

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

October 2, 2023

6:00 P.M.

PRESENT: Marty Barington, Mike Bathke, John Doescher, Tim Goldammer,
Kevin McCardle, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT:

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 - 1. City Council September 18, 2023.
- b. Committee Reports
 - 1. Planning Commission September 11, 2023,
 - 2. Planning Commission September 25, 2023 (unsigned), and
 - 3. Library Board July 18, 2023.
- c. Automatic Supplements
 - 1. Park-Recreation Center in the amount of \$780.00 from a donation of funds and
 - 2. Park-Recreation Center in the amount of \$4,355.00 from a donation of funds.
- d. Raffle Permits
 - 1. Kiwanis Club with the drawing to be held December 10, 2023,
 - 2. Mitchell Music Boosters with the drawings to be held November 30-December 2, 2023,
 - 3. Mitchell Music Boosters with the drawings to be held April 11-13, 2024, and
 - 4. Mitchell Music Boosters with the drawing to be held March 16, 2024.
- e. Volunteer Boards
 - 1. Appoint Jory Hanson to the Corn Palace Events & Entertainment Board for a term of October 1, 2023-September 30, 2026,
 - 2. Appoint Alex Heidinger to the Corn Palace Events & Entertainment Board to fill an unexpired term of October 1, 2023-September 30, 2025,
 - 3. Reappoint Steve Morgan to the Corn Palace Events & Entertainment Board for a term of October 1, 2023-September 30, 2026, and
 - 4. Reappoint Jordan Gau to the Corn Palace Events & Entertainment Board for a term of October 1, 2023-September 30, 2026.
- f. Surplus items to be sold on Purple Wave or destroyed-Community Services.
- g. Surplus items to be sold on Purple Wave or destroyed-IT.

- h. Surplus items to be sold on Purple Wave or destroyed-Recreation Center.
- i. Authorization to apply for the Urban Forestry Grant.
- j. Set date of October 11, 2023 at 1:30 p.m. for bid opening for Cadwell Booster Station Project #2023-19.
- k. Pay Estimates October 2, 2023
 - Pay Estimate #23 in the amount of \$37,303.86 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
 - Pay Estimate #1 in the amount of \$102,343.45 for Norway/Rowley Bike Path #2021-01 contracted to SD Department of Transportation,
 - Pay Estimate #16 in the amount of \$701.74 for West Side Water Tower #2021-03 contracted to SPN & Associates,
 - Pay Estimate #3 in the amount of \$153,846.93 for Livesay Lane Utility Improvements #2021-25 contracted to H&W Contracting,
 - Pay Estimate #9 in the amount of \$3,417.40 for Livesay Lane Utility Improvements #2021-25 contracted to Infrastructure Design Group,
 - Pay Estimate #24 in the amount of \$80.00 for Highway 37 Utilities #2021-45 contracted to SPN & Associates,
 - Pay Estimate #2 in the amount of \$202,268.11 for Fuel Tanks #2021-51 contracted to Dockendorf Equipment,
 - Pay Estimate #12 in the amount of \$968.75 for South Lake Estates Development #2022-23 contracted to SPN & Associates,
 - Pay Estimate #8 in the amount of \$3,292.05 for Canal Bridge #2022-36 contracted to SD Department of Transportation,
 - Pay Estimate #7 in the amount of \$148,756.07 for Recreation Center Fitness Room-Phase II #2022-50 contracted to Mueller Lumber,
 - Pay Estimate #3 in the amount of \$41,076.00 for Concrete Bid #2023-04 contracted to Top Grade Concrete,
 - Pay Estimate #7 in the amount of \$1,626.25 for Ohlman/South Harmon Lift Station #2023-16 contracted to SPN & Associates, and
 - Pay Estimate #3 in the amount of \$10,464.00 for 2nd/4th and Main Street #2023-21 contracted to McLaury Engineering.
- l. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer.

