

WORK SESSION OF THE CITY COUNCIL
MITCHELL, SOUTH DAKOTA

February 20, 2024
5:30 P.M.

PRESENT: Mayor Bob Everson, Marty Barington, Mike Bathke,
Tim Goldammer, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT: John Doescher

PRESIDING: Council President Kevin McCardle

REVIEW:

City Administrator Stephanie Ellwein presented an overview of the 2023 Year End Financials. Ellwein also reviewed the impact of designating additional funds towards Lake Mitchell.

ADJOURN:

There being no further business to come before the meeting, Council President McCardle adjourned the work session at 6:00 p.m.



Michelle Bathke
Finance Officer

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

**February 20, 2024
6:00 P.M.**

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

ABSENT: John Doescher

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 February 5, 2024.
- b. Committee Reports
 - 1. Planning Commission January 22, 2024 and
 - 2. Planning Commission February 12, 2024 (unsigned).
- c. Department Reports
 - 1. Sales Tax Collections (January),
 - 2. Building Permits (January),
 - 3. Police (January),
 - 4. Fire (January),
 - 5. Code Enforcement (January),
 - 6. Palace Transit (December),
 - 7. Water (January), and
 - 8. Airport (January).
- d. Raffle Permits
 - 1. Area Community Theatre with the drawing to be held on March 21, 2024,
 - 2. Mitchell Main Street & Beyond with the drawing to be held on March 23, 2024, and
 - 3. Saint John Paul II Elementary with the drawing to be held every day in May 2024.
- e. An application was received for concurrence from the Mitchell Area Safehouse on February 12th for a property tax abatement request to Davison County. The City Council does not object to the abatement application.
- f. Volunteer Board Appointments
 - 1. Appoint Kristi Bitterman to the Community Services Board (Palace Transit) to fill an unexpired term to run February 2024 to June 2025.
- g. Authorization to purchase 3-2024 Dodge Durangos for the Police Department off of state bid.

- h. Surplus 2000 Ford Ambulance-Tech Rescue to be sold on Purple Wave.
- i. Set date 1:30 p.m., February 27, 2024 for bid opening for Asphalt and Concrete Crushing Project #2024-09.
- j. Set date of March 4, 2024 for hearing and action on the application to transfer RB-28510 Retail (on-off sale) Malt Beverage & SD Farm Wine License from VV Inc. dba The Garage, 909 North Ohlman, Suite #3 to VV Inc. dba The Garage, 508 East Havens, Suite #3. (Video lottery is included.)
- k. Approval of Gas and Fuel Quotations

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
Unleaded Gas-10% ethanol	7,500	7,500	\$2.152	\$16,140.00

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel #2	1,150	1,150	\$2.980	\$3,427.00
On Road Diesel #1	1,150	1,150	\$3.280	\$3,772.00
Off Road Diesel #2	2,600	2,600	\$2.705	\$7,033.00
Off Road Diesel #1	2,600	2,600	\$3.005	\$7,813.00

Total Bid: \$22,045.00

- l. Pay Estimates February 20, 2024
 - Pay Estimate #5 in the amount of \$8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,
 - Pay Estimate #9 in the amount of \$394,455.03 for Above Ground Storage Tank #2020-20 contracted to Rice Lake West,
 - Pay Estimate #31 in the amount of \$18,643.66 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
 - Pay Estimate #32 in the amount of \$14,118.80 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
 - Pay Estimate #7 in the amount of \$6,095.75 for Above Ground Storage Tank #2020-20 contracted to GeoTek Engineering,
 - Pay Estimate #2 in the amount of \$1,874.50 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering,
 - Pay Estimate #20 in the amount of \$147,190.00 for North Wastewater Improvements #2021-31 contracted to PKG Contracting,
 - Pay Estimate #35 in the amount of \$32,599.25 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,
 - Pay Estimate #13 in the amount of \$102,687.50 for WWTP South Plant-Phase II #2022-01 contracted to HDR Engineering,
 - Pay Estimate #14 in the amount of \$3,521.25 for 1st/7th & Main Signals #2022-08 contracted to HR Green,
 - Pay Estimate #11 in the amount of \$2,125.00 for Jetty & Marina Bike Trail #2023-03

contracted to Brosz Engineering, and

Pay Estimate #3 in the amount of \$3,000.00 for Jetty & Marina Bike Trail #2023-03 contracted to Shive Hattery.

