

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

**May 6, 2024
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:

Mayor Everson removed Item G. Class A Golf Superintendent Golfing Access from consent agenda and placed on regular agenda.

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

- a. City Council Minutes
 - 1. City Council April 15, 2024
- b. Committee Reports
 - 1. Planning Commission April 8, 2024
 - 2. Planning Commission April 22, 2024 (unsigned)
- c. Automatic Supplements
 - 1. Parks-Sports Complex in the amount of \$2,612 from a donation of funds
- d. Raffle Permits
 - 1. Big Friend Little Friend with the drawing to be held on May 31, 2024 and July 31, 2024
 - 2. Mitchell Regional Habitat for Humanity with the drawing to be held on June 7, 2024
 - 3. Mitchell Regional Habitat for Humanity with the drawing to be held December 1-12, 2024
- e. Volunteer Board Appointment
 - 1. Appoint Stratton Havlik to the Housing & Redevelopment Commission to fill an unexpired term to run May 6, 2024-June 30, 2026
- f. Memorandum of Understanding with Mitchell (POD) Point of Dispensing
- h. Surplus items to be sold on Purple Wave-Finance
- i. Authorization to apply for the South Dakota Department of Health National Diabetes Prevention Grant
- j. Property Tax Abatement for 2023 tax year payable 2024 due to disabled veteran status
- k. Change Order #1 for Wastewater Treatment Headworks & Equalization Basin Project #2021-31 decreasing the contract amount by \$456,916.65 to PKG Contracting, adjust contract amount to \$15,339,983.36

- l. Set date of May 20, 2024 for hearing and action on the following applications
 1. Transfer RB-26966 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Lucky Clovers LLC, 720 South Montana to Lucky Clovers, LLC, 909 North Main Street Video Lottery is included and the license will be inactive.
 2. Transfer RB-26967 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Lucky Clovers LLC, 720 South Montana to Lucky Clovers, LLC, 909 North Main Street Video Lottery is included and the license will be inactive.
- m. Set date 1:30 p.m., May 14, 2024 for bid opening for Landfill Recycling Building Project #2021-30
- n. Set date 1:30 p.m., May 22, 2024 for bid opening for North Harmon Sanitary Sewer Outfall Project #2023-08
- o. Pay Estimates May 6, 2024
 - Pay Estimate #35 in the amount of \$188.00 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
 - Pay Estimate #36 in the amount of \$1,929.69 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
 - Pay Estimate #6-Final in the amount of \$36.03 for Norway/South Rowley Bike Path #2021-01 contracted to SD Department of Transportation
 - Pay Estimate #21 in the amount of \$450.00 for West Side Water Tower #2021-03 contracted to SPN & Associates
 - Pay Estimate #5 in the amount of \$15,476.28 for West Harmon Utility Improvements #2021-16 contracted to H&W Contracting
 - Pay Estimate #25 in the amount of \$15,040.20 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering
 - Pay Estimate #14 in the amount of \$515.00 for Recycling Building #2021-30 contracted to Helms & Associates
 - Pay Estimate #37 in the amount of \$31,372.00 for North Wastewater Improvements #2021-31 contracted to HDR Engineering
 - Pay Estimate #22 in the amount of \$452,564.19 for North Wastewater Improvements #2021-31 contracted to PKG Contracting
 - Pay Estimate #32 in the amount of \$245.00 for Highway 37 Utility Improvements #2021-45 contracted to SPN & Associates
 - Pay Estimate #33 in the amount of \$437.50 for Highway 37 Utility Improvements #2021-45 contracted to SPN & Associates
 - Pay Estimate #11 in the amount of \$500.00 for Street Department Fuel Tanks #2021-51 contracted to West Plains Engineering
 - Pay Estimate #15 in the amount of \$225,428.16 for WWTP Improvements #2022-01 contracted to HDR Engineering
 - Pay Estimate #13 in the amount of \$850.00 for 23rd & Ohlman Lift Station #2022-03 contracted to SPN & Associates
 - Pay Estimate #15 in the amount of \$1,480.00 for 1st & Main/7th & Main Signals #2022-08 contracted to HR Green
 - Pay Estimate #16 in the amount of \$562.50 for 1st & Main/7th & Main Signals #2022-08 contracted to HR Green