PAYROLL SEPTEMBER 3, 2023 – SEPTEMBER 16, 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 \$13,489.96, Human Resources \$3,975.10, Municipal Building \$3,554.92, Information Technology \$3,053.20, Police \$76,194.61, Traffic \$4,580.95, Fire \$37,946.11, Street \$31,793.12, Public Works \$23,958.66, Cemetery \$7,136.80, Library \$17,864.70, Recreation & Aquatics \$7,337.70, Recreation Center \$17,207.04, Sports Complexes \$11,118.86, Cadwell Concessions- \$1,004.96, Parks \$17,077.16, Supervision \$6,081.70, E911 \$21,996.54, MVP \$536.27, Palace Transit \$29,597.85, JVCC \$1,472.73, Nutrition \$4,234.02, Water Distribution \$17,771.02, Sewer \$12,341.18, Airport \$2,868.48, Recycling Program \$7,053.24, Waste Collection \$7,293.18,

Landfill \$10,626.18, Corn Palace \$23,950.11, Golf Course \$6,369.46, Campground \$2,276.40, Emergency Medical Services \$33,496.44

NEW HIRES:

CORN PALACE: Drew Bollinger-\$13.30, Jessica Deinert-\$15.00

FIRE: Benjamin Tegethoff-\$19.616

SPORTS COMPLEXES: Tanner Puetz-\$13.30

SALARY ADJUSTMENTS:

CORN PALACE: Amy Gebhard-\$13.80, Addison Sprinkel-\$11.30

EMS: McKenzie Young-\$23.039

PALACE TRANSIT: Patti Goudy-\$23.568, Tracy Sprinkel-\$20.815

SPORTS COMPLEXES: Jesse Schlimgen-\$22.975

WASTE WATER: Brian Daughters-\$29.437

WATER DISTRIBUTION: Robert McCardle-\$20.815, Tylor Peterson-\$35.878

TERMINATIONS:

CADWELL CONCESSIONS: Megyn Estrada, Cella Nath, Jaylie Rients, Jaeda Stunes, Kyana Thomas, Taryn Thomas, Mya Tupper, Lara Widstrom, Jordyn Wilson

LANDFILL: Jesse Thuringer

RECREATION CENTER: Katherine Grismer

SPORTS COMPLEXES: Austin Kerr, Steele Morgan, Peyton Nash, Esten Schlimgen

WARRANTS: 3D Security, Service Call-\$380.00; A&B Business Solutions, Contract Fee-\$4,283.32; AAA Collections, Collection Fees-\$221.25; AAA Lawn Care and Maintenance, Mowing Properties-\$8,047.00; Advance Auto Parts, Parts-\$38.49; AFLAC, Aflac Withholding-\$10,551.68; AFLAC Group, Critical Care-\$460.78; AFSCME Council 65, Union Dues-\$604.80; Altec Industries, Repair-\$2,855.16; Amazon Capital Services, Supplies-\$585.94; American Emergency Prepared, Training-\$1,058.00; Aramark, Supplies-\$410.49; Armstrong Journal, Advertising-\$70.00; AT&T Mobility Police Department, Utilities-\$1,199.35; Atr Lighting Enterprises, Repairs-\$264.12; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$82.93; Avera Occupational Medicine, Contract Services-\$791.00; Avera Queen of Peace Hospital,

