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

November 20, 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 Tjarks, seconded by Goldammer, to approve the following items on the consent agenda:

a. City Council Minutes
   1. City Council November 6, 2023.
b. Committee Reports
   1. Planning Commission October 23, 2023,
   2. Planning Commission November 13, 2023 (unsigned), and
   3. Library Board September 19, 2023.
c. Department Reports
   1. Sales Tax Collections (October),
   2. Finance (October),
   3. Building Permits (October),
   4. Police (October),
   5. Code Enforcement (October),
   6. Palace Transit (October),
   7. Water (October), and
   8. Airport (October).
d. Automatic Supplements
   1. Park-Recreation Center in the amount of $495.95 from grant funds,
   2. Park-Recreation Center in the amount of $260.00 from grant funds, and
   3. Park-Recreation Center in the amount of $355.00 from grant funds.
e. Raffle Permits
   1. SD Shooting Sports Foundation with the drawing to be held June 1, 2024,
   2. SD Shooting Sports Foundation with the drawing to be held September 14, 2024, and
   3. Mitchell Community Scholarship Fund with the drawing to be held February 26, 2024.
f. 2024 Renewal of Vehicle for Hire Company Applications
   1. D & J Fun Bus LLC

2. Granite Springs Lodge
3. BJ's Party Bus

g. 2024 Renewal of Transportation Network Company Vehicle Application for LYFT.

h. Change Order #1 for 200-400 Blocks of East 10th Utility Upgrades Project #2022-02 increasing the contract amount by $16,716.35 to Schoenfelder Construction, adjust contract amount to $433,949.15.

i. Set date for 1:30 p.m. on November 21, 2023 for bid opening for Dump Truck Chassis Project #2023-34 and Combo Dump Body/Sander Project #2023-35.

j. Approval of Gas and Fuel Quotations

Vollan Oil	**Requested Gallons**	**Bid Gallons**	**Price per Product**	**Total Bid**
Unleaded Gas-10% Ethanol	7,500	7,500	$2.557	$19,177.50
	Total Bid:			$19,177.50

k. Pay Estimates November 20, 2023

Pay Estimate #2 in the amount of $8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,

Pay Estimate #25 in the amount of $1,282.50 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,

Pay Estimate #26 in the amount of $41,473.44 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,

Pay Estimate #6 in the amount of $807,025.18 for Above Ground Storage Tank #2020-20 contracted to Rice Lake West,

Pay Estimate #26 in the amount of $697.50 for Landfill Cell #4 #2021-08 contracted to Helms & Associates,

Pay Estimate #19 in the amount of $1,318.70 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering,

Pay Estimate #11 in the amount of $20,896.80 for Livesay Lane Improvements #2021-25 contracted to Infrastructure Design Group,

Pay Estimate #12 in the amount of $850.00 for Recycling Building #2021-30 contracted to Helms & Associates,

Pay Estimate #3 in the amount of $81,662.04 for 200-400 Blocks East 10th Utility Improvements #2022-02 contracted to Schoenfelder Construction,

Pay Estimate #8 in the amount of $3,921.25 for Ohlman & South Harmon Lift Stations #2023-16 contracted to SPN & Associates,

Pay Estimate #9 in the amount of $5,637.50 for Ohlman & South Harmon Lift Stations #2023-16 contracted to SPN & Associates,

Pay Estimate #4 in the amount of $27,616.19 for 2nd/4th & Main Street #2023-21 contracted to McLaury Engineering,

Pay Estimate #1 in the amount of $4,263.40 for Campground Safe Room #2023-33 contracted to Kogel Archaeological Consulting, and

Pay Estimate #28 in the amount of $11,158.89 for Airport/ALP Master Plan contracted to Helms & Associates.

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 OCTOBER 29, 2023 – NOVEMBER 11, 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 $13,507.68, Human Resources $3,982.72, Municipal Building $3,369.60, Information Technology $3,053.22, Police $77,621.91, Traffic $4,381.92, Fire $39,586.66, Street $31,681.20, Public Works $23,928.49, Cemetery $5,549.83, Library $17,831.97, Recreation & Aquatics $7,041.51, Recreation Center $19,596.90, Sports Complexes $11,726.59, Cadwell Concessions $205.25, Parks $15,303.95, Supervision $6,081.70, E911 $21,126.53, MVP $536.27, Palace Transit $31,727.73, JVCC $1,657.71, Nutrition $4,232.77, Water Distribution $15,404.76, Sewer $12,345.25, Airport $3,442.18, Recycling Program $7,266.77, Waste Collection $6,517.34, Landfill $11,871.10, Corn Palace $22,127.42, Golf Course $4,802.79, Emergency Medical Services $33,519.50

NEW HIRES:

CORN PALACE: Rubiany Ferreira-Escalera-$11.30

E-911: Dennisha Tobin-$21.332

SPORTS COMPLEXES: Hudson Borgan-$12.80, Greyce Northrup-$10.80, Sean Pinkerton-$13.30, Teresa Schroeder-$10.80

SALARY ADJUSTMENTS:

CORN PALACE: Craig Stucky-$28.343

PALACE TRANSIT: Karol Iburg-$22.990

POLICE: Daniel Fechner-$34.565

STREET: Connor Carlson-$22.692, James Zard-$23.848

WARRANTS: A-Ox Welding Supply, Supplies-$478.75; AAA Collections, Collection Fees-$20.34; Aaron Hieb, Reimbursement-$45.00; Action Fleet, Equipment-$364.98; Advanced Engineering and Environmental, Water Report-$190.00; AFLAC, Aflac Withholding-$10,548.72; AFLAC Group, Critical Care-$460.78; AFSCME Council 65, Union Dues-$630.00; Alex Young, Reimbursement-$45.00; Alignment X-Perts, Repair-$25.00; Amazon Capital Services, Supplies-$290.80; American Garage Door, Repair-$104.08; Andrea Hamilton, Reimbursement-$45.00; Andrew Schneider, Reimbursement-$45.00; Aqua-Pure, Supplies-$1,687.50; Aramark, Service-$220.30; Armstrong Journal, Advertising-$70.00; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-$2,878.43; Automatic Building Control, Monitor Contract-$240.00; Avera Occupational Medicine, Physicals-$4,331.00; B-Y Water District, Utilities-$61,645.14; Bailey Metal Fabricators, Supplies-$9.68; Barr Engineering, 2021-20 P.E.

#PH2-19-$1,318.70; Big Daddy D's, Contract Services-$5,119.05; Blackburn Manufacturing, Supplies-$474.08; Blackstrap, Supplies-$5,785.19; BNSF Railway, Permits-$7,500.00; Brad Gates, Reimbursement-$45.00; Brian Daughters, Reimbursement-$45.00; Buhl's Drycleaners & Linen, Maintenance-$47.50; C&B Operations, Supplies-$352.87; Cadwell Sanford Deibert & Garry, Indoor Pool/Puetz-$72.00; Carquest Auto Parts, Supplies-$90.70; Casey Tegethoff, Reimbursement-$109.88; Cengage Learning, Audio Books-$50.00; Center Point Large Print, Books-$94.08; Central Electric, Utilities-$12,403.53; Century Link, Utilities-$68.04; Chesterman, Supplies-$991.30; CHS Farmers Alliance, Supplies-$4,177.07; City of Mitchell, Community Garden-$96.17; City of Mitchell, Golf Course Deductions-$1,289.86; City of Mitchell, Recreation Deductions-$1,860.16; City of Mitchell, October Hotel Tax-$159.00; Claims Associates, Liability-$1,479.31; Coborns, Contract Services-$500.50; Core & Main, Supplies-$4,304.24; Core-Mark Midcontinent, Supplies-$7,418.04; Corn Palace, Supplies-$14.75; Corporate Translation Service, Translation Service-$191.41; County Fair, Contract Services-$1,523.50; Craig Stucky, Reimbursement-$45.00; Creekside Veterinary Clinic, Service Charge-$445.20; Dakota Pump, Supplies-$21,941.11; Dakota Supply Group, Supplies-$5,192.87; Daniel Fechner, Reimbursement-$175.98; Darrington Water Conditioning, Rental-$100.50; Davison County Register of Deeds, Annexation Resolution-$30.00; Davison Rural Water Systems, Utilities-$81.80; Dean Knippling, Travel-$14.00; Delta Dental Plan of South Dakota, Dental Insurance-$15,421.82; Dennis Geidel, Reimbursement-$45.00; Department of Agriculture, Solid Waste-$3,665.81; Department of Motor Vehicle, Supplies-$47.70; Department of Social Services, Child Support-$864.46; Dice Benefits Consulting, Administration Fees-$1,539.00; Diesel Laptops, Supplies-$1,545.00; Dimock Dairy, Supplies-$238.50; Display Sales, Supplies-$293.00; DMC Wear Parts, Supplies-$7,800.00; Doug Greenway, Reimbursement-$45.00; Elfstrand's Ace Hardware, Supplies-$112.17; Elliott Equipment, Supplies-$778.33; ELO Prof, Annual Audit-$18,558.87; Environmental Systems Rese, Maintenance Contract-$4,570.27; Frontier Precision, Supplies-$12,294.78; Game Time, Equipment-$156,003.52; Gary Walton, Reimbursement-$45.00; Grainger, Supplies-$101.39; Great Western Tire, Supplies-$2,894.76; Guardian Alliance Technologies, Background Checks-$50.00; Harlow's Bus Sales, Repair-$129.42; Hawkins, Supplies-$3,999.29; Helms and Associates, 2021-30 P.E. #12-$12,706.39; Howes Oil, Supplies-$26,553.01; ICan, Advertising-$750.00; Infrastructure Design Group, 2020-20 P.E. #25-$63,652.74; Intellipro Security, Supplies-$2,611.00; Interstate Office Products, Supplies-$223.26; Interstate Tire & Auto Center, Supplies-$740.00; Iverson Chrysler Center, Supplies-$153.35; Jamie Henkel, Reimbursement-$45.00; Jaylon Tollefson, Reimbursement-$45.00; JCL Solutions, Supplies-$274.31; JD Concrete Products, Supplies-$344.00; Jeff Hanson, Reimbursement-$45.00; Joe Galpin, Reimbursement-$45.00; Joe Haiar, Reimbursement-$45.00; Joe Schroeder, Reimbursement-$45.00; Joelle Dammann, Reimbursement-$59.00; John Hegg, Reimbursement-$45.00; Jon Rehfeldt, Reimbursement-$22.50; Jon Thurman, Reimbursement-$45.00; Jon Vermeulen, Reimbursement-$45.00; Jones Supplies, Supplies-$938.12; Kathy Hanks, Reimbursement-$45.00; Kevin Devries, Reimbursement-$45.00; Kevin Dykes, Reimbursement-$45.00; Kevin Kenkel, Reimbursement-$45.00; Kevin Nelson, Reimbursement-$174.99; Kevin Roth, Reimbursement-$45.00; Kevin Sibson, Reimbursement-$45.00; Kogel Archaeological Consultant, 2023-33 P.E. #1-$4,263.40; Kristopher Morris, Repairs-$4,000.00; Lakeview Golf Course, Supplies-$190.00; Lakeview Veterinary Clinic, Supplies-$1,038.90; Larry's I-90 Service, Supplies-$575.80; Lawson Products, Supplies-$1,787.61; Leighton Family Farms,