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 21, 2024 – FEBRUARY 3, 2024: City Council \$3,626.48, Mayor \$1,567.54, City Administrator \$6,369.23, Administrative Boards \$2,325.00, Attorney \$5,332.08, Finance \$14,375.90, Human Resources \$4,379.83, Municipal Building \$3,850.20, Information Technology \$3,286.77, Police \$78,106.53, Traffic \$5,331.26, Fire \$41,533.43, Street \$33,225.68, Public Works \$25,351.79, Cemetery \$5,692.74, Library \$18,835.53, Recreation & Aquatics \$7,124.93, Recreation Center \$21,568.65, Sports Complexes \$11,315.01, Parks \$13,581.10, Supervision \$6,441.16, Corn Palace \$25,780.66, E911 \$22,564.79, MVP \$989.96, Palace Transit \$33,716.48, JVCC \$1,894.62, Nutrition \$4,630.63, Airport \$3,643.78, Water Distribution \$16,569.65, Sewer \$14,488.61, Recycling Program \$7,338.62, Waste Collection \$6,671.72, Landfill \$10,380.42, Golf Course \$4,568.25, Emergency Medical Services \$35,392.29

NEW HIRES:

RECREATION CENTER: Maxwell Hart-\$12.70, Isabel Ihnen-\$11.20

SALARY ADJUSTMENTS:

E911: Nicole Peterson-\$23.386

FIRE: Daniel Esh-\$22.373

MUNICIPAL BUILDINGS: Kevin Dykes-\$24.330

STREET: Luke Nagel-\$26.595

SUPERVISION: Angel DeWaard-\$27.948

TERMINATIONS:

CORN PALACE: Nevaeh Gjerdahl, Taylor Senn

WARRANTS: A&B Business Solutions, Contract-\$4,436.32; A-Ox Welding Supply, Supplies-\$1,176.24; Accounts Management, Garnishment-\$329.85; Ada Miller, Ambulance Refund-\$50.81; AFSCME Council 65, Union Dues-\$533.45; Airside Solutions, Supplies-\$255.82; Alcopro, Supplies-\$228.67; Amazon Capital Services, Supplies-\$1,618.26; Aqua-Pure, Supplies-\$1,687.50; Aramark, Supplies-\$335.31; Arctic Refrigeration, Repairs-\$547.61; AT&T Mobility, Utilities-\$402.34; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,846.12; Avera Occupational Medicine, Screenings-\$1,692.00; Avera Patient Financial Services, Physicals-\$34.80; Axon Enterprise, Supplies-\$3,368.00; B-Y Water District, Utilities-\$53,506.23; Baker &