Supplies-\$116.20; Bender's Sewer Cleaning, Maintenance-\$1,215.00; Bierschbach Equipment & Supplies-Maintenance-\$6,000.00; Big Daddy D's, Contract Services-\$4,634.96; Blackstrap, Supplies-\$1,986.57; Brandon Manchester, EMS Conference-\$175.00; C&B Operations, Supplies-\$1,317.94; Carolyn Moe, Refund-\$50.00; Carquest Auto Parts, Supplies-\$76.72; CDW Government, Supplies-\$473.00; Cengage Learning Inc/Gale, Books-\$441.45; Center Point Large Print, Books-\$188.16; Central Electric, Utilities-\$89.27; Century Link, Utilities-\$13.54; Charlie's Shoe Repair, Repair-\$12.00; Chesterman, Supplies-\$702.15; CHR Solutions, Billing Services-\$4,712.82; CHS Farmers Alliance, Supplies-\$10,101.79; City of Mitchell, Utilities-\$43,999.45; City of Mitchell, Golf Course Deductions-\$1,289.86; City of Mitchell, Recreation Deductions-\$1,860.16; City of Sioux Falls, Testing-\$145.00; CK Bicycles & Locks, Supplies-\$129.00; Commercial Asphalt/Spencer Quarries, Supplies-\$4,935.53; Core & Main, Supplies-\$2,649.65; Core-Mark Midcontinent, Supplies-\$3,667.47; Corn Palace, Supplies-\$29.50; Corporate Translation Service, Translation Services-\$192.79; Creekside Veterinary Clinic, Supplies-\$58.60; CTM Services, Equipment-\$377.46; Dakota Fluid Power, Supplies-\$88.49; Dakota Supply Group, Maintenance-\$149.01; Daniel Prendable, Reimbursement-\$44.99; Davison County, Abatement-\$991.22; Davison Rural Water Systems, Utilities-\$43.45; Dawn Niehoff, Reimbursement-\$100.00; Delta Dental Plan of South Dakota, Dental Insurance-\$15,529.04; Department of Social Services, Child Support-\$864.46; Dick's Body Shop, Maintenance-\$95.00; Dockendorf Equipment, 2021-51 P.E. #2-\$202,268.11; Doug Cunningham, Reimbursement-\$25.00; Dr. Matthew Schafer, Contract Services-\$1,500.00; Elfstrand's Ace Hardware, Supplies-\$314.98; Elliott Equipment, Supplies-\$944.61; Emme Sand & Gravel, Supplies-\$1,570.46; Environmental Resource, Supplies-\$150.77; Eric Hieb, Contract Services-\$7,729.91; Etix, Ticketing Fees-\$718.20; First National Bank Omaha, Cash Back Redemption-\$11,670.05; Fisher Scientific, Supplies-\$897.14; Forum Communications, Advertising-\$2,500.00; Gaylen's Gourmet Popcorn, Supplies-\$1,490.00; Grainger, Supplies-\$170.23; Grayscale Event Marketing, Advertising-\$1,999.00; H&W Contracting, 2021-25 P.E. #3-\$153,846.93; Harve's Pro Prints, Supplies-\$810.00; Heartland Ag Systems, Parts-\$308.48; Henry Schein, Supplies-\$2,401.25; Honda of Mitchell, Supplies-\$13.48; Howes Oil, Supplies-\$12,802.60; Infrastructure Design Group, 2020-20 P.E. #23-\$40,721.26; Ingram Library Services, Books-\$956.73; Interstate Glass & Door, Supplies-\$120.51; James Valley Landscape Solutions, Repair-\$2,791.10; Jason Dicus, Reimbursement-\$180.07; Jason Long, Sports Authority Promotion-\$500.00; JCL Solutions, Supplies-\$403.47; Jebro, Supplies-\$14,058.14; John Badker, Training-\$266.00; Johnson Controls, Contract Services-\$2,942.15; Jones Supplies, Supplies-\$989.58; Kansas Highway Patrol Car, 2021 Dodge Durango-\$31,775.00; Karol Ciavarella, Re-Tree-\$200.00; Kromer, Repair-\$465.07; Larry's I-90 Service, Supplies-\$2,233.20; Lawson Products, Supplies-\$1,629.68; Leighton Family Farms, Supplies-\$811.00; Make it Mine Designs, Supplies-\$547.99; McLaury Engineering, 2023-21 P.E. #3-\$10,464.00; Mebius Nursery & Landscaping, Repair-\$130.00; Menard's, Supplies-\$1,667.73; Microsoft, Online Service-\$910.00; Midcontinent Communication, Utilities-\$16.72; Midwest Fire & Safety, Supplies-\$39.50; Midwest Turf & Irrigation, Supplies-\$44,061.36; Millennium Recycling, Single Stream Fee-\$2,045.75; Mitchell Animal Rescue, Management-\$350.00; Mitchell Convention & Visitors Bureau, Marketing Expenses-\$505.00; Mitchell High School Volleyball, Youth Volleyball Program-\$2,255.54; Mitchell United Way, Deductions-\$224.50; Motorola Solutions, Supplies-\$18,533.55; Mueller Lumber, 2022-50 P.E. #7-\$148,781.55; Muth Electric, Supplies-\$7,473.78; MW Mini Melts, Supplies-\$4,608.00; Napa Central, Supplies-\$143.07; North Central Heart Institute, Physical-