Pay Estimate #9 in the amount of \$1,602.50 for North Harmon Sanitary Sewer Outfall #2023-06 contracted to SPN & Associates
 Pay Estimate #10 in the amount of \$6,305.92 for West Harmon Watermain Loop #2023-07 contracted to SPN & Associates
 Pay Estimate #10 in the amount of \$12,050.14 for 12th/13th Avenue Watermain Loop #2023-08 contracted to SPN & Associates
 Pay Estimate #1 in the amount of \$258,707.38 for 12th/13th Avenue Watermain Loop #2023-08 contracted to Halme
 Pay Estimate #2 in the amount of \$5,266.75 for Water Distribution System Model #2024-37 contracted to AE2S
 Pay Estimate #2 in the amount of \$3,200.00 for BY Water Review contracted to BY Water District
 Pay Estimate #34 in the amount of \$3,719.63 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates
 Pay Estimate #2 in the amount of \$2,784.23 for AIP '32 Airport Hangar Design contracted to Helms & Associates

p. 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 MARCH 31, 2024 – APRIL 13, 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 \$14,355.53, Human Resources \$4,379.83, Municipal Building \$3,643.59, Information Technology \$3,286.77, Police \$80,413.43, Traffic \$4,824.06, Fire \$42,190.83, Street \$33,141.93, Public Works \$25,307.82, Cemetery \$5,476.14, Library \$18,802.38, Recreation & Aquatics \$7,135.48, Recreation Center \$19,802.68, Sports Complexes \$11,230.16, Parks \$13,597.39, Supervision \$6,441.15, Corn Palace \$21,025.90, E911 \$22,352.23, Palace Transit \$34,750.67, Nutrition \$4,620.60, Airport \$3,643.78, Water Distribution \$15,489.98, Sewer \$14,061.08, Recycling Program \$6,774.20, Waste Collection \$6,786.35, Landfill \$11,384.58, Golf Course \$6,294.84, Emergency Medical Services \$35,870.73

PAYROLL APRIL 14, 2024 – APRIL 27, 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 \$14,486.78, Human Resources \$4,379.84, Municipal Building \$3,567.23, Information Technology \$3,286.77, Police \$79,466.46, Traffic \$5,226.37, Fire \$43,654.57, Street \$33,160.07, Public Works \$25,307.80, Cemetery \$6,068.04, Library \$18,880.12, Recreation & Aquatics \$7,034.46, Recreation Center \$19,498.90, Sports Complexes \$10,714.41, Parks \$18,151.90, Supervision \$6,441.15, Corn Palace \$19,313.58, E911 \$22,294.65, Palace Transit \$32,303.12, JVCC \$2,285.97, Nutrition \$4,627.18, Airport \$3,643.78, Water Distribution \$17,393.68, Sewer \$14,407.11, Recycling Program \$7,040.46, Waste Collection \$6,769.16, Landfill \$11,182.48, Golf Course \$6,341.65, Emergency Medical Services \$39,075.65

NEW HIRES:

CADWELL CONCESSIONS: Sydney Love-\$11.20, Madilyn Moon-\$11.20, Kyana Thomas-\$14.20, Taryn Thomas-\$11.70

CEMETERY: Andrew Gunnare-\$14.20, Dean Strand-\$14.20

CORN PALACE: Kennedy Eldeen-\$12.20, Madisyn Sheesley-\$12.70, Peightyn Sullivan-\$12.20

GOLF: Dylan Albrecht-\$13.20, Connor Kerkhove-\$13.20, Michael Shearer-\$14.70, Jaiden Walton-\$13.20

PALACE TRANSIT: Theresa Horsemanko-\$21.394, Kevin Kline-\$21.394

PARKS: Arnold Eldeen-\$14.20, Kevin Hughes-\$13.20, Ronald Jirsa-\$15.20, Chadwick Kendall-\$15.70, Steven Linke-\$15.20, Steve McClure-\$13.20, Vernon Stanga-\$13.20

RECREATION CENTER: Aaron Black-\$11.20, Alexandra Stange-\$12.70

SPORTS COMPLEXES: Tyson Johnson-\$13.20, Kenneth Mayer-\$14.20

SALARY ADJUSTMENTS:

FINANCE: Janice Peterson-\$28.507

FIRE: Abigail Squier-\$21.504

LANDFILL: Jaylon Tollefson-\$37.212

PARKS: Bradley Gates-\$29.651

POLICE: Niko Arnold-\$30.237, Kyle McLaughlin-\$36.841, Tyler Urban-\$30.841

PUBLIC WORKS: Joseph Galpin-\$32.088

RECYCLING: David Schulte-\$29.658

STREET: Nathan Hegg-\$35.074, Jason Tuttle-\$31.783, Mark Zard-\$25.813

WARRANTS: 301 Rodz, Car Show-\$1,500.00; A&B Business Solutions, Supplies-\$5,077.71; A-Ox Welding Supply, Supplies-\$96.84; AAA Lawn Care and Maintenance, Supplies-\$130.00; Accounts Management, Garnishment-\$623.15; ADBC Student Chapter, Hairball Stage Hands-\$1,000.00; Advanced Engineering and Environmental, 2024-37 P.E. #2-\$5,266.75; AFLAC, Aflac Withholding-\$11,171.32; AFSCME Council 65, Union Dues-\$1,066.90; Alexander Hennek, Reimbursement-\$50.00; Amazon Capital Services, Supplies-\$1,467.14; American Garage Door, Repair-\$291.84; Aramark, Service-\$331.87; Arctic Refrigeration, Repair-\$534.37; Associated Supply, Supplies-\$1,820.11; AT&T Mobility, Utilities-\$1,201.01; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$192.63; Automatic Building Control, Supplies-\$195.60; Avera Occupational Medicine, Service-\$2,695.00; B-Y Water District, Professional Service-\$3,200.00; Bailey Metal Fabricators, Supplies-\$87.82; Baker & Taylor, Books-\$486.75; Barr Engineering, 2021-20 P.E. #PH2-25-\$15,040.20; BBBB's of South Dakota, Supplies-\$418.00; Bechen Electric, Maintenance-\$114.80; Bender's Sewer Cleaning, Maintenance-\$600.00; Big Daddy D's, Contract Services-\$7,201.20; Blackstone Publishing, Audiobooks-\$162.39; Boyce Law Firm, Professional Service-\$165.00; Brian Daughters, Travel-\$176.06; Broad Reach, Books-\$428.89; Brooks Oil Company, Supplies-\$1,849.00; Butler Machinery, Supplies-\$451.25; C&B Operations, Supplies-\$1,675.53; Carquest Auto Parts, Supplies-\$250.30; Central Electric, Utilities-\$931.44; Century Link, Utilities-\$13.64; Chesterman, Supplies-\$1,243.40; CHS Farmers Alliance, Supplies-\$7,909.25; City of Mitchell, Golf Course Deductions-\$1,291.28; City of Mitchell, Recreation Deductions-\$2,486.90; CK Bicycles & Locks, Supplies-\$224.00; Clayton Moore, Travel-\$34.00; Cole Palmer, Reimbursed-\$65.68; Column Software, Advertising-\$1,708.33; Core & Main, Supplies-\$7,156.61; Core-Mark Midcontinent, Supplies-\$6,446.94; Corn Palace, Supplies-\$14.75; County Fair, Supplies-\$64.21; Dakota Fluid Power, Supplies-\$2,542.74; Dakota Heartland Development, 2024 2nd Quarter Allocation-\$6,250.00; Dakota Pump, Supplies-\$1,750.04; Dakota Supply Group, Maintenance-\$11,030.88; Dale Star, Reimbursement-\$502.96; Dance Expressions, Corn Palace Games-\$9,940.00; Darrington Water Conditioning, Rental-\$36.90; Davison County Register of Deeds, Deeds/Warranty-\$70.00; Davison County Treasurer, Supplies-\$26.70; Dean Knippling, Travel-\$28.00; Delta Dental Plan of South Dakota, Dental Insurance-\$15,799.30; Demco, Supplies-\$456.34; Department of Social Services, Child Support-\$1,267.38; Elfstrand's Ace Hardware, Supplies-\$282.44; ELO Prof, Annual Audit-\$20,815.62; Eric Hieb, Contract Services-\$10,072.13; ETIX, Ticketing Fee-\$684.11; Fastenal, Supplies-\$20.45; Fedex, Mailing-\$18.07; First National Bank Omaha, Supplies-\$6,503.12; Fisher Scientific, Supplies-\$214.62; Fleetpride, Supplies-\$568.98; GF Advertising Services, Supplies-\$122.50; Governors Inn Travelodge, Travel-\$154.00; Grainger, Supplies-\$62.03; Great Western Tire, Supplies-\$1,507.80; Guardrail Enterprises, Deposit Refund-\$2,000.00; H&W Contracting, 2021-16 P.E. #5-\$15,476.28; Halme, 2023-8 P.E. #1-\$258,707.38; Hampton Inn, Travel-\$1,596.00; Hawkins, Supplies-\$2,185.84; HDR Engineering, 2021-31 P.E. #37-\$256,800.16; Helms and Associates, 2021-30 P.E. #14-\$7,018.86; Henry Schein, Supplies-\$1,487.30; Houston Engineering, Professional Services-\$4,723.85; HR Green, 2022-8 P.E. #15-\$2,042.50; Hunter Heating & Cooling, Repair-\$240.15; Ican, Advertising-\$750.00; Identisys, Supplies-\$375.87; Info USA Marketing, Book-\$455.00; Infrastructure Design Group, 2020-20 P.E. #35-\$2,117.69; Ingram Library Services, Books-\$1,205.93; Innovative Office Solution, Supplies-\$399.53; Interstate Office Products, Supplies-\$109.16; Jaylon Tollefson, Reimbursement-\$34.00; JCL Solutions, Supplies-\$367.00; Jessica Pickett, Reimbursement-\$259.70; Joe Dolezal, Travel-\$179.63; John Hegg, Travel-\$54.88; Jones