Supplies-$222.00; Liz Kitchens, Reimbursement-$120.00; M&T Fire and Safety, Supplies-$5,000.00; Make it Mine Designs, Equipment-$99.00; McLaury Engineering, 2023-21 P.E. #4-$27,616.19; McLeod's Printing, Supplies-$627.71; Menard's, Supplies-$444.81; Michael Leach, Reimbursement-$45.00; Michelle Bathke, Reimbursement-$45.00; Midcontinent Communication, Utilities-$93.39; Midcontinent Communication, Advertising-$2, 074.61; Midway Service/Vollan Oil, Supplies-$19,177.50; Midwest Laboratories, Labs-$1,416.29; Midwest Oil Company, Supplies-$2,135.71; Mike Carpentier dba Carpentier Snow Removal, CDL Training-$1,950.00; Miscellaneous Vendor, Schulz, Lori Refund-$181.90; Mitchell Animal Rescue, Management-$350.00; Mitchell Concrete Product, Maintenance-$152.50; Mitchell Convention & Visitors Bureau, Nov 2023 Funding-$20,800.00; Mitchell Iron & Supply, Supplies-$408.79; Mitchell School District, Volleyball-$2,922.50; Mitchell United Way, United Way Deductions-$338.00; Mount Vernon School District, Contract Services-$307.50; Mueller Lumber, Supplies-$145.24; Muth Electric, Maintenance-$6,835.59; Napa Central, Supplies-$110.47; Nate Hegg, Reimbursement-$45.00; Newman Signs, Maintenance-$248.11; Nolan Tegels, CDL Reimbursement-$35.00; Northwestern Energy, Utilities-$36,160.71; One Source The Background, Background Check-$58.00; Overdrive, Ebooks-$451.00; Overtime, Contract Services-$2,664.00; Parkeon, Professional Services-$65.00; Pfeifer Implement, Supplies-$280.03; Premier Pest Control, Supplies-$200.00; PSHRA, Supplies-$640.00; Qualified Presort, Postage-$316.72; Quality Cut Lawn & Tree Service, 2019-53r2 P.E. #2-2023-$8,666.66; Rice Lake West, 2020-20 P.E. #6-$807,025.18; Robert Kroger, Renewal CDL-$35.00; Robert McCardle, Reimbursement-$45.00; Roger Prewett II, Reimbursement-$45.00; Runnings Supply, Supplies-$2,088.76; Ryland Devries, Reimbursement-$45.00; S & M Printing, Supplies-$54.25; Saga Communications of South Dakota, Advertising-$1,327.40; Sanford Health, Programming Services-$260.00; Sanitation Products, Supplies-$8,447.65; Santel Communications, Utilities-$30.00; Schmucker, Paul, Nohr, 2023-16 P.E. #8-$9,558.75; Schoenfelder Construction, 2022-2 P.E. #3-$81,662.04; Schoenfelder Portables, Rental-$470.00; South Dakota Retirement System, Retirement Contributions-$58,759.38; South Dakota-Supplemental Retirement, Supplemental Retirement-$2,634.50; South Dakota-Supplemental Roth 457, Roth 457 Contributions-$1,271.00; Sherwin-Williams, Supplies-$105.11; Sign Pro, Supplies-$6.00; South Dakota 811, Professional Services-$224.70; Standard Insurance, Life Insurance-$2,487.28; Staples, Supplies-$450.14; State Bar of South Dakota, 2024 Bar Dues-$540.00; Stephanie Ellwein, Reimbursement-$45.00; Steve Anderson, Reimbursement-$45.00; Streicher's – Minneapolis, Supplies-$627.99; Sturdevants Auto Value, Supplies-$4,462.45; Subway, Meals-$47.94; Sun Gold Sports, Supplies-$679.00; Terry Johnson, Reimbursement-$45.00; The Dugout, Contract Services-$1,977.00; The Penny Press Machine, Supplies-$207.00; Thomas Gulledge, Reimbursement-$45.00; Thomas Holleman, Reimbursement-$45.00; Thomas Schuman, Reimbursement-$45.00; Thomson Reuters West, Subscription-$800.80; Thune True Value & Appliance, Supplies-$185.09; Todd Cavanaugh, Reimbursement-$45.00; Traffic Control, Supplies-$485.00; Transource, Supplies-$5,209.64; Transwest Trucks of Sioux Falls, Supplies-$1,379.44; True North Steel, Supplies-$1,584.00; Tyler Vetch, Reimbursement-$45.00; Tylor Peterson, Reimbursement-$45.00; USA Bluebook, Supplies-$204.95; Verizon Wireless, Utilities-$836.93; Vern Eide Chevrolet GMC, Maintenance-$751.52; Vern Eide Ford, Supplies-$31.93; Walmart/Capital One, Supplies-$261.73; Wanda Graves, Reimbursement-$45.00; Wheelco Brake & Supply, Supplies-$481.25; Wholesale Electronics, Supplies-$.50; Wageworks, Expense posting-$4091.94; Wellmark of South Dakota, Administration, Prescriptions, Medical-