Taylor, Books-\$629.23; Barr Engineering, 2021-20 P.E. #PH2-22-\$1,874.50; Big Daddy D's, Contract Services-\$6,949.60; Blackstone Publishing, Audio-Visual-\$422.24; Blackstrap, Supplies-\$17,238.85; Boyce Law Firm, Professional Service-\$385.00; Brosz Engineering, 2023-3 P.E. #11-\$2,125.00; Buhl's Drycleaners & Linen, Supplies-\$55.00; C&B Operations, Repairs-\$4,688.45; California State Disbursement, Garnishment-\$92.30; Carquest Auto Parts, Supplies-\$95.91; CDW Government, Supplies-\$351.53; Centennial Carpet, Supplies-\$3,825.00; Central Electric, Utilities-\$13,698.12; Century Link, Utilities-\$61.09; CHS Farmers Alliance, Supplies-\$2,284.64; Cloudcover USA, Supplies-\$6,100.00; Clubhouse Hotel & Suites, Travel-\$585.96; Coborns, Contract Services-\$379.50; Cole Palmer, Supplies-\$24.58; Commercial Interior Décor, Capital Improvements-\$47,206.00; Core & Main, Supplies-\$4,459.30; Core-Mark Midcontinent, Supplies-\$5,259.19; County Fair, Supplies-\$1,217.45; Creekside Veterinary Clinic, Finance Charge-\$5.00; Custom Plus Collision Center, Repairs-\$650.79; Dakota Data Shred, Shredding-\$68.97; Dakota Heartland Development, 2024 1st Quarter Allocation-\$6,250.00; Dakota Oyate Challenge, Corn Palace Games-\$279.00; Dakota Pump, Software-\$13,475.25; Dakota Supply Group, Maintenance-\$119.59; Darrington Water Conditioning, Rental-\$85.20; Davison Rural Water Systems, Utilities-\$129.70; Dean V Strand, Maintenance-\$743.30; Department of Agriculture, Environmental Fees-\$15,500.00; Department of Motor Vehicle, Title Vehicle-\$26.70; Department of Social Services, Child Support-\$864.46; Diesel Laptops, Repair-\$3,095.00; Dockendorf Equipment, Maintenance-\$234.44; Doug's Custom Paint & Body, Repairs-\$339.63; Easy Picker Golf Products, Supplies-\$1,260.33; Elfstrand's Ace Hardware, Supplies-\$13.99; Environmental Equipment & Service, Repairs-\$14,006.34; ESO Solutions, Software-\$17,576.00; Fastenal, Repairs-\$114.06; Forum Communications, Advertising-\$735.35; Geotek Engineering & Testing, 2020-20 P.E. #7-\$6,095.75; Gold Medal Products, Supplies-\$594.67; Gopher Sport, Supplies-\$11,523.52; Grainger, Supplies-\$21.18; Great Plains Roofing, Repairs-\$3,706.13; Great Western Tire, Supplies-\$6,673.80; Guardian Alliance Technology, Professional Service-\$100.00; Hanson School District, Corn Palace Games-\$1,466.75; Hawkins, Supplies-\$3,136.54; HDR Engineering, 2021-31 P.E. #35-\$135,286.75; Henry Schein, Supplies-\$985.88; Howes Oil, Supplies-\$38,192.32; HR Green, 2022-8 P.E. #14-\$3,521.25; Iacp Membership, Dues-\$190.00; Ican, Advertising-\$750.00; Infrastructure Design Group, 2020-20 P.E. #31-\$32,762.46; Ingram Library Services, Books-\$304.73; Interstate Office Products, Supplies-\$257.45; Jabr Trucking, Towing Fee-\$185.00; Jason Dicus, Reimbursement-\$149.99; JCL Solutions, Supplies-\$401.50; Joe Dolezal, Travel-\$951.60; Joelle Dammann, Training-\$28.00; Jones Supplies, Supplies-\$895.59; Knowbe4, Subscription-\$2,735.30; Kone Chicago, Maintenance-\$945.66; Krohmer Plumbing, Maintenance-\$245.82; Lakeview Veterinary Clinic, Management Fee-\$900.00; Larry's I-90 Service, Maintenance-\$10,771.54; Leisure Design Systems, Annual Support-\$1,774.15; Lori Schmidt, Corn Palace Games-\$190.00; LTS Distributing, Advertising-\$595.00; Make it Mine Designs, Maintenance-\$1,119.97; McLeod's Printing, Supplies-\$117.98; Menard's, Supplies-\$856.76; Mid-States Organized Crime, Membership 2024-\$200.00; Midcontinent Communication, Advertising-\$2,246.37; Midway Service dba Vollan Oil, Supplies-\$654.75; Midwest Fire & Safety, Annual Fire Extinguisher-\$308.49; Midwest Oil, Supplies-\$3,903.86; Midwest Turf & Irrigation, Supplies-\$869.28; Milpro Marine, Equipment-\$31,800.00; Mitchell Area Development, 2024 1st Quarter Allocation-\$41,750.00; Mitchell Convention & Visitors Bureau, 2024 Funding-\$20,800.00; Mitchell Iron & Supply, Supplies-\$53.22; Mitchell Main Street and Beyond, 1st Quarter Allocation-\$10,000.00; Mitchell School District, Utilities-\$1,682.29; Mitchell United Way,