Supplies, Supplies-\$1,464.04; Josh's Tools, Supplies-\$79.50; Kathy Kaye Foods, Supplies-\$3,916.80; Kay Park Recreation, Supplies-\$2,063.00; Kevin Roth, Travel-\$34.00; Kimball Midwest, Supplies-\$893.96; KMIT/KOOL 98, Advertising-\$979.80; Krohmer Plumbing, Repair-\$280.81; Lakeview Veterinary Clinic, Management-\$946.31; Lewis Family Drug, Supplies-\$39.96; Library Board of Trustees, Reimbursement-\$500.00; M&T Fire and Safety, Supplies-\$508.80; MAC Triathlon, Sports Authority Promotion-\$1,500.00; Make It Mine Designs, Supplies-\$130.50; Mark Jenniges, Reimbursement-\$80.00; Mary Ann Hafner, Refund-\$45.00; McLeod's Printing, Supplies-\$227.87; Menard's, Supplies-\$2,481.04; Michael J Koster, Reimbursement-\$28.00; Microsoft Corporation, Subscription-\$910.00; Midcontinent Communication, Utilities-\$16.50; Midwest Fire & Safety, Repair-\$55.00; Midwest Turf & Irrigation, Supplies-\$1,641.52; Millennium Recycling, Contract-\$577.45; Mitchell Animal Rescue, May 2024 Management-\$350.00; Mitchell Area Development, 2024 2nd Quarter Allocation-\$41,750.00; Mitchell Community Scholar, Round Up-\$1,828.04; Mitchell Iron & Supply, Supplies-\$840.08; Mitchell Main Street and Beyond, 2024 2nd Quarter Allocation-\$10,000.00; Mitchell Municipal Band, 2024 Allocation-\$11,000.00; Mitchell Power Equipment, Maintenance-\$52.00; Mitchell School District, Utilities-\$1,815.18; Mitchell Show Choir, Contract Services-\$2,743.53; Mitchell United Way, United Way Deductions-\$346.00; Mueller Lumber, Supplies-\$186.29; N-Able Technologies, Supplies-\$174.46; Napa Central, Supplies-\$664.11; Northwestern Energy, Utilities-\$55,191.47; Overdrive, Supplies-\$299.48; Pkg Contracting, 2021-31 P.E. #22-\$452,564.19; Porter Distributing, Supplies-\$1,023.15; Powderhorn Ranch Regulator, Sports Authority Promotion-\$3,000.00; Premier Pest Control, Maintenance-\$400.00; Qualified Presort, Postage-\$487.09; Quick Med Claims, Contract-\$2,252.94; Radiant Heat of South Dakota, Capital Improvements-\$11,387.00; Riverside Technologies, Supplies-\$5,166.00; Runnings Supply, Supplies-\$790.37; S&M Printing, Supplies-\$73.60; Sage Publications, Book-\$350.08; Sanford Health Mitchell, Supplies-\$175.00; Sanford USD Medical Center, Training-\$3,480.00; Sanitation Products, Supplies-\$589.72; Schmucker, Paul, Nohr, 2021-3 P.E. #21-\$21,941.06; Schoenfelder Portables, Rentals-\$1,080.00; Schumacher Elevator, Maintenance-\$234.63; South Dakota Department of Transportation, 2021-1 P.E. #6-Final-\$36.03; South Dakota Municipal League, Training-\$465.00; South Dakota Retirement System, Retirement Contributions-\$122,589.60; South Dakota-Supplemental Retirement, Supplemental Retirement-\$5,789.00; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$2,992.00; Secretary of State, Notary Fee-\$30.00; Siteone Landscape Supply, Supplies-\$1,753.97; Stan Houston Equipment, Maintenance-\$163.66; Standard Insurance, Life Insurance-\$2,711.48; Standard Insurance, Life Insurance-\$427.92; Sturdevants Auto Value, Supplies-\$4,226.29; Subway, Meals-\$39.95; Sun Gold Sports, Supplies-\$682.00; Tahoe, Supplies-\$1,923.97; Teamsters Local No. 120, Union Dues-\$1,593.00; Tempo Soccer Club, Sports Authority Promo-\$2,500.00; Thomas L Price, Screening-\$350.00; Thune True Value & Appliance, Supplies-\$410.62; Titan Machinery-Application, Maintenance-\$109.65; Titan Machinery-Mitchell, Supplies-\$497.47; TK Electric, Maintenance-\$4,650.10; TMA Stores, Repair-\$540.33; Tylor Peterson, Travel-\$54.00; Upper Midwest Garage Door, Supplies-\$1,520.40; USA Bluebook, Supplies-\$286.66; Van Wall Equipment, Maintenance-\$39.49; Verizon Wireless, Utilities-\$360.09; Vern Eide Chevrolet GMC, Supplies-\$81.02; Village Bowl, Rental-\$1,200.00; Walmart/Capital One, Supplies-\$515.88; West Plains Engineering, 2021-51 P.E. #11-\$500.00; Wisconsin Child Support, Garnishment-\$791.16; Xtreme Fire Protection, Professional Service-\$350.00; Zimco Supply, Supplies-\$16,864.00;

