

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

**February 5, 2024
6:00 P.M.**

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

ABSENT: Mayor Bob Everson

PRESIDING: Council President Kevin McCardle

AGENDA:

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

- a. City Council Minutes
 - 1. City Council January 16, 2024.
- b. Committee Reports
 - 1. Planning Commission January 8, 2024,
 - 2. Planning Commission January 22, 2024 (unsigned),
 - 3. Library Board November 14, 2023, and
 - 4. Community Services January 11, 2024.
- c. Raffle Permits
 - 1. Area Community Theatre with the drawing to be held on March 3 and 10, 2024,
 - 2. Kiwanis Club with the drawing to be held on March 23, 2024,
 - 3. Pheasant Country Youth Shooters with the drawing to be held on June 3, 2024,
 - 4. Mitchell Technical College Foundation with the drawing to be held on April 26, 2024, and
 - 5. Davison County Democrats with the drawing to be held on May 27, 2024.
- d. Vehicle for Hire application for the Kongo Klub.
- e. Acceptance of DANR Trees Grant.
- f. Authorization to apply for the 2024 South Dakota Homeland Security Grant.
- g. Purchase of out-front mower for Parks Department off of Sourcewell contract.
- h. Volunteer Board Appointments
 - 1. Appoint Sandi Floyd to the Housing & Redevelopment Commission to fill an unexpired term to run February 2024 to December 31, 2026.
- i. Approval of City Volunteers.
- j. Change Order #1 for Above Ground Storage Tank Project #2020-20 increasing the contract amount by \$118,577.02 to Rice Lake West, adjust contract amount to \$11,637,377.02.
- k. Change Order #1 for Fuel Tank Replacement Project #2021-51 increasing the contract amount by \$32,514.73 to Dockendorf Equipment, adjust contract amount to \$497,257.09.

1. Pay Estimates February 5, 2024

Pay Estimate #29 in the amount of \$18,161.91 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
Pay Estimate #30 in the amount of \$6,868.05 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
Pay Estimate #3 in the amount of \$331,368.68 for Above Ground Storage Tank #2020-20 contracted to H&W Contracting,
Pay Estimate #1 in the amount of \$39,549.66 for Master Transportation Plan #2020-31 contracted to SD Department of Transportation,
Pay Estimate #5 in the amount of \$902.42 for Norway/Rowley Bike Path #2021-01 contracted to SD Department of Transportation,
Pay Estimate #20 in the amount of \$450.00 for West Side Water Tower #2021-03 contracted to SPN & Associates,
Pay Estimate #34 in the amount of \$36,871.10 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,
Pay Estimate #5 in the amount of \$11,788.62 for Spruce Street Railroad Crossing #2021-39 contracted to SD Department of Transportation,
Pay Estimate #29 in the amount of \$1,440.00 for Highway 37 Utilities #2021-45 contracted to SPN & Associates,
Pay Estimate #30 in the amount of \$600.00 for Highway 37 Utilities #2021-45 contracted to SPN & Associates,
Pay Estimate #24 in the amount of \$110.00 for Recreation Center Fitness Room-Phase II #2021-50 contracted to Schemmer,
Pay Estimate #25 in the amount of \$55.00 for Recreation Center Fitness Room-Phase II #2021-50 contracted to Schemmer,
Pay Estimate #26 in the amount of \$55.00 for Recreation Center Fitness Room-Phase II #2021-50 contracted to Schemmer,
Pay Estimate #12 in the amount of \$39,020.76 for WWTP South Plant-Phase II #2022-01 contracted to HDR Engineering,
Pay Estimate #10 in the amount of \$1,100.00 for 23rd/Ohlman Lift Station #2022-03 contracted to SPN & Associates,
Pay Estimate #13 in the amount of \$7,535.00 for 1st/7th & Main Signals #2022-08 contracted to HR Green,
Pay Estimate #14 in the amount of \$1,541.25 for Water & Wastewater Fee Analysis #2022-22 contracted to HDR Engineering,
Pay Estimate #15 in the amount of \$3,675.00 for South Lake Estates Development #2022-23 contracted to SPN & Associates,
Pay Estimate #7 in the amount of \$7,810.62 for North Harmon Sanitary Sewer #2023-06 contracted to SPN & Associates,
Pay Estimate #7 in the amount of \$600.00 for Cadwell Booster Station #2023-19 contracted to SPN & Associates,
Pay Estimate #1 in the amount of \$4,545.00 for Old Landfill Leachate Monitoring #2024-28 contracted to GeoTek Engineering,
Pay Estimate #1 in the amount of \$9,766.00 for New Landfill Monitoring #2024-29 contracted to GeoTek Engineering,