\$156.00; Northern Balance & Scale, Onsite Calibration-\$201.00; Northwest Pipe Fittings, Supplies-\$2,069.98; Northwestern Energy, Utilities-\$24,550.39; Overdrive, Ebook-\$289.99; Paulson Sheet Metal, Supplies-\$635.00; PDG Creative, Supplies-\$465.26; Pepsi Cola, Supplies-\$292.07; Peterbilt of Sioux Falls, Supplies-\$1,156.07; Premier Pest Control, Supplies-\$325.00; Premier Specialty Vehicles, Supplies-\$200.00; Proseal, Supplies-\$6,880.00; Public Health Laboratory, Labs-\$950.00; Qualified Presort, Postage-\$612.43; Quick Med Claims, Monthly Fees-\$3,951.78; Riley Randall, Refund-\$50.00; Romeo Entertainment Group, Entertainment-\$8,000.00; Runnings Supply, Supplies-\$1,083.65; S&M Printing, Supplies-\$122.00; Sanford Health, Supplies-\$460.00; Sanitation Products, Supplies-\$465.13; Santel Communications, Utilities-\$106.16; Schmucker, Paul, Nohr, 2021-3 P.E. #16-\$4,039.55; Scholastic. Supplies-\$303.60; Scott Supply, Supplies-\$96.75; South Dakota Department of Transportation, 2021-1 P.E. #1-\$107,683.04; South Dakota Retirement System, Retirement Contributions-\$58,422.74; South Dakota-Supplemental Retirement, Supplemental Retirement-\$2,874.50; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$1,271.00; Sherwin-Williams, Supplies-\$638.18; South Dakota 811, Supplies-\$250.95; Standard Insurance, Life Insurance-\$2,499.56; Staples, Supplies-\$144.62; Sturdevants Auto Value Mitchell, Supplies-\$3,084.83; Subway, Meals-\$47.94; Sun Gold Sports, Supplies-\$293.00; Tactical EMS School, Registration-\$1,950.00; Thune True Value & Appliance, Supplies-\$437.22; TMA Stores, Supplies-\$18.20; Top Grade Concrete, 2023-4 P.E. #3-\$41,076.00; Transwest Trucks of Sioux Falls, Supplies-\$1,647.35; UPS Store #4227, Postage-\$37.03; Verizon Wireless, Utilities-\$360.09; Vern Eide Ford, Supplies-\$434.51; Walmart/Capital One, Supplies-\$99.43; Wheelco Brake & Supply, Supplies-\$337.56; Wholesale Electronics, Supplies-\$42.44; Ellwein Brothers, Supplies-\$2394.95; Ellwein Brothers, Supplies-\$948.50.

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

CITIZENS INPUT:

Joel Allen, Director of the McGovern Center, stated the center will be holding a lake debate on October 23rd.

Mitchell resident, Stewart Hanson, addressed concerns with the Mayor and City Council not following the plan for Lake Mitchell. Hanson also commended the Mayor for the gun range decision.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Jason Greenway for a front yard variance of 25' vs 35' for the northwest corner of the garage due to radius corner intersection and to line up with neighbors' houses located at 5740 Island Court, legally described as Lot 47, Island First Addition, a subdivision of the SE ¼ of Section 31, T 104 N, R 60 W of the

5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned UD Urban Development. The Planning Commission recommended approval of said application. Moved by Smith, seconded by Tjarks, to approve said application.

Members present voting aye: Barington, Doescher, Goldammer, McCardle, Sabers, Smith, Tjarks. Members present voting nay: none. Bathke abstained. Motion carried.

It was advised that this is the date and time set for hearing on the application of Dalton Warren and Mandy Stevens for a side yard variance of 0' vs 3' and a side corner yard setback of 9'4" vs 20' to construct a 38' x 30' garage located at 321 East 9th Avenue, legally described as Lot 1, Block 16, DA Scott's 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. The Planning Commission recommended denial of said application. Moved by Tjarks, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Lincoln Neugebauer on behalf of Candice George for a rear yard variance of 19' vs 25' and a side corner yard variance of 8' vs 15' to build an attached garage located at 1203 North Sanborn Boulevard, legally described as Lot 12, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District. The Planning Commission recommended approval of said application. Moved by 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 of Jeffery and Mary Lanning for a conditional use permit to operate a home occupation-yoga studio located at 76 South Harmon Drive, legally described as Lot 5, Block 4, Indianhead 2nd Addition, City of Mitchell, Davison County, South Dakota. The property is zoned RL Lake Residential District. The Planning Commission recommended approval of said application. Moved by Goldammer, seconded by Sabers, to approve said application. Motion carried.