South Dakota Department of Revenue, Sales Tax Payment-\$21578.73; Ellwein Brothers, Supplies-\$1616.50; US Bank, Bond Payment-\$128,351.94; Ellwein Brothers, Supplies-\$4304.05.

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

CITIZENS INPUT:

Council Member Dan Sabers spoke on behalf of Mitchell Main Street & Beyond and stated First Fridays held on May 3rd was a huge success.

Karen Pooley of the Mitchell Food Pantry stated they distributed 211 Easter boxes each worth \$76.24 and the event went smoothly.

Manny Guevara had a recorded message and spoke about all of the many memories he has had on Lake Mitchell now and growing up.

Mayor Everson presented a proclamation for Economic Development Week May 6th-10th to Mitchell Area Development Corporation and thanked the organization for all that they do.

Council Member Kevin McCardle asked Corn Palace Director Doug Greenway about the festival entertainment. Greenway stated Thursday night Scotty McCreery is performing and Skillet is performing on Saturday night. Friday night of festival week there will be a Battle of the Bands.

Joe Kippes of Friends of Firesteel stated there will be an Open House at Valley View Vista on May 7th and a lake information meeting on May 9th in Council Chambers.

Council Member Tim Goldammer stated there will be a candidate and issue forum on Tuesday, May 14th at Dakota Wesleyan.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Adam Koch for a side yard variance of 3' vs 8' to build a 26' x 68' attached garage located at 2212 Kelly Drive, legally described as Lot 1 except the W 150', Country Living Estates in the NE ¼ of Section 14, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The property is zoned UD Urban Development. The Planning Commission recommended approval of said application. Moved by McCardle, seconded by Sabers, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Michael and Delana Krause for a variance for a combination of attached and detached accessory buildings of

2,716 square feet vs 2,000 square feet to build a new detached accessory building of 2,040 square feet located at 1020 Chalkstone Drive, legally described as Lot 1, Block 1, Northridge Park, City of Mitchell, Davison County, South Dakota. The property is zoned R1 Single Family Residential District. The Planning Commission recommended approval of said application. Moved by Sabers, seconded by Tjarks, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Chuck Stevenson for a variance for a combination of attached and detached accessory buildings of 4,216 square feet vs 2,000 square feet to build a new detached accessory building of 3,312 square feet located at 114 South Harmon Drive, legally described as Lots 4 & 5A, Block 3 and that portion of vacated Indian Head Drive, all in Indian Head Second Addition, City of Mitchell, Davison County, South Dakota. The property is zoned RL Lake Residential District. The Planning Commission recommended approval of said application. Moved by Smith, seconded by Barington, to approve said application. Motion carried.

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

CONSIDER APPROVAL:

Moved by McCardle, seconded by Tjarks, to approve Class A Golf Superintendent golfing access at Lakeview Golf Course. Motion carried.

Moved by Tjarks, seconded by Barington, to approve a Special Event Application for the Corn Palace Stampede Rodeo Parade on Saturday, July 20, 2024 and approve waiving the street and parking lot closure fee. Motion carried.