$196,281.17; Wageworks, Flexible Spending-$173,401.52; South Dakota State Treasurer, Sales Tax Payment-$16,152.86.

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

CITIZENS INPUT:

Karen Pooley of the Mitchell Food Pantry stated the food pantry had 186 households receive a turkey dinner in the food giveaway on Saturday, November 18th. The food pantry had 38 volunteers for the event and the event ran smoother than it ever has.

Mitchell resident, Terry Sabers, stated the Mitchell Marlins have 12 home hockey games scheduled for this weekend.

BOARD OF ADJUSTMENT:

Moved by Goldammer, seconded by McCardle, 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 Jaun'l Gibson for a conditional use permit to operate a family residential daycare located at 613 East 3rd Avenue, legally described as Lot 4, Block 37, Cooley & Guernsey 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 the conditions the permit is non-transferable, if the business ceases to operate for six months, a new application would be required, and pass a fire inspection. Moved by Tjarks, seconded by Sabers, to approve said application with Planning Commission recommendations. Motion carried.

Moved by Smith, seconded by Barington, to set date for December 4, 2023 on the application of Cory Hauser for a side yard corner variance of 1.33' vs 20' to construct a 24' x 20' metal carport located at 1420 East Birch Avenue, legally described as Lot 12, Block 6, Fairview Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Barington, seconded by McCardle, to set date for December 4, 2023 on the application of CJG Properties LLC for a conditional use permit to operate a lodging house and supportive living home located at 918 Court Merrill, legally described as Lot A except the north 8 feet, Block 3, University Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Goldammer, seconded by Barington, 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 V.V. Inc dba The Garage, 909 North Ohlman, Suite #3 to MG Oil Company dba Jokerz Casino Mitchell-3, 716 North Rowley Street, Suite A3. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Sabers, to approve said application. Barington abstained. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer RL-5756 Retail (on-sale) Liquor License from Melissa Tuttle dba Love Every, LLC, 1525 West Havens Avenue to Flats on Havens, LLC dba Flats on Havens, LLC, 1525 West Havens Avenue. Notice of hearing has been given and affidavit of publication is on file. Moved by Goldammer, seconded by Tjarks, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Goldammer, to approve the applications for renewal of liquor and wine licenses for 2024. Motion carried.

Moved by McCardle, seconded by Barington, to approve the application for renewal of 2024 medical cannabis-dispensary license for FSST Pharms, LLC. Motion carried.

Moved by Smith, seconded by Goldammer, to approve the application for renewal of 2024 medical cannabis-dispensary license for Genesis Farms, LLC. Barington abstained. Motion carried.

Moved by McCardle, seconded by Goldammer, to approve the application for renewal of 2024 medical cannabis-dispensary license for The Flower Shop, LLC. Motion carried.

Moved by Goldammer, seconded by Sabers, to approve the application for renewal of 2024 medical cannabis-dispensary license for Raftis Enterprise Mitchell. Motion carried.

Moved by Sabers, seconded by Tjarks, to approve the Special Event Permit for MacKenzie's Memorial Event on December 12, 2023. Motion carried.

Moved by Goldammer, seconded by Sabers, to approve Agreement #A2023-54, Mitchell Area Development Corporation Developer's Agreement for 15th Avenue Utility and Street Improvements. Motion carried.

Moved by McCardle, seconded by Sabers, to approve Agreement #A2023-55, TIF #31 Developer's Agreement. Motion carried.

RESOLUTIONS:

Moved by Tjarks, seconded by Barington, to approve Resolution #R2023-79, A Resolution Amending Rates to Implement a Surcharge Out of Existing Water & Sewer Rates to Fund Infrastructure Projects, as follows:

Resolution R2023-79

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

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

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

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

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

THEREFORE, BE IT RESOLVED, by the City Council of the City of Mitchell, SD that effective November 20, 2023 rates be amended to include the surcharge as listed below for DW-07 Water System Improvements & for CW-11 Waste Water System Improvements.