Pay Estimate #31 in the amount of \$18,598.15 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates, and

Pay Estimate #1-Final in the amount of \$5,000.00 for AIP '32 Airport Municipal Hangar Contracted to Mead & Hunt.

m. 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 JANUARY 7, 2024 – JANUARY 20, 2024: City Council \$3,626.48, Mayor \$1,567.54, City Administrator \$6,519.23, Administrative Boards \$2,325.00, Attorney \$5,332.08, Finance \$14,457.34, Human Resources \$4,379.83, Municipal Building \$3,492.28, Information Technology \$3,286.77, Police \$80,015.47, Traffic \$4,550.91, Fire \$41,187.53, Street \$40,549.79, Public Works \$25,829.88, Cemetery \$5,354.54, Library \$18,703.64, Recreation & Aquatics \$7,086.04, Recreation Center \$20,995.15, Sports Complexes \$11,420.71, Parks \$13,822.34, Supervision \$6,397.31, Corn Palace \$22,257.59, E911 \$21,885.07, MVP \$1,102.70, Palace Transit \$32,243.12, JVCC \$1,721.49, Nutrition \$4,463.16, Airport \$4,267.53, Water Distribution \$16,749.89, Sewer \$13,969.11, Recycling Program \$7,264.91, Waste Collection \$8,719.63, Landfill \$10,831.25, Golf Course \$4,097.05, Emergency Medical Services \$35,742.69

NEW HIRES:

CORN PALACE: Grace Baysinger-\$11.20, Reed Renken-\$13.70

MVP: Pamella Van Overschelde-\$11.70

RECREATION CENTER: Jada Plastow-\$11.20, Caleb Sayler-\$12.20

SALARY ADJUSTMENTS:

CORN PALACE: Nevaeh Gjerdahl-\$12.20, Charles McCardle-\$13.30, Avery Schneider-\$12.20

RECREATION CENTER: Hudson Borgan-\$11.20

TERMINATIONS:

CORN PALACE: Eva Vaughan

WARRANTS: A-Ox Welding Supply, Supplies-\$376.51; AAA Collections, Collections Fees-\$181.61; AAA Lawn Care and Maintenance, Snow Removal-\$520.00; Accounts Management, Garnishment-\$344.78; Advanced Engineering and Environmental Services, Professional Service-\$332.50; Affordable Geothermal, Hydrant Meter Deposit-\$2,000.00; AFLAC, Aflac Withholding-\$10,959.58; AFSCME Council 65, Union Dues-\$533.45; Al's Engraving, Supplies-\$85.75; Alignment X-Perts, Repair-\$25.00; Alivia Siegel, Department of Health Grant, \$15.00; Amazon Capital Services, Supplies-\$2,480.30; American Garage Door, Repair-\$1,545.60; American Legal Publishing, Advertising-\$343.03; Aramark, Supplies-\$260.62; Arctic

