at 308 South Mentzer Street, legally described as Lots 7 and 8, Block 9, Applegate Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Allen, seconded by McCardle, to set date for July 5, 2023 on the application of Aaron Pemrick for an alley variance of 7' vs 16' for an overhead garage door parallel to the alley for a garage addition located at 209 East 7th Avenue, legally described as Lot 4, Block 7, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

AWARD BIDS:

Bids were opened and read on Golf Course Improvements Project #2023-02 on the 31st day of May, 2023. Moved by Sabers, seconded by Allen, to award, as follows:

**GOLF COURSE IMPROVEMENTS
PROJECT #2023-02**

Duininck Inc., 408 6th Street, Prinsburg, MN 56281

Base Bid	\$680,300.00
Alt #5	(\$10,000.00)
Total Bid	\$670,300.00

Tjarks opposed. Motion carried.

Bids were opened and read on Concrete Project #2023-04 on the 12th day of June, 2023. Moved by Allen, seconded by Tjarks, to award, as follows:

**CONCRETE
PROJECT #2023-04**

Top Grade Concrete LLC, 641 1st Avenue, Emery, SD 57332

Bid Schedule A	\$126,839.00
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Motion carried.

CONSIDER APPROVAL:

Moved by Rice, seconded by Smith, to approve the application of The Flower Shop LLC for transfer of a Medical Cannabis Dispensary License. Motion carried.

RESOLUTIONS:

Moved by Sabers, seconded by Tjarks, to approve Resolution #R2023-17, Plat of Canal Tract 1, a subdivision of the SE ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2023-17

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 March, 2023; and

WHEREAS, it appears from an examination of the plat of CANAL TRACT 1, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of CANAL TRACT 1, A SUBDIVISION OF THE SE ¼ OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Tjarks, to approve Resolution #R2023-18, Accepting and Opening Certain Dedicated Land for Public Use, as follows:

RESOLUTION #R2023-18

A RESOLUTION ACCEPTING AND OPENING CERTAIN DEDICATED LAND FOR PUBLIC USE

WHEREAS the City of Mitchell, on June 20th, 2023 by Resolution R2023-17, did approve the plat for land legally described as "Canal Tract 1, a subdivision of the SE ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota"; and

WHEREAS such plat contains a dedication by the owner that such land is to be dedicated "to the public for public use forever as such, the waterways, shore and embankments comprising all of Canal Tract 1, as shown and marked on said plat"; and

WHEREAS the area defined as Canal Tract 1 was previously constructed by the owner of the adjoining developments who was under the belief that such manmade canal became a public way at the time public waters began flowing through such canal; and

WHEREAS the area defined as Canal Tract 1, for a number of years following the canal's construction, was not taxed by Davison County until an opinion was rendered in early 2023 that the area now defined as Canal Tract 1 should be taxed as it was never formally dedicated for public purposes; and

WHEREAS it appears from all records and communications available to city staff in participating in such taxation discussion with Davison County, that it did appear that the original intent was for such area to be dedicated to the public.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the area described above as Canal Tract 1, and which was dedicated via plat for public use, is hereby accepted by the City of Mitchell for such purposes and is hereby formally declared open to use by the public for such purposes stated in the dedication.

Motion carried and resolution declared duly adopted.

HEARING:

It was advised that this is the date and time set for hearing on the funding for various components designed to improve the health of Lake Mitchell. Public Works Director Joe Schroeder reviewed the details of the project. The funds could be either a grant from the state Consolidated Water Facilities Construction Program or a loan from the Clean Water State Revolving Fund Program. The City is seeking up to \$25,000,000.00 from the program, the expected loan term is 30 years at 3.25%.

Various members of Friends of Firesteel and community members spoke in favor of the funding and the project. Council Members also discussed the project.

RESOLUTIONS:

Moved by Barington, seconded by Rice, to approve Resolution #R2023-42, Authorizing Mayor to Sign Grant Application for \$25 Million Water Application for Lake Mitchell. Roll call vote- Members present voting aye: Barington, Rice, Smith, Tjarks. Members present voting nay: Allen, Doescher, McCardle, Sabers. Motion failed.