Water Rates

		Current Rate
Base Rate	*1" and less*	*$ 13.00*
	1 1/2"	*$ 26.00*
	2"	*$ 41.60*
	3"	*$ 78.00*
	4"	*$ 130.00*
	6"	*$ 260.00*
Water Usage		*$ 5.10*

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

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

$10.30/month/user	DW-06	Ground Storage Tank Project
$1.94/month/user	**DW-07**	**Water System Improvements**

Sewer Rates

		Current
Residential	*Base*	*$ 29.05*
	Volume	*$ 4.00*
Non- Residential	*Base*	*$ 29.05*
	Volume	*$ 5.00*
Industrial	*Base*	*$ 29.05*
	Volume	*$ 3.98*
	BOD	*$ 0.88*
	TSS	*$ 1.29*
	TKN	*$ 4.80*

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

$8.05/month/user	CW-05	Sanborn Phase II
$3.70/month/user	CW-06	East Central Drainage Phase I
$.99/month/user	CW-07	East Central Drainage Phase II
$1.11/month/ user	CW-08	Daily Drive Lift Station
$11.60/month/user	CW-09	Waste Water Treatment Plant Improvements Phase I
$.77/month/ user	CW-12	Livesay Improvements
$3.47/month/user	**CW-11**	**Waste Water System Improvements**

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

Water Rates

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

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

$1.78/month/user	DW- 02	Water Storage Tank
$.85/month/user	DW-05	West Water Tower Repairs
$10.30/month/user	DW-06	Ground Storage Tank Project

$1.94/month/user	**DW-07**	**Water System Improvements**

Sewer Rates

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

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

$8.05/month/user	CW-05	Sanborn Phase II
$3.70/month/user	CW-06	East Central Drainage Phase I
$.99/month/user	CW-07	East Central Drainage Phase II
$1.11/month/ user	CW-08	Daily Drive Lift Station
$11.60/month/user	CW-09	Waste Water Treatment Plant Improvements Phase I
$.77/month user	CW-12	Livesay Improvements
$3.47/month/user	**CW-11**	**Waste Water System Improvements**

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Tjarks, to approve Resolution #R2023-80, Resolution Giving Approval to Certain Sewer Facilities Improvements; Giving Approval to the Issuance and Sale of a Revenue Bond to Finance, Directly or Indirectly, the Improvements to the Facilities; Approving the Form of the Loan Agreement and the Revenue Bond and Pledging Project Revenues and Collateral to Secure the Payment of the Revenue Bond; and Creating Special Funds and Accounts for the Administration of Funds for Operation of the System and Retirement of the Revenue Bond and Providing for a Segregated Special Charge or Surcharge for the Payment of the Bonds, as follows:

RESOLUTION #R2023-80

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND

CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the "Act") as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Mitchell (the "City") currently operates a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; and for the control of floods and drainage and has determined that improvements to the sewer facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its sewer system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its sewer system for the purpose of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes (the "System") and has applied to the South Dakota Conservancy District (the "District") for a Clean Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 1. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

"Act" means South Dakota Codified Laws Chapter 9-40.

"Loan" means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

"Project" means the City of Mitchell Wastewater Collection System Improvements.

"Revenue Bond" means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City's obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

"System" means the City's system of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 2. Declaration of Necessity and Findings.

2.1.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-2, and the federal Clean Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to $4,760,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

3.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and

directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed $4,760,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Special Charge or Surcharge for Revenue Bond.

4.1. The City does hereby create the Revenue Bond Special-Surcharge District (the "Surcharge District") which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the

payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

4.2. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

4.3. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due.

4.4. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

4.5. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement's rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 5. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 6. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the sewer system account of the City and shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

6.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of

the City of Mitchell, South Dakota (collectively the "Rate Resolution"). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

6.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City's governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

6.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

6.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

(a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;

(b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

(c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or

(d) To be used for any other authorized municipal purpose designated by the Common Council.

(e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended ("the Code") and applicable Treasury Regulations (the "Regulations").

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal and interest on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System

for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Repeal of Resolution. At such time as the Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 15. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum

Motion carried and resolution declared duly adopted.

Moved by Barington, seconded by Bathke, to approve Resolution #R2023-81, Resolution Giving Approval to Certain Drinking Water Facilities Improvements; Giving Approval to the Issuance and Sale of a Revenue Bond to Finance, Directly or Indirectly, the Improvements to the Facilities; Approving the Form of the Loan Agreement and the Revenue Bond and Pledging Project Revenues and Collateral to Secure the Payment of the Revenue Bond; and Creating Special Funds and Accounts for the Administration of Funds for Operation of the System and Retirement of the Revenue Bond and Providing for a Segregated Special Charge or Surcharge for the Payment of the Bonds, as follows:

RESOLUTION #R2023-81

RESOLUTION GIVING APPROVAL TO CERTAIN DRINKING WATER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the "Act") as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system of waterworks for the purpose of providing water and water supply for domestic, municipal, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Mitchell (the "City") currently operates a water distribution system to supply municipal, industrial and domestic water to its inhabitants and has determined that improvements to the drinking water facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its drinking water system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes (the "System") and has applied to the South Dakota

Conservancy District (the "District") for a Drinking Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 1. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

"Act" means South Dakota Codified Laws Chapter 9-40.