Refrigeration, Repair-\$941.03; AT&T Mobility, Utilities-\$1,201.69; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$265.58; Austin Van Horn, Reimbursement-\$93.50; Auto Body Specialties, Supplies-\$71.58; Avera Occupational Medicine, Physicals-\$2,269.00; Avera Patient Financial Services, Lab Fees-\$74.53; Axon Enterprise, Supplies-\$46,193.04; Bailey Metal Fabricators, Supplies-\$593.68; Baker & Taylor, Books-\$53.20; Bannwarth Ag, 2000 Cat Forklift-\$13,500.00; Best Western Ramkota Hotel, Travel-\$280.74; Big Daddy D's, Contract Services-\$4,304.40; Blackstone Publishing, Audiobooks-\$158.37; Brandon Manchester, Reimbursement-\$317.00; C&B Operations, Supplies-\$35,190.02; California State Disbursement, Garnishment-\$92.30; Carquest Auto Parts, Supplies-\$313.96; Casey Tegethoff, Reimbursement-\$59.99; CDW Government, Maintenance-\$519.69; Center Point Large Print, Books-\$94.08; Central Electric, Utilities-\$12,653.10; Century Link, Utilities-\$13.66; Chesterman, Supplies-\$6,334.65; CHR Solutions, Billing Services-\$3,552.13; CHS Farmers Alliance, Supplies-\$3,722.94; City of Mitchell, Reimbursement-\$5,364.31; City of Mitchell, Corn Palace-\$2,000.00; City of Mitchell, Golf Course Deductions-\$1,291.28; City of Mitchell, Recreation Deductions-\$2,295.52; Civicplus, Annual Fee-\$10,418.63; Connections, 2024 1st Quarter Payment-\$2,385.45; Core & Main, Supplies-\$7,617.34; Core-Mark Midcontinent, Supplies-\$25,660.28; Corn Palace, Supplies-\$14.75; Corporate Translation Service, Translation Services-\$110.31; County Fair, Supplies-\$228.62; Credit Collections Bureau, Collection Fee-\$9.52; Creekside Veterinary Clinic, Supplies-\$47.40; Dakota Pump, Supplies-\$725.34; Dakota Supply Group, Supplies-\$248.40; Dakota Wesleyan University, 2025 Mural Designs-\$4,000.00; Davison County Register of Deeds, Warranty Deed-\$90.00; Davison Rural Water Systems, Water Usage-\$66.90; Dearreader.Com, Books-\$350.00; Delta Dental Plan of South Dakota, Dental Insurance-\$16,158.58; Demco, Supplies-\$301.14; Department of Social Services, Child Support-\$864.46; Dice Benefits Consulting, Consulting-\$510.00; Dimock Dairy, Supplies-\$322.50; Dakota Wesleyan University Baseball, Corn Palace Games-\$2,400.00; Dakota Wesleyan University Men's Soccer, Indoor Winter Classic-\$2,500.00; Dakota Wesleyan University, Women's Basketball-\$3,000.00; East West Books, Books-\$233.14; Elfstrand's Ace Hardware, Supplies-\$88.95; Eric Hieb, Contract Services-\$5,032.52; Etix, Etix Fee-\$60.00; First National Bank Omaha, Loan Payment-\$11,711.48; First Rate Excavate, Maintenance-\$46,287.58; Fisher Scientific, Supplies-\$258.10; Foreman Charters, 2024 Ford Diamond Bus-\$27,466.80; Forum Communications, Advertising-\$290.45; Geotek Engineering & Testing, 2024-28 P.E. #1-\$14,311.00; Grainger, Supplies-\$110.42; Great Plains Roofing, Repair-\$3,200.00; H&W Contracting, 2020-20 P.E. #3-\$331,368.68; Hanson School District, Boys Hanson Classic-\$10,044.82; Harve's Sport Shop, Supplies-\$191.97; Hawkins, Supplies-\$14.00; HDR Engineering, 2021-31 P.E. #34-\$77,433.11; Helms and Associates, AIP '28 Airport P.E. #31-\$18,598.15; Henry Schein, Supplies-\$765.64; HR Green, 2022-8 P.E. #13-\$7,535.00; Hunter Lehmann, Reimbursement-\$179.98; Hydro-Klean, Maintenance-\$76,900.00; International Association of Chiefs of Police, 2024 Annual Dues-\$190.00; Identisys, Supplies-\$408.40; Independent Viking Glass, Maintenance-\$155.00; Infrastructure Design Group, 2020-20 P.E. #29-\$25,029.96; Ingram Library Services, Books-\$1,435.81; Intellipro Security, Maintenance-\$2,368.81; Interstate Glass & Door, Maintenance-\$122.49; Interstate Office Products, Supplies-\$1,089.44; Jamie Hanson, Department of Health Grant-\$15.00; JCL Solutions, Supplies-\$57.93; Jennifer O'Connor, Department of Health Grant-\$15.00; Jessica Pickett, Check Fee-\$575.74; Joe Galpin, Reimbursement-\$14.00; Joel Reiter, Reimbursement-\$54.00; John Hegg, Supplies-\$6.79; Jon Thurman, Reimbursement-\$14.00; Jones Supplies,