Moved by Tjarks, seconded by Sabers, to approve a Special Event Application for VFW Post 2750 Annual Chili Cook-Off on Saturday, October 12, 2024 and approve waiving the street/ parking lot closure fee and the Park & Rec picnic table fee (1 table). Motion carried.

Moved by Tjarks, seconded by Goldammer, to approve changing the handicap sign to a 15-minute parking sign 8-5 Monday through Friday in the 100 block of East 3rd. Motion carried.

Moved by Sabers, seconded by Barington, to approve two new street lights in the 7th and Rowley parking lot. Motion carried.

AWARD BID:

Bids were opened and read on Paving & Overlay Project #2024-15 on the 1st day of May, 2024. Moved by Smith, seconded by Bathke, to award, as follows:

PAVING & OVERLAY PROJECT #2024-15

Commercial Asphalt, 25254 413th Avenue, Mitchell, SD 57301

Bid Schedule A	\$619,316.20
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Bid Schedule B	\$70.00/ton
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Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Sabers, to approve Agreement #A2024-19, Settlement Agreement with Puetz Design + Build on plaster and indoor pool shell in the amount of \$120,342.21. Motion carried.

Moved by Sabers, seconded by Smith, to approve Agreement #A2024-20, Permanent Easement with Sandventure, LLC for North Harmon Sanitary Sewer Outfall. Motion carried.

Moved by Tjarks, seconded by Barington, to approve Agreement #A2024-21, Permanent Easement with CJM Consulting, Inc. for North Harmon Sanitary Sewer Outfall. Motion carried.

Moved by McCardle, seconded by Goldammer, to approve Agreement #A2024-22, Equitable Sharing Agreement and Certification. Motion carried.

RESOLUTIONS:

Moved by Goldammer, seconded by Sabers, to approve Resolution #R2024-29, Plat of Lots 5-A and 5-B, a subdivision of Amoco Irregular Tact, as follows:

RESOLUTION #R2024-29

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 April, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOTS 5-A AND 5-B, A SUBDIVISION OF AMOCO IRREGULAR TRACT IN THE NORTH 1/2 OF THE SE 1/4 OF SECTION 27, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF LOTS 5-A AND 5-B, A SUBDIVISION OF AMOCO IRREGULAR TRACT IN THE NORTH 1/2 OF THE SE 1/4 OF SECTION 27, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, be and

the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Sabers, to approve Resolution #R2024-30, Creating Tax Incremental District 34 and Approving Project Plan, as follows:

RESOLUTION R2024-30

A RESOLUTION PROVIDING FOR THE CREATION OF CITY OF MITCHELL TAX INCREMENTAL DISTRICT NUMBER THIRTY-FOUR

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Thirty-Four (TID 34) and to define the district's boundaries; and

WHEREAS notice of the hearing before the city planning commission was provided pursuant to SDCL 11-9-3; and

WHEREAS, the City of Mitchell Planning Commission held a hearing on April 22, 2024 at which any interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district; and

WHEREAS the City of Mitchell Planning Commission after said hearing has recommended the proposed plan for Tax Incremental District Number Thirty-Four and has recommended its creation, setting the boundaries as listed in the project plan, and recommending adoption of the project plan.