"Loan" means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

"Project" means the City of Mitchell Water System Improvements Project.

"Revenue Bond" means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City's obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

"System" means the City's system of waterworks used for the purpose of providing water and water supply for domestic, municipal, and industrial purposes.

SECTION 2. Declaration of Necessity and Findings.

2.1. Declaration of Necessity. The City hereby declares and determines it is necessary to construct and finance improvements to its drinking water facilities within its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-3A, and the federal Safe Drinking Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, that only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to $2,840,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

3.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the City Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed $2,840,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used

for no other purpose than to pay the principal, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Special Charge or Surcharge for Revenue Bond. The City does hereby create the Revenue Bond Special-Surcharge District (the "Surcharge District") which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

4.1. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

4.2. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal, interest and Administrative Surcharge on the Revenue Bond when due.

4.3. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

4.4. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement's rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The

surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 5. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 6. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the water system account of the City and shall be used solely for the following respective purposes until payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond:

6.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Mitchell, South Dakota (collectively the "Rate Resolution"). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

6.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City's governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

6.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

6.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any

time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the City Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

(a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;

(b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

(c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or

(d) To be used for any other authorized municipal purpose designated by the Common Council.

(e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended ("the Code") and applicable Treasury Regulations (the "Regulations").

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Repeal of Resolution. At such time as the Project Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 15. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Tjarks, to approve Resolution #R2023-82, Fees and Charges, as follows:

RESOLUTION #R2023-82
FEES AND CHARGES

PREAMBLE: The City Council, having re-codified the Municipal Code, and having provided therein for the establishment of fees and costs charged by the City by resolution, now therefore be it

Resolved that the following fees and costs shall be adopted and that any fees and costs not changed by this resolution or any other fee resolutions passed since the date of re-codification and in effect as of November 20, 2023 shall remain in full force and effect.

General:
Public Works:

Variance	$ 150.00

Rezone	$ 250.00
For additional mailings required	
Platting	$ 100.00
Sign Permit	$ 100.00
Bulk Water	$ 100.00
Parking Lot & Road Closure	$ 200.00
as part of Special Event Permit Fees	

Ambulance:

BLS Transport	$ 850.00
ALS-2	$ 1,500.00
Specialty Care Services	$ 2,000.00
Mileage	$ 20.00 per loaded mile
ALS Intercept	$ 400.00
Flight Crew Transport	$ 400.00
ALS Treat/No Transport	$ 450.00
Lift Assist	$ 200.00
IV Admin/Infusion/Supplies	$ 125.00
Cardiac Monitor	$ 150.00
Glucometer/Blood Sugar	$ 15.00
Adenosine 6mg/2ml	$ 58.00
Albuterol 2.5mg/3ml Neb	$ 15.00
Amiodarone 150mg/3ml	$ 51.00
Aspirin 324 mg	$ 5.00
Atropine 1mg/10ml	$ 62.00
Dextrose D50 50% 50 ml	$ 65.00
Dextrose D5W 5% Bag	$ 52.00
Diazepam 1omg/2ml	$ 83.00
Diphenhydramine 10 mg/2ml	$ 50.00
Epinephrine 1:1,000	$ 53.00
Epinephrine 1:10,000	$ 60.00
Fentanyl 100 mcg/2ml	$ 51.00
Glucagon 1 mg	$ 252.00
Glucose-Oral	$ 10.00
Ketamine 500 mg/5ml	$ 52.00
Lidocaine 100mg/5ml	$ 56.00
Lidocaine 2gm/500 ml	$ 56.00
Magnesium Sulfate 5gm/10ml	$ 51.00
Midazolam//Versed 10mg/2ml	$ 51.00
Midazolam/Versed 2mg/2ml	$ 51.00
Morphine 4 mg/ml	$ 52.00
Narcan/Naloxone 0.4mg/ml	$ 54.00
Nitroglycerin .4mg/ml	$ 42.00
Normal Saline/NS 50ml	$ 52.00
Normal Saline/NS 100ml	$ 54.00

Ondansetron/Zofran 2 mg/2ml	$	50.00
Oxygen/Supplies	$	100.00
Pitocin/Oxytocin 10 units/ml	$	51.00
Thiamine 100m g/ml	$	52.00
TXA/Tranexamic Acid	$	52.00
Wait Charge	$	31.25/15 mins
Spinal Immob/C-Collar	$	30.00
BLS Disposables	$	20.00
Vehicle Extrication	$	200.00

Community Services:

Rentals:

Coffeemaker	$	10.00
Projector	$	25.00

Dance:

Member Fee	$	8.00
Non-Member Fee	$	10.00

Bingo:

Bingo Bonus Sheet	$	3.00

Palace Transit:

Fares:

Same Day Per 1-Way Trip	$	10.00

Advertising:

Back of Bus Exterior (no windows)	$	150.00/month
Whole Van (without windows)	$	150.00/month
Entire Fleet Interior	$	75.00/month

All Fees will go into effect on January 1, 2024.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Sabers, to approve Resolution #R2023-83, Plat of Lots 1 Through 17, Block 1; Tract Dr1; Block 2; Lots 1 Through 4, Block 3; Lots 1 And 2, Block 4; Lots 1 Through 13, Block 5; Block 6; Nagle Lane; Peace Place; Nursia Drive; and North Calhoun Street, all in the Ridge View on Foster Addition In The NW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County South Dakota, as follows:

RESOLUTION #R2023-83

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 13th day of November, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS 1 THROUGH 17, BLOCK 1; TRACT DR1; BLOCK 2; LOTS 1 THROUGH 4, BLOCK 3; LOTS 1 AND 2, BLOCK 4; LOTS 1 THROUGH 13, BLOCK 5; BLOCK 6; NAGLE LANE; PEACE PLACE; NURSIA DRIVE; AND NORTH CALHOUN STREET, ALL IN THE RIDGE VIEW ON FOSTER ADDITION IN THE NW 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 LOTS 1 THROUGH 17, BLOCK 1; TRACT DR1; BLOCK 2; LOTS 1 THROUGH 4, BLOCK 3; LOTS 1 AND 2, BLOCK 4; LOTS 1 THROUGH 13, BLOCK 5; BLOCK 6; NAGLE LANE; PEACE PLACE; NURSIA DRIVE; AND NORTH CALHOUN STREET, ALL IN THE RIDGE VIEW ON FOSTER ADDITION IN THE NW 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 Goldammer, to approve Resolution #R2023-84, Plat of Tract 1 of Horseman's Addition to the City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2023-84

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 13th day of November, 2023; and

WHEREAS, it appears from an examination of the plat of TRACT 1 OF HORSEMAN'S ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Robert D. Kummer, 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 1 OF HORSEMAN'S ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Robert D. Kummer, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Bathke abstained. Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Bathke, to approve Resolution #R2023-85, Plat of Lot A of Jerry's Addition in the NW ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2023-85

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 13th day of November, 2023; and

WHEREAS, it appears from an examination of the plat of LOT A OF JERRY'S ADDITION IN THE NW 1/4 OF SECTION 29, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Robert D. Kummer, 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 A OF JERRY'S ADDITION IN THE NW 1/4 OF SECTION 29, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Robert D. Kummer, 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 Sabers, to approve Resolution #R2023-86, Approving Highway 37 Easement Agreements, as follows:

RESOLUTION #R2023-86

A RESOLUTION APPROVING PERMANENT EASEMENTS FOR THE HIGHWAY 37 UTILITY IMPROVEMENT PROJECT FOR THE CITY OF MITCHELL

WHEREAS the City of Mitchell requires permanent easements for the construction of sanitary sewer main in conjunction with the Highway 37 Utility Improvement Project; and

WHEREAS said easements are located on real properties owned by and legally described as follows;

Determan Family LLC
The North 260' of the West 400' of Lot 12A-1 Except that Portion of Lot 1 of Peters Addition and Except Lot H1 Lying therein; and Lot 1, Peters Addition Except Lot H1 Lying Therein; all 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

Tom & Diane Moody
Lot 12A-2 Except the East 95 Feet Thereof and Except Lot H1 Lying Therein, All 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

Rocky and Melinda Niewenhuis
WHEREAS, City needs the following easements for construction, operation, and maintenance of utilities as described and illustrated in the surveyor's affidavit made part of this easement agreement as Exhibit A pages 1 and 2.

Ronald & Mary Schaefer Family Legacy Trust
The West 193.3 Feet of the North 205 Feet of Lot 12A-3 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

Marvin E Thome & Michael C Thome
The West 445.5 Feet of the North 62.5 Feet of the South 125 Feet of Lot 12A-3 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

WHEREAS five individual perpetual easement agreements relating to the individual properties listed above have been prepared and presented to council on November 20th, 2023;

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the five individual perpetual easement agreements discussed above as presented to council.
2. The Mayor of the City of Mitchell is hereby authorized to execute and deliver such documents.

Motion carried and resolution declared duly adopted.

Moved by Sabers, seconded by Barington, to approve Resolution #R2023-87, SHPO Findings in Relation to the Property at 210 S Main Street, as follows:

RESOLUTION #R2023-87

A RESOLUTION REGARDING SDCL SECTION 1-19A-11.1 FINDINGS IN RELATION TO THE PROPERTY AT 210 S MAIN STREET

WHEREAS, V F Railroad Properties LLC is the owners of certain real property at 210 S Main Street legally described as:

Lot R-1, Depot Addition, City of Mitchell, Davison County, South Dakota.

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

WHEREAS, V F Railroad Properties LLC sought a building permit for the property.

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 preliminary notice on of the status of the property, reports of its condition, and eventually proposed project of V F Railroad Properties LLC plan to the State Historic Preservation Office (SHPO) received on September 25, 2023. The proposed project involves adding and enclosed patio on the south and east side of the building. The patio will not be attached to the building. There will be ½" expansion joint between the building and the new concrete. Also, a new opening will be created on the south side of the building.