United Way Deductions-\$198.00; Mount Vernon School District, Contract Services-\$120.75; Mueller Lumber, Supplies-\$249.99; Muth Electric, Maintenance-\$1,363.52; Napa Central, Supplies-\$867.79; Natural Formulations, Supplies-\$283.14; Northwestern Energy, Utilities-\$64,737.23; Olinger Carpet Service, Maintenance-\$3,200.00; Olsen Auction Service, Auction Building-\$400.00; One Source The Background, Background Check-\$195.00; Overdrive, Ebooks-\$2,197.13; Overtime, Contract Services-\$2,506.50; Papa Murphy's Pizza, Pizza-\$972.14; Pat Dockendorf, Corn Palace Games-\$190.00; Peterbilt of Sioux Falls, Supplies-\$1,118.28; PKG Contracting, 2021-31 P.E. #20-\$147,190.00; Precision Grading, Deposit Refund-\$2,000.00; Public Health Laboratory, Testing-\$31.24; Qualified Presort, Postage-\$377.55; Quality Cut Lawn & Tree Service, 2019-53R2 P.E.#5-2023-\$8,666.66; Quick Med Claims, Monthly Charges-\$5,743.31; Rice Lake West, 2020-20 P.E #9-\$394,455.03; Rockmount Research & Alloy, Supplies-\$2,210.02; Roy King, Entertainment-\$150.00; Runnings Supply, Supplies-\$745.89; S&M Printing, Supplies-\$301.00; Saga Communications of South Dakota, Advertising-\$830.40; Santel Communications, Utilities-\$30.00; Schoenfelder Portables, Rental-\$150.00; South Dakota Public Assurance Alliance, Bus Coverage-\$2,011.95; South Dakota Transit Providers, Transit Dues-\$150.00; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,769.50; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,396.00; South Dakota Golf Course Superintendents, Registration-\$1,175.00; South Dakota State University Local Transportation, Registration-\$250.00; Shive-Hattery, 2023-3 P.E. #3-\$3,000.00; South Dakota 811, Supplies-\$ 31.50; Standard Insurance, Life Insurance-\$435.69; Staples, Supplies-\$148.18; Stephanie Ellwein, Travel-\$216.06; Storey Kenworthy/Matt Parr, Supplies-\$77.36; Stryker Sales, Supplies-\$388.70; Sturdevants Auto Value. Supplies-\$4,312.38; Subway, Meals-\$47.94; Sun Gold Sports, Supplies-\$16.00; Teamsters Local No. 120, Union Dues-\$1,593.00; Terry Johnson, Travel-\$14.00; Tessier's, Supplies-\$587.08; The Dugout, Contract Services-\$1,167.00; Thomas Holleman, Travel-\$36.00; Thomson Reuters West, Subscription-\$800.80; Thune True Value & Appliance, Supplies-\$144.03; Traffic Control, Supplies-\$8,024.00; Transource, Supplies-\$4,185.74; Transwest Trucks of Sioux Falls, Supplies-\$757.66; United Parcel Service Store #4227, Postage-\$74.51; Verizon Wireless, Utilities-\$757.13; Vern Eide Chevrolet GMC, 2022 Dodge Ram 1500-\$38,223.00; Vern Eide Ford, Parts-\$23.33; Walmart/Capital One, Supplies-\$106.27; Wheelco Brake & Supply, Supplies-\$373.46; Wisconsin Child Support, Garnishment-\$395.58; Ellwein Brothers, Supplies-\$1360.00; South Dakota State Treasurer, Sales Tax Payment-\$17,137.62.

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

CITIZENS INPUT:

Elizabeth Luczak of Mitchell Main Street & Beyond promoted Wingapalooza at the Corn Palace on Saturday, March 23, 2024.

Mike Vehle stated the SD Department of Transportation is currently conducting a study on the Mitchell to Parkston corridor. There is a meeting on the topic on Wednesday, February 21st at the Davison County Fairgrounds.

Kelly Pfaff stated he would like to see an ordinance limiting the terms of elected officials to 12 years of service. Pfaff also stated the ordinance on appointment procedures should be amended to not allow non-residents to be appointed.

Stewart Hanson had questions regarding the impact of wetlands on phosphorous levels entering the lake.

BOARD OF ADJUSTMENT:

Moved by Barington, 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 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. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application. Moved by McCardle, seconded by Sabers, to approve said application. Motion carried.

Moved by McCardle, seconded by Barington, to set date for March 4, 2024 on the application of Ron Peterson for a conditional use permit for a multi-family dwelling located in the 1100 block of South Lawler, legally described as Lots 6, 7, and 8, Block 18, Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

CONSIDER APPROVAL:

Moved by Sabers, seconded by Tjarks, to approve the Sales Tax Grant Application form. Motion carried.

Moved by Tjarks, seconded by Goldammer, to approve Amendment #2 to Agreement #A2021-56 with Brosz Engineering for East Spruce Street Railroad Crossing Project. Motion carried.

Moved by McCardle, seconded by Tjarks, to approve Agreement #A2024-11, Secondary Water Source with Randall Community Water District. Motion carried.