Moved by McCardle, seconded by Barington, to set date for October 16, 2023 on the application of Zion Lutheran Church for a conditional use permit to operate a religious institute (church fellowship hall and office space) located at 601, 605, and 611 East 4th Avenue, legally described as Lots 5-7, Block 32, Cooley & Guernsey Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Smith, seconded by Tjarks, to set date for October 16, 2023 on the application of Zion Lutheran Church for a variance permit for the following:

1. Side-yard setback along Burr Street of 17.5' vs 20' to account for the point of the building overhang.
2. Front-yard setback along the alley of 16.5' vs 25' to account for pedestrian drop-off roof and overhang.

3. Off-street parking on-site of 0 vs 89 spaces. Standard parking and ADA parking is located on existing adjacent church property and additional parking is planned in the next phase of construction to the east of the subject property.

The property is located at 601, 605, and 611 East 4th Avenue, legally described as Lots 5-7, Block 32, Cooley & Guernsey Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Goldammer, to approve Agreement #A2023-41, SD Department of Transportation Section 5311 and Title IIIB Grant Funds. Motion carried,

Moved by McCardle, seconded by Bathke, to approve Agreement #A2023-42, SD Department of Transportation Section 5310 Grant Rolling Stock. Motion carried,

Moved by Tjarks, seconded by Sabers, to approve Agreement #A2023-43, SD Department of Transportation Section 5339 Grant Funds reawarded. Motion carried,

Moved by Sabers, seconded by McCardle, to approve Agreement #A2023-44, Purchase Agreement between the Mitchell Area Development Corporation and the City of Mitchell for the acquisition of 620 North Lawler in the amount of \$180,000.00. Motion carried.

Moved by Tjarks, seconded by Goldammer, to approve Agreement #A2023-45, Encroachment Agreement relating to 166 North Harmon Drive. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Tjarks, to approve Resolution #R2023-69, Annexation of Lot AB3 in Lot H-3 in the NE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2023-69

**ANNEXATION OF LOT AB3 IN LOT H-3 IN THE NORTHEAST QUARTER (NE 1/4)
OF SECTION THIRTY-FOUR (34), TOWNSHIP ONE HUNDRED THREE (103)
NORTH, RANGE SIXTY (60), WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH
DAKOTA.**

WHEREAS, Fredericksen Restaurants LLC has petitioned to annex the real property legally described as Lot AB3 in Lot H-3 in the Northeast Quarter (NE 1/4) of Section Thirty-four (34),

Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota.

WHEREAS: Fredericksen Restaurants LLC is the sole owner and petitioners of the real property described in this resolution; and

WHEREAS: There are no registered voters residing in the territory sought to be annexed and

WHEREAS: the real property is contiguous to the corporate limits of the City of Mitchell, Davison County, South Dakota; and

WHEREAS: a plat depiction is hereto attached.

NOW THEREFORE, be it resolved that in accordance with SDCL Chapter 9-4, the City Council of the City of Mitchell, Davison County South Dakota hereby annexes the above real property.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Sabers, to approve Resolution #R2023-70, Plat of Tract A and Tract B, Big Dog Subdivision, as follows:

RESOLUTION #R2023-70

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 25th day of September, 2023; and

WHEREAS, it appears from an examination of the plat of TRACT A AND TRACT B, BIG DOG SUBDIVISION OF THE SOUTH 300 FEET OF LOT 2, IN THE SE 1/4 OF SECTION 17, T 103 N, R 60 W OF THE 5TH PM., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Thomas Lynn Week, 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 TRACT A AND TRACT B, BIG DOG SUBDIVISION OF THE SOUTH 300 FEET OF LOT 2, IN THE SE 1/4 OF SECTION 17, T 103 N, R 60 W OF THE 5TH PM., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas Lynn Week, 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 Goldammer, seconded by McCardle, to approve Resolution #R2023-71, Plat of Blocks 1 and 2 of Maui Farms Second Addition and a portion of Sam Street, a subdivision of previously platted Lot 4 in the East ½ of the West ½ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2023-71