THEREFORE, IT IS HEREBY RESOLVED:

1. Pursuant to SDCL 11-9-5, there is hereby created, as of May 6, 2024, the City of Mitchell Tax Incremental District Number Thirty-Four (TID 34). TID 34 is legally described as follows:

Lot 1 of Finley First Addition to the City of Mitchell, Davison County, South Dakota.

with a map showing said boundaries included in the Project Plan presented to Council on May 6, 2024.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 34 was held on April 22, 2024.
3. The City Council, in consideration of the project plan, other documentary evidence, and testimony, hereby makes the following findings:

- a. Pursuant to SDCL 11-9-8, not less than fifty percent (50%) by area of the real property within the proposed tax increment district will stimulate and develop the general economic welfare and prosperity of the City of Mitchell and State of South Dakota through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources;
 - b. Further pursuant to SDCL 11-9-8, the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TID 34;
 - c. Pursuant to SDCL 11-9-13, the project plan for TID 34 includes information satisfying each of the 5 requirements contained therein;
 - d. Pursuant to SDCL 11-9-16, the project plan for TID 34 includes information satisfying each of the 6 requirements contained therein; and
 - e. The plan is feasible and in conformity with the master plan of the City.
 - f. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts does not exceed ten (10%) percent of the total assessed valuation of the City.
 - g. TID 34 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
4. Based on the findings in Section 3 above, the City hereby approves and adopts the project plan and the proposed boundaries as recommended by the City of Mitchell Planning Commission.
5. The City hereby directs the City of Mitchell Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
6. There is hereby created, pursuant to SDCL 11-9-31, the Tax Incremental District Number Thirty-Four Fund (TID 34 Fund).
7. All tax increments collected pursuant to TID 34 shall be deposited into the TID 34 Fund.
8. All funds in the TID 34 Fund shall be used solely for the purposes expressly stated and reasonably inferred in SDCL 11-9.
9. The City finds that the aggregate assessed value of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed ten percent of the total assessed value of taxable property in the municipality.
10. The project plan is on file with the City of Mitchell Finance Officer.
11. A Developer's Agreement consistent with the provisions of this Resolution and the Project Plan shall be approved by separate action of the City Council.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Sabers, seconded by McCardle, to place Ordinance #O2024-04, Rezoning a portion of Lot 1 and Lot 10, Block 1-B, Ridge View on Foster Addition from UD Urban Development District to R3 Medium Density Residential District; a portion of Lots 6 through 10, Block 1-B, Ridge View on Foster Addition from R4 High Density Residential District to R3 Medium Density Residential District; a portion of Trac DR1-A, Ridge View on Foster Addition from R3 Medium Density Residential District to R4 High Density Residential District on second reading. Motion carried.

Moved by Smith, seconded by Tjarks, to adopt Ordinance #O2024-04, Rezoning a portion of Lot 1 and Lot 10, Block 1-B, Ridge View on Foster Addition from UD Urban Development District to R3 Medium Density Residential District; a portion of Lots 6 through 10, Block 1-B, Ridge View on Foster Addition from R4 High Density Residential District to R3 Medium Density Residential District; a portion of Trac DR1-A, Ridge View on Foster Addition from R3 Medium Density Residential District to R4 High Density Residential District, as follows:

ORDINANCE NO. O2024-04

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Portion of Lot 1 and Lot 10, Block 1-B, 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 from UD Urban Development District to R3 Medium Density Residential District;

Portion of Lots 6 through 10, Block 1-B, 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 from R4 High Density Residential District to R3 Medium Density Residential District;

Portion of Trac DR1-A, 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 from R3 Medium Density Residential District to R4 High Density Residential District;

AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS, Lot 1 and Lot 10, Block 1-B, 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 from UD Urban Development District to R3 Medium Density Residential District;

Portion of Lots 6 through 10, Block 1-B, 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 from R4 High Density Residential District to R3 Medium Density Residential District;

Portion of Trac DR1-A, 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 from R3 Medium Density Residential District to R4 High Density Residential District;

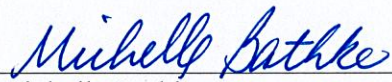
AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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.

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 _____.