Supplies-\$2,698.45; Junior Library Guild, Books-\$2,714.20; Justin Adams, Reimbursement-\$54.00; K-Log, Supplies-\$789.94; Karol Iburg, Reimbursement-\$33.00; Knowbe4, Subscription-\$3,378.46; Larry's I-90 Service, Supplies-\$749.65; Lawson Products, Supplies-\$533.27; Leighton Family Farms, Supplies-\$700.00; Lewis Family Drug, Supplies-\$19.98; Logan Luxury Theatres, Supplies-\$214.23; Lorenz Manufacturing, Supplies-\$123.85; Lori Schmidt, Corn Palace Games-\$120.00; M&T Fire and Safety, Supplies-\$2,905.85; Make it Mine Designs, Supplies-\$10,270.18; McLeod's Printing, Supplies-\$781.67; Mead & Hunt, AIP '32 Airport P.E. #1-Final-\$5,000.00; Menard's, Supplies-\$1,933.93; Menning Excavating, Maintenance-\$1,504.07; Microsoft, Online Services-\$910.00; Midcontinent Communication, Utilities-\$93.39; Midstates Equipment & Supplies, Supplies-\$33,809.05; Midway Service dba Vollan Oil, Supplies-\$20,883.33; Millennium Recycling, Single Stream Fee-\$1,307.95; Lowrie, Jennifer L Refund-\$171.71; Besame Wellness-Refund-\$55.37; Mitchell Animal Rescue, Management Fee-\$350.00; Mitchell Barbershop Chorus, Entertainment-\$100.00; Mitchell Figure Skating, Sports Authority Promo-\$750.00; Mitchell Iron & Supply, Supplies-\$185.79; Mitchell Plumbing & Heating, Repair-\$542.68; Mitchell United Way, United Way Deductions-\$198.00; Mount Vernon School District, Corn Palace Games-\$3,241.85; Muth Electric, Maintenance-\$650.58; N-Able Technologies, Data Backup & Recovery-\$174.15; Nagel Painting, Capital Improvements-\$5,100.00; Napa Central, Supplies-\$390.60; Nedved Media, Advertising-\$5,000.00; Nena, 2024 Membership Dues-\$147.00; Nepstads Flower Shop, Supplies-\$166.00; Nextgen Ag, Deposit Refund-\$2,000.00; Northwestern Energy, Utilities-\$42,513.17; OPG-3, Annual Fees-\$6,468.00; Overdrive, 2024 Annual Fee-\$3,000.00; Papa Murphy's Pizza, Supplies-\$443.79; Pat Dockendorf, Corn Palace Games-\$120.00; Paulson Sheet Metal, Maintenance-\$1,805.00; Penguin Management, Supplies-\$1,646.00; Pepsi Cola, Supplies-\$2,078.74; Peter Arnold, Reimbursement-\$15.00; Peterbilt of Sioux Falls, Supplies-\$5,460.00; Pfeifer Implement, Supplies-\$507.16; Physicians Laboratory, Lab-\$10.40; Pioneer Designs, Equipment-\$550.00; Premier Pest Control, Contract Services-\$600.00; Public Health Laboratory, Labs-\$225.00; Puetz Design Build, Hydrant Deposit-\$2,000.00; Qualified Presort, Postage service-\$549.33; Quick Med Claims, Contract-\$12,238.69; Rod Brown, Department of Health Grant-\$15.00; Roy King, Entertainment-\$150.00; Runnings, Supplies-\$2,820.18; S&M Printing, Supplies-\$687.00; Sanford Health Occupation, Onsite Wellness Screen-\$1,063.70; Schemmer, 2021-50 P.E. #24-\$220.00; Schmucker, Paul, Nohr & Associates, 2021-3 P.E. #20-\$15,675.62; Schumacher Elevator, Maintenance-\$234.63; Scott Supply, Supplies-\$6.90; South Dakota Department of Transportation, 2020-31 P.E. #1-\$52,240.70; South Dakota Public Assurance Alliance, Insurance Coverage-\$455,813.40 ; South Dakota Retirement System, Retirement Contributions-\$125,845.70; South Dakota-Supplemental Retirement, Supplemental Retirement-\$2,769.50; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$1,371.00; SDACCC, Career & Internship Fair Registration-\$400.00; South Dakota Municipal League, Workers' Compensation Renewal-\$156,107.00; Sherwin-Williams, Supplies-\$8,755.96; Special Olympics South Dakota, Special Olympics-\$12,000.00; Spencer Quarries, Hydrant Meter Deposit-\$1,500.00; Standard Insurance, Life Insurance-\$2,617.88; Staples, Supplies-\$807.34; Steve Stanforth, Corn Palace Games-\$120.00; Storey Kenworthy/Matt Parr, Supplies-\$154.36; Sturdevants Auto Value, Supplies-\$2,570.10; Subway, Meals-\$23.97; Sun Gold Sports, Supplies-\$904.00; Tessier's, Maintenance-\$23,899.31; Thomas L Price, Screening-\$350.00; Thune True Value & Appliance, Supplies-\$300.69; Transource, Supplies-\$19,644.77; Transwest Trucks of Sioux Falls, Supplies-\$240.65; United Rotary Brush, Repair-\$1,913.47; Upper Midwest Garage Door, Service Call-