Moved by Rice, seconded by Smith, to approve Resolution #R2023-44, Plat of Lots K and M, a subdivision of previously platted Lot S of Maui Farms Second Addition, as follows:

RESOLUTION #R2023-44

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 12th day of June, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS K AND M, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, 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 LOTS K AND M, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, 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 Allen, seconded by Rice, to approve Resolution #R2023-45, Plat of Lot 1, Block 5, Woods First Addition, as follows:

RESOLUTION #R2023-45

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 12th day of June, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 1, BLOCK 5 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 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, 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 1, BLOCK 5 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 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Rice, to approve Resolution #R2023-46, Plat of Lot 11, Block 9, Woods First Addition, as follows:

RESOLUTION #R2023-46

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 12th day of June, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 11, BLOCK 9 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 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, 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 11, BLOCK 9 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 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Barington, to approve Resolution #R2023-47, Plat of Lots 1-A and 1-B, Block 5, Woodland Heights First Addition, as follows:

RESOLUTION #R2023-47

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 12th day of June, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS 1-A AND 1-B, BLOCK 5 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF TRACTS 2 AND 3, BLOCK 1, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul C. Kiepke, 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 LOTS 1-A AND 1-B, BLOCK 5 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF TRACTS 2 AND 3, BLOCK 1, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, 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 Smith, seconded by Allen, to approve Resolution #R2023-48, Plat of Lot 1A of Brig Addition, as follows:

RESOLUTION #R2023-48

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 12th day of June, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 1A OF BRIG ADDITION, A SUBDIVISION OF IRREGULAR TRACT 12 IN THE SW ¼ OF SECTION 10, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, 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 1A OF BRIG ADDITION, A SUBDIVISION OF IRREGULAR TRACT 12 IN THE SW ¼ OF SECTION 10, T 103 N, R 60 W OF THE 5TH 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 Tjarks, seconded by McCardle, to approve Resolution #R2023-49, Vacation of Public Rights-of-Way, a Portion of Indianhead Drive, as follows:

RESOLUTION #R2023-49

WHEREAS, The petitions and consent in writing of Kelly Gross, owner of Lots 1-2-3-A, Block 15, Indianhead 3rd Addition, City of Mitchell, Davison County, South Dakota and vacated alley abutting, as depicted on the plat recorded with the Davison County Register of Deeds in Book PB 11, Page 70 on June 7, 1987; Bart and Nikki Fredericksen, owner of Lot 2A, Block 3 Indianhead 2nd Addition, City of Mitchell, Davison County, South Dakota; Charles and Pricilla

Stevenson, owner of Lot 4A and Lot 5, Block 3, Indianhead 2nd Addition, City of Mitchell, Davison County, South Dakota; CJM Consulting Inc, owner of Lot 1, Block 6, South Lake Estates Subdivision to the City of Mitchell in the SW ¼ of Section T 103 N, R 60 W 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 alley right-of way described as set forth below pursuant to the statutes in such cases made, and provided, particularly SDCL 9-45-7, et. Sep and petitioners respectfully show and represent the following:

That the portion of Indian Head Drive which is adjacent to the Gross Property, Fredericksen Property, Stevenson Property and CJM Property, but only such portion lying east of the west property boundary of the CJM Property, and not including any portion of the intersection of Indian Head Drive with South Harmon Drive.

WHEREAS, 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 June, 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 alley was signed by all the owners of property abutting the road 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 June, 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 June, 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 June, 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: May 31, 2023 and June 7, 2023.
2. That the Petitioners are the sole owners of all of the property abutting the road right-of-way requested to be vacated and have requested that the said road right-of-way be

vacated. Said owners having consented in writing to the vacation of the said road 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 June, 2023 that road identified as the portion of Indian Head Drive which is adjacent to the Gross Property, Frederickson Property, Stevenson Property and CJM Property, but only such portion lying east of the west property boundary of the CJM Property, and not including any portion of the intersection of Indian Head Drive and South Harmon Drive owned by Kelly Gross, Bart and Nikki Frederickson, Charles and Pricilla Stevenson and CJM Consulting Inc is hereby vacated.

Motion carried and resolution declared duly adopted.

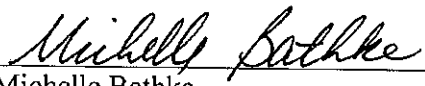
EXECUTIVE SESSION:

Moved by Rice, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(3) Legal. Motion carried.

Mayor Everson declared the board out of executive session at 8:52 p.m. and the City Council to reconvene in regular session at 8:53 p.m.

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 _____.