RESOLUTIONS:

Moved by Tjarks, seconded by Sabers, to approve Resolution #R2024-06, Plat of Lots 1 and 2 of Bowman's Addition in the SE ¼ of Section 17, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2024-06

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 12th day of February, 2024; and

WHEREAS, it appears from an examination of the plat of LOTS 1 AND 2 OF BOWMAN'S ADDITION IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 104 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Damian F. Greble, 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 AND 2 OF BOWMAN'S ADDITION IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 104 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Damian F. Greble, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Smith, to approve Resolution #R2024-12, Bridge Reinspection Program for 2024, as follows:

BRIDGE REINSPECTION #R2024-12 PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, 23 CFR 650, Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of Mitchell is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire Brosz (Consulting Engineers) for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by McCardle, to approve Resolution #R2024-13, Plat of Lots 11 and 12, Block 5 of Woodland Heights First Addition, as follows:

RESOLUTION #R2024-13

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 12th day of February, 2024; and

WHEREAS, it appears from an examination of the plat of LOTS 11 AND 12, BLOCK 5 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul 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 11 AND 12, BLOCK 5 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, 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 Tjarks, seconded by Goldammer, to approve Resolution #R2024-14, SHPO Findings in Relation to the Property at 100 North Main Street, as follows:

RESOLUTION #R2024-14

A RESOLUTION REGARDING SDCL SECTION 1-19A-11.1 FINDINGS IN RELATION TO THE PROPERTY AT 100 N MAIN STREET

WHEREAS, Dikun Properties LLC is the owners of certain real property at 100 N Main Street legally described as:

**Lot 7, Block 12, Original Plat of Town (now City) of Mitchell, Davison
County, South Dakota.**

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

WHEREAS, Dikun 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 the status of the property, reports of its condition, and eventually proposed project of Dikun Properties LLC plan to the State Historic Preservation Office (SHPO) received on November 1, 2023. The proposed project includes remodeling the front entrance of the building and installing new windows, awnings, and a south side entrance. This property is contributing to the Mitchell Commercial Historic District, which is listed in the National Register of Historic Places.

WHEREAS, on November 29, 2023, SHPO requested an abbreviated case report with specific concerns over the removal and replacement of original windows on the side of the building and the proposed new entrance

WHEREAS, on December 14, 2023, SHPO received information from the applicant that signified changes to the project scope. Included in the correspondence was new renderings that depicted that the glass frames will retain the same material and color, and that the front sign board will be replaced by one with a similar appearance and design. The side windows as based in the renderings will be in the existing historic openings that keep visible the decorative sills and lintels. This additional information fulfilled the request for a case report.

WHEREAS, on January 19, 2024 2024, SHPO received additional information. The applicant has changed his mind due to finding leaks and needing to insulate the building. The previous project proposal did not encroach upon, damage, or destroy a historic property. The applicant is keeping the existing brick on the south end, replacing old windows with bronze colored windows, and the front is going to retain the same form, but with new architectural metal panels covering the old brick.

WHEREAS, on February 1, 2024 based upon the information provided, the proposed project alters the appearance and materiality of the primary facade. Therefore, SHPO has made the following determination that the proposal will encroach upon, damage, or destroy a historic property which is included in the National and State Registers of Historic Places. However, it appears that there are no feasible and prudent alternatives to the proposal and that the proposal includes all possible planning to minimize harm to the historic resource.

WHEREAS, SDCL 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 February 20, 2024 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:

Flower Shop GIS
Flower Shop-Renderings-10-31-23
Flower Shop-State Case Report-11-29-23
Flower Shop-Renderings-12-13-23
Flower Shop-State Case Report-State No Damage-12-18-23
Flower Shop-Renderings-1-15-24
Flower Shop-State Case Report-State Damage No Alternatives-2-1-24

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 keeping the existing brick on the south end, replacing the old windows with bronze-colored windows, and the front is going to retain the same form, but with new architectural metal panels covering the old brick.
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 building permit.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by McCardle, seconded by Goldammer, to place Ordinance #O2024-02, Supplemental Appropriations for FY2024 on first reading. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Bathke, to postpone Resolution #R2024-10, Designate Unobligated General Fund Cash towards the Lake Mitchell Dredge Project until after the election.

Members present voting aye: Bathke, McCardle, Sabers. Members present voting nay: Barington, Goldammer, Smith, Tjarks. Motion failed.

Moved by Goldammer, seconded by Smith, to amend Resolution #R2024-10, Designate Unobligated General Fund Cash towards the Lake Mitchell Dredge Project by removing 'Dredge' from resolution and replacing with 'Improvement'.