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 25th day of September, 2023; and

WHEREAS, it appears from an examination of the plat of BLOCKS 1 AND 2 OF MAUI FARMS SECOND ADDITION AND A PORTION OF SAM STREET, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 4 IN THE EAST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., 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 BLOCKS 1 AND 2 OF MAUI FARMS SECOND ADDITION AND A PORTION OF SAM STREET, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 4 IN THE EAST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH 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 Tjarks, seconded by Barington, to approve Resolution #R2023-72, Plat of Lot 22, Block 7 of Westwood First Addition, and a portion of West 15th Avenue, as follows:

RESOLUTION #R2023-72

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 25th day of September, 2023; and

WHEREAS, it appears from an examination of the plat of LOT 22, BLOCK 7 OF WESTWOOD FIRST ADDITION, AND A PORTION OF WEST 15TH AVENUE, A SUBDIVISION OF THE WEST 1/2 OF SECTION 16, 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 22, BLOCK 7 OF WESTWOOD FIRST ADDITION, AND A PORTION OF WEST 15TH AVENUE, A SUBDIVISION OF THE WEST 1/2 OF SECTION 16, 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 Tjarks, seconded by Goldammer, to approve Resolution #R2023-75, a Resolution of Intent to Amend the Lease of the Mitchell Rodeo Foundation, as follows:

RESOLUTION R2023-75

A RESOLUTION OF INTENT TO AMEND THE LEASE OF THE MITCHELL RODEO FOUNDATION.

WHEREAS on September 23, 2021, an original Lease was reached between the Mitchell Rodeo Foundation, Inc (Tenant) and the City of Mitchell (Landlord) in regards to the lease of "The West 900" of Lot 1 in the South ½ of the Northwest ¼, Section 33, Township 104 North, Range 60 West of the 5th P.M., City of Mitchell, Davison County, South Dakota" (the property address having now been set as 6320 N. Ohlman Street); and

WHEREAS Tenant has requested for the terms of such Lease to be modified; and

WHEREAS Landlord is willing to accommodate Tenant's under the terms and conditions as discussed and established at the hearing to be held as described below.

THEREFORE, be it resolved by the Mitchell City Council that such hearing shall be held on the Proposed Lease Amendment at the regular City Council Meeting on Monday, October 16, 2023 at 6:00 P.M. in the City Council Chambers at 612 N Main, at which time interested parties may appear and be heard as provided by law. The City shall cause notice of hearing to be published once not less than ten (10) days prior to the hearing. Following the hearing, the City Council may take whatever action it deems appropriate regarding the Proposed Lease Agreement.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by McCardle, seconded by Barington, to place Ordinance #O2023-08, Rezoning Lot 23 of Starlite Estates from UD Urban Development District to HB Highway Business District on

second reading. Motion carried. Moved by Barington, seconded by Sabers, to adopt Ordinance #O2023-08, Rezoning Lot 23 of Starlite Estates from UD Urban Development District to HB Highway Business District, as follows:

ORDINANCE NO. O2023-08

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 23 of Starlite Estates in the NW ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; be changed from UD Urban Development 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; Lot 23 of Starlite Estates in the NW ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; be changed from UD Urban Development 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.

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

EXECUTIVE SESSION:

Moved by McCardle, seconded by Barington, 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 7:59 p.m. and the City Council to reconvene in regular session at 8:00 p.m.

HEARING AND ORDINANCE:

City Attorney Justin Johnson opened the hearing and reviewed Ordinance #O2023-07, Establishing Business Improvement District #4. Moved by Smith, seconded by Tjarks, to add dissolution clause to Ordinance #O2023-07. Discussion took place. Moved by Smith, seconded by Barington, to end the hearing. Moved by Barington, seconded by McCardle, to place

Ordinance #O2023-07, Establishing Business Improvement District #4, as amended, on first reading. Motion carried.

ADJOURN:

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


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.