\$122.45; United Parcel Service Store #4227, Postage-\$67.94; USA Bluebook, Supplies-\$1,181.21; USA Hockey, Sports Authority Promo-\$3,500.00; Verizon Wireless, Utilities-\$360.09; Vern Eide Ford, Maintenance-\$192.84; Walmart/Capital One, Supplies-\$536.31; Wheelco Brake & Supply, Supplies-\$1,691.33; Wisconsin Child Support, Garnishment-\$395.58; Xtreme Fire Protection, Maintenance-\$1,033.32; Wellmark of South Dakota, Administration, Prescription, Medical-\$79,459.57; Wageworks, Flexible Spending-\$1,698.33; South Dakota State Treasurer, Sales Tax Payment-\$23,509.93; Ellwein Brothers, Supplies-\$1,334.00.

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

CITIZENS INPUT:

City Council President McCardle thanked Corn Palace Director Greenway for having Olympic Gold Medalist Billy Mills at the Corn Palace.

BOARD OF ADJUSTMENT:

Moved by Barington, seconded by Goldammer, 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 Levi Fisher (prospective homebuyer) for a side yard corner variance of 18' vs 20' for a 8' x 18' addition to the house located at 601 South Edmunds Street, legally described as all of Lot 1 and the north 9' of Lot 2, Block 8, Van Eps 2nd Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application. Moved by Tjarks, seconded by Barington, to approve said application. Motion carried.

Moved by Smith, seconded by Tjarks, to set date for February 20, 2024 on the application of Kayla Fluth for a side yard variance of 1' vs 3' to tear down existing garage and build a new 20' x 24' garage located at 802 West 2nd Avenue, legally described as Lot 15, Block 92, Lawler's 2nd 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.

AWARD BID:

Bids were opened and read on East Spruce Street Project #2021-39 on the 17th day of January, 2024. Moved by Goldammer, seconded by Sabers, to award, as follows:

EAST SPRUCE STREET PROJECT #2021-39

Rexwinkel Concrete, PO Box 43, Corsica, SD 57328

Total Bid	\$875,652.04
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Motion carried.

CONSIDER APPROVAL:

Moved by Smith, seconded by Barington, to approve the purchase of equipment for Mitchell Regional Landfill to assist in removing debris from refuse receptacles in the amount of \$8,143.75. Motion carried.

Moved by Sabers, seconded by Bathke, to approve Mitchell Regional Landfill Waiver of Liability/Indemnification and Release for commercial and private use at the landfill. Motion carried.

Moved by Smith, seconded by Tjarks, to approve Release of Notice of Lis Pendens with respect to the property at 201 East 9th. Motion carried.

Moved by Goldammer, seconded by Tjarks, to approve Agreement #A2024-06, Mitchell Municipal Airport AIP #3-46-0037-032-2024 with Helms & Associates. Motion carried.

Moved by Tjarks, seconded by Goldammer, to approve Agreement #A2024-08, James Valley Drug Task Force Joint Powers Agreement. Motion carried.

Moved by Barington, seconded by Bathke, to approve Agreement #A2024-09, Tornado Safe Room Grant Award Project #2023-33 with SD Department of Emergency Management. Motion carried.

Moved by Tjarks, seconded by Barington, to approve Agreement #A2024-10, Tax Increment District #32 Developer Agreement. Motion carried.

RESOLUTIONS:

Moved by Sabers, seconded by Goldammer, to approve Resolution #R2024-05, Plat of Tract 1 of Gene's Addition, in the NW ¼ of Section 34, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2024-05

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 22nd day of January, 2024; and

WHEREAS, it appears from an examination of the plat of TRACT 1 OF GENE'S ADDITION IN THE NW 1/4 OF SECTION 34, T 104 N, R 61 W OF THE 5TH P.M., DAVISON

COUNTY, SOUTH DAKOTA, as 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 1 OF GENE'S ADDITION IN THE NW 1/4 OF SECTION 34, T 104 N, R 61 W OF THE 5TH P.M., 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 Smith, to approve Resolution #R2024-08, Fees and Charges at Mitchell Regional Landfill, as follows:

RESOLUTION #R2024-08 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 February 5, 2024 shall remain in full force and effect.