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

Moved by Smith, seconded by Tjarks, to designate \$4,684,100 from future capital projects in the General Fund designated reserves to the Lake Mitchell Improvement Project.

Members present voting aye: Barington, Goldammer, Sabers, Smith, Tjarks. Members present voting nay: Bathke, McCardle. Motion carried.

Moved by McCardle, seconded by Sabers, to designate \$0.00 from unobligated cash reserves in the General Fund to the Lake Mitchell Improvement Project.

Members present voting aye: Barington, Bathke, Goldammer, McCardle, Sabers. Members present voting nay: Tjarks, Smith. Motion carried.

Moved by Smith, seconded by Tjarks, to approve Resolution #R2024-10; Designate Unobligated General Fund Cash towards the Lake Mitchell Improvement Project, as follows:

Resolution #R2024-10

A resolution designating funds in General Fund Reserves for the Lake Mitchell Improvement Project

WHEREAS, the City of Mitchell passed Resolution R2023-53 setting an election date of June 4, 2024 for the financing of the Lake Mitchell Improvement Project;

WHEREAS, The City of Mitchell would like to lower the amount financed through the State Revolving Fund Loan from the original \$25,000,000 listed in Resolution R2023-53;

WHEREAS, the City of Mitchell approved as part of the Fiscal Year 2024 budget \$3,500,000 to be used for the cost of the drawdown construction which would reduce the amount financed to \$21,500,000;

WHEREAS, the City of Mitchell currently has \$4,684,100 designated in the general fund reserves for Future Capital Projects;

WHEREAS, the City of Mitchell has received approximately \$6,000,000 in sales tax revenue above the budgeted revenue amounts in 2021, 2022, and 2023;

WHEREAS, by designating additional funds towards the Lake Mitchell Improvement Project the amount financed could be lowered even further than \$21,500,000;

WHEREAS, the designated funds will be used for the Lake Mitchell Improvement Project as listed in the approved application to the Department of Ag and Natural Resources (DANR) State Revolving Fund (SRF) Loan application to lower the amount financed through the SRF loan;

THEREFORE BE IT RESOLVED, that the following amounts be designated towards the Lake Mitchell Improvement Project from the listed sources below:

\$ 4,684,100	From Future Capital Projects in the General Fund Designated Reserves
\$ 0	From Unobligated Cash Reserves in the General Fund
\$ 4,684,100	Total amount designated towards the Lake Mitchell Improvement Project.

McCardle voting nay. Motion carried and resolution declared duly adopted.

Moved by Barington, seconded by Smith, to approve Resolution #R2024-11, A Resolution Amending Resolution #R2023-53, as follows:

RESOLUTION #R2024-11
A RESOLUTION AMENDING RESOLUTION R2023-53

WHEREAS, the City Council has gotten comments from the public concerning Resolution R2023-53; and

WHEREAS, the City Council has considered said comments from the public and determines to address said comments by amending the Resolution R2023-53; and

WHEREAS, the City Council does find it necessary to amend resolution R2023-53 to address the size of the **State Revolving Fund (SRF) Loan** borrowing and clarify the project description.

NOW THEREFORE BE IT RESOLVED by the City Council of City of Mitchell, Davison County, South Dakota, as follows:

1. Amendment of Resolution R2023-53. Resolution R2023-53 shall be amended as follows:

a. The question of authorizing the issuance of such bonds shall be amended to be in substantially the following form:

SHALL THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, ISSUE ITS REVENUE BONDS IN A PRINCIPAL AMOUNT NOT EXCEEDING \$16,815,900, BEARING INTEREST SUCH RATES AND PAYABLE UPON SUCH TERM AS MAY BE DETERMINED BY THE CITY COUNCIL, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE LAKE MITCHELL PROJECT, AND PAYING THE COSTS OF ISSUANCE?

SHALL THE ABOVE PROPOSITION BE APPROVED AND THE BONDS ISSUED?

b. All references to \$25,000,000 be amended to read \$16,815,900.

c. The project description be amended to read "the Lake Mitchell Project".

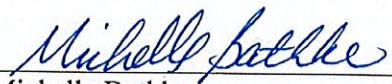
2. All other provisions of Resolution 2023-53 shall remain in force and effect.

3. The city officers are directed to take such action as necessary to carry out this resolution's intent.

Motion carried and resolution declared duly adopted.

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 _____.