WHEREAS, on November 13, 2023 SHPO issued its final determination that the proposed project will alter the footprint of the historic structure and create a new opening on the south side of the structure. Therefore, SHPO has made the following determination that the proposal will encroach upon 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 1-19A-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 all possible planning to minimize harm to the historic property has been considered."

WHEREAS, such a hearing by the City Council was scheduled, noticed, and held on November 20, 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 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 upon the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that all possible planning to minimize harm to the historic property has been considered."

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:

   The Depot-Plans
   The Depot-GIS
   The Depot-Elevation
   The Depot-Option G Camera Views
   The Depot-State Case Report-11-13-23

5. Based on all relevant factors, there is no feasible and prudent alternatives to the addition. The applicant has taken appropriate steps to minimize potential damage to a historic building by having ½" expansion joints between the concrete patio and the building as well as metal roof deck not connecting to the existing historical building. The new opening is going into an old opening that was filled in previously.

6. That in recognition of these findings and conclusions, the State Office of History shall be provided with notice of this determination by certified mail, to include a complete record of factors considered.

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

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Tjarks, seconded by Goldammer, to place Ordinance #O2023-09, 2024 Annual Appropriation Ordinance on second reading. Motion carried. Moved by Tjarks, seconded by Goldammer, to adopt Ordinance #O2023-09, 2024 Annual Appropriation Ordinance.

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

This ordinance will be published separately from these proceedings.

Moved by Goldammer, seconded by McCardle, to place Ordinance #O2023-10, Rezoning Lot 1 of RL Decker 1st Addition in the SE ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., Davison

County, South Dakota from HB Highway Business District to UD Urban Development District on second reading. Motion carried. Moved by Smith, seconded by Goldammer, to adopt Ordinance #O2023-10, Rezoning Lot 1 of RL Decker 1st Addition in the SE ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota from HB Highway Business District to UD Urban Development District, as follows:

ORDINANCE NO. O2023-10

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 1 of R L Decker 1st Addition in the SE ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Business District to UD Urban Development 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 AS, Lot 1 of R L Decker 1st Addition in the SE ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Business District to UD Urban Development District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

Moved by McCardle, seconded by Sabers, to place Ordinance #O2023-11, Rezoning 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 from UD Urban Development District to Lot S, Maui Farms Second Addition Planned Development District on second reading. Motion carried. Moved by Tjarks, seconded by Barington, to adopt Ordinance #O2023-11, Rezoning 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 from UD Urban Development District to Lot S, Maui Farms Second Addition Planned Development District, as follows:

ORDINANCE NO. O2023-11

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; 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; be changed from UD Urban Development District to Lot S, Maui Farms Second Addition Planned Development 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 AS, 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; be changed from UD Urban Development District to Lot S, Maui Farms Second Addition Planned Development 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.

Moved by Goldammer, seconded by Barington, to place Ordinance #O2023-12, Amending Lot S, Maui Farms Second Addition Planned Development District on second reading. Motion carried. Moved by Tjarks, seconded by McCardle, to adopt Ordinance #O2023-12, Amending Lot S, Maui Farms Second Addition Planned Development District, as follows:

ORDINANCE #O2023-12

An Ordinance amending 10-9D-1 Legal Description, Lot S, Maui Farms Second Addition Planned Development District, Title 10 Zoning Regulations, City of Mitchell Municipal Code

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1.

That 10-9D-1: Legal Description, be amended by changing "Lot S, Maui Farms Second Addition, A Subdivision of the Southeast Quarter (SE $^1/_4$), Section 31, and Previously Platted Lot 4 in the East $^1/_2$ of the West $^1/_2$ of Section 31, Township 104 North, Range 60 W of the 5th P.M., Portions of which lie within the city limits of Mitchell, Davison County, South Dakota." to "Lot S, Maui Farms Second Addition, A Subdivision of the Southeast Quarter (SE $^1/_4$), Section 31, and Previously Platted Lot 4 in the East $^1/_2$ of the West $^1/_2$ of Section 31, Township 104 North, Range 60 W of the 5th P.M., Portions of

which lie within the city limits of Mitchell, Davison County, South Dakota and 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": so to be read as follows: so to be read as follows:

10-9D-1: LEGAL DESCRIPTION:
Lot S, Maui Farms Second Addition, A Subdivision of the Southeast Quarter (SE $^1/_4$), Section 31, and Previously Platted Lot 4 in the East $^1/_2$ of the West $^1/_2$ of Section 31, Township 104 North, Range 60 W of the 5th P.M., Portions of which lie within the city limits of Mitchell, Davison County, South Dakota and 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.

Section 2.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

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

Moved by McCardle, seconded by Bathke, to place Ordinance #O2023-13, Rezoning Land East of the Hospital and South of 8th Avenue to their Existing Parking lot, be Rezoned from Ridge View on Foster Planned Development District and High Density Residential District (R4) to Medium Density Residential District (R3) and High Density Residential District (R4) 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 _____.