Sanitation:

Landfill:

Vehicle Scrape Out - \$30

Compost Loading - \$20

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

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Tjarks, to Approve Resolution #R2024-09, Annexation of a Parcel Owned by the City of Mitchell described as a Portion of Lot 3 Bounded by the Following Points and Lines-Beginning at the Northeast Corner of Lot 3A of D.R. Kiner's First Addition and also being the Point of Beginning, thence Southeasterly along the Eastern Boundary Line of Lot 3A of D.R. Kiner's First Addition a Distance of 280.10 Feet until the Point of Intersection with the Quarter Line; thence Easterly a Distance of 84.00 Feet along the Quarter Line until Reaching the Intersection of the quarter line and Irregular Tract 2; thence Northwesterly a Distance of 304.00 Feet along the Western Boundary of Irregular Tract 2; thence Westerly a

Distance of 10.00 Feet Back to the Point of Beginning all in the Southwest ¼ of Section 31, Township 104 North, Range 60 West of the 5th p.m., Davison County, South Dakota, as follows:

RESOLUTION #R2024-09

**ANNEXATION OF REAL PROPERTY OWNED BY THE CITY OF
MITCHELL INTO THE CORPORATE LIMITS OF THE CITY OF
MITCHELL, DAVISON COUNTY, SOUTH**

WHEREAS, City of Mitchell, by and through its Mayor, Robert B. Everson, Jr., has petitioned to annex the real property legally described as a portion of Lot 3 bounded by the following points and lines- beginning at the Northeast corner of Lot 3A of D.R. Kiner's First Addition and also being the Point of Beginning, thence southeasterly along the eastern boundary line of Lot 3A of D.R. Kiner's First Addition a distance of 280.10 Feet until the point of intersection with the quarter line; thence easterly a distance of 84.00 Feet along the quarter line until reaching the intersection of the quarter line and Irregular Tract 2; thence northwesterly a distance of 304.00 Feet along the western boundary of Irregular Tract 2; thence westerly a distance of 10.00 Feet back to the point of beginning all in the Southwest ¼ of Section 31, Township 104 North, Range 60 West of the 5th p.m., Davison County, South Dakota ("the Property").

WHEREAS: City of Mitchell 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: There are no improvements located on the real property; and

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

WHEREAS: Exhibit A 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.

ORDINANCE:

Moved by Smith, seconded by Barington, to place Ordinance #O2024-01, Amending the Composition of the Business Improvement District 4 Board on second reading. Motion carried. Moved by Tjarks, seconded by Barington, to adopt Ordinance #O2024-01, Amending the Composition of the Business Improvement District 4 Board, as follows:

ORDINANCE #O2024-01

**AN ORDINANCE AMENDING THE COMPOSITION OF THE
BUSINESS IMPROVEMENT DISTRICT 4 BOARD**

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

Section 1.

That Mitchell City Code Subsection (A) of Section **2-7-12: Business Improvement District Number 4 Board** be amended to read as follows:

“A. Composition.

1. The BID 4 Board shall consist of 9 members. The Mayor and a council representative shall constitute 2 members of the BID 4 board and shall not be subject to term limits. In addition to the Mayor and council representative, the BID 4 board shall also consist of 7 additional members, appointed by the Mayor with the approval of the City Council. Persons who are eligible to fill the 7 additional member seats of the BID 4 Board must be property owners, residents, business operators, or users of space within the business area to be improved, and will consist of:
 - a. Five hoteliers from within BID 4; and
 - b. Two other eligible persons who are not hoteliers.”

Section 2.

That Mitchell City Code Subsection (B) of Section **2-7-12: Business Improvement District Number 4 Board** be amended to read as follows:

“B. Terms. All members of the Board shall be appointed to serve a 3-year term. A member of the Board may serve consecutive terms if so appointed by the Mayor and Council. The terms for the 5 non-city members shall initially be staggered so that 3 member serves a full 3-year term, 2 members serve 2-year initial terms, and 2 members serve 1-year initial terms.

Section 3.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4.

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.

UPDATE:

City Council discussed the needed mechanical repairs and seating issues in the Corn Palace. Corn Palace Director Greenway stated there is fabric on order to recover approximately 600 seats in the Corn Palace.

ADJOURN:

There being no further business to come before the meeting, City Council President McCardle adjourned the meeting.


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.