

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

**June 17, 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:

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

- a. City Council Minutes
 - 1. City Council June 3, 2024
 - 2. Special City Council June 10, 2024
- b. Committee Reports
 - 1. Planning Commission May 28, 2024
 - 2. Planning Commission June 10, 2024 (unsigned)
- c. Department Reports
 - 1. Sales Tax Collections (May)
 - 2. Finance (May)
 - 3. Building Permits (May)
 - 4. Police (May)
 - 5. Fire (May)
 - 6. Code Enforcement (May)
 - 7. Water (May)
- d. Raffle Permits
 - 1. Davison County Democrats with the drawing to be held October 28, 2024
 - 2. Mitchell Baseball Association with the drawing to be held August 8, 2024
 - 3. Ducks Unlimited with the drawing to be held October 3, 2024
- e. Special Event Application for the Corn Palace Stampede Rodeo & Chili Cook-Off on July 18-21, 2024
- f. Special Event Application for the Outkast Car Show on Saturday, September 21, 2024
- g. Volunteer Board Appointments
 - 1. Reappoint Jacob Sonne to the Planning Commission for a term of July 2024-June 2029
 - 2. Appoint Jay Schreurs to the Planning Commission for a term of July 2024-June 2029
- h. Change Order #2 for Pump Station and Ground Storage Reservoir Project #2020-20 increasing

the contract amount by \$10,533.00 to Rice Lake West, adjust contract amount to \$11,647,910.02

- i. Set date of July 1, 2024 for hearing and action on the following alcohol license applications:
 1. Palace City Lions Club for a Special Event Malt Beverage & SD Farm Wine License located at Hitchcock Park on July 27-28, 2024 for Arts in the Park
 2. Transfer RL-5758 Retail (on-sale) Liquor License from Mitchell Steak Company LLC dba Whiskey Creek Wood Fire Grill, 905 East Spruce Street to Alfonso Rodriquez dba Puerto Vallarta, 905 East Spruce Street
- j. 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	\$2.4815	\$18,611.25
Total Bid:				\$18,611.25

- k. Pay Estimates June 17, 2024
 - Pay Estimate #13 in the amount of \$975,506.54 for Above Ground Storage Tank #2020-20 contracted to Rice Lake West
 - Pay Estimate #1 in the amount of \$116,375.00 for Firesteel Creek NAWCA Grant #2021-18 contracted to Rempfer Lake Patnership
 - Pay Estimate #27 in the amount of \$5,592.08 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering
 - Pay Estimate #23 in the amount of \$321,999.67 for North Wastewater Improvements #2021-31 contracted to PKG Contracting
 - Pay Estimate #10 in the amount of \$16,535.00 for Spruce Street Railroad Crossing #2021-39 contracted to Brosz Engineering
 - Pay Estimate #9 in the amount of \$30,640.00 for 3rd & Main Streetscape #2022-26 contracted to McLaury Engineering
 - Pay Estimate #5 in the amount of \$2,336.80 for Lake Mitchell Jetty #2023-03 contracted to Shive-Hattery
 - Pay Estimate #4 in the amount of \$2,105.00 for East 5th-Burr to Foster Utilities #2024-02 contracted to Brosz Engineering
 - Pay Estimate #5 in the amount of \$7,810.00 for East 5th-Burr to Foster Utilities #2024-02 contracted to Brosz Engineering
 - Pay Estimate #4 in the amount of \$32,723.25 for Randall Regional Waterline #2024-07 contracted to Randall Community Water District
 - Pay Estimate #1 in the amount of \$251,250.00 for Asphalt/Concrete Crushing #2024-09 contracted to Zacharias Construction
 - Pay Estimate #2 in the amount of \$11,327.55 for Rock Chips #2024-10 contracted to Spencer Quarries
- 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 MAY 26, 2024 – JUNE 8, 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 \$14,400.25, Human Resources \$4,379.84, Municipal Building \$3,555.57, Information Technology \$3,286.77, Police \$75,794.86, Traffic \$5,580.46, Fire \$40,480.30, Street \$34,720.57, Public Works \$25,355.26, Cemetery \$8,563.80, Library \$18,686.62, Recreation & Aquatics \$25,479.17, Recreation Center \$18,020.22, Sports Complexes \$19,988.85, Ballpark Concessions \$1,181.28, Parks \$22,690.36, Supervision \$6,441.15, Corn Palace \$31,342.12, E911 \$24,535.56, Palace Transit \$32,118.70, JVCC \$2,231.16, Nutrition \$4,482.46, Airport \$2,768.24, Water Distribution \$16,518.86, Sewer \$15,904.51, Recycling Program \$7,876.53, Waste Collection \$7,603.33, Landfill \$11,483.84, Golf Course \$9,858.02, Campground \$2,544.00, Emergency Medical Services \$34,337.06

NEW HIRES:

CORN PALACE: Henry Beckstrom-\$11.20, Drew Bollinger-\$14.20, Reese Sievert-\$15.20

FIRE: Daniel Esh-\$24.811, Brendan Poore-\$20.669

GOLF: Jacob Marxhausen-\$12.70

RECREATION & AQUATICS: Ciara Blake-\$12.20, Kindra Clark-\$13.20, Elizabyth Clement-\$12.70, Rubiany Ferreira-Escalera-\$11.70, Kadence Halvorson-\$11.70, Olivia Huber-\$12.70, Nancy Leach-\$15.20, Kenna Magee-\$11.20, Jewel McGeough-\$12.70, Chaydon Metzger-\$13.20, Mallory Miedema-\$11.20, Kathleen Morgan-\$11.20, Alyssa Moschell-\$11.20, Avery Moschell-\$11.70, Christina Rystrom-\$12.20, Lori Schmidt-\$15.20, Kenna Soulek-\$11.70, Addisen Vander Wilt-\$11.70

RECREATION CENTER: Carver Denning-\$12.70, Andrew Kampmann-\$12.70, Ethan Lofgren-\$12.70, Ethan Plamp-\$12.70, Bella Russell-\$12.70

SPORTS COMPLEXES: Brenon Hanson-\$12.70, Rhett Marek-\$12.70

TRAFFIC: Gavyn Erickson-\$15.20

WASTE WATER: Connor Davis-\$20.363

SALARY ADJUSTMENTS:

E-911: Kathleen Brink-\$31.474

FINANCE: Jerilyn Mickelson-\$23.386

FIRE: Chad Cody-\$30.691, Zachary Dalrymple-\$30.691, Joel Reiter-\$21.082

PARKS: Tyler Vetch-\$26.336

POLICE: Bradley Buysse-\$40.675, Wyatt Hunt-\$27.934

PUBLIC WORKS: Debra Hanson-Sudbeck-\$30.251

TERMINATIONS:

AIRPORT: Michael Scherschligt

CORN PALACE: Gary Walton

WARRANTS: A&B Business Solutions, Supplies-\$4,731.13; A-Ox Welding Supply, Supplies-\$596.25; AAA Lawn Care and Maintenance, Service-\$650.00; Advance Auto Parts, Supplies-\$47.93; AFSCME Council 65, Union Dues-\$533.45; Agronomy Plus, Supplies-\$82.50; Alivia Siegel, Department of Health Program-\$15.00; Amazon Capital Services, Supplies-\$1,428.98; AT&T Mobility, Utilities-\$443.71; AT&T Mobility, Utilities-\$1,102.55; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,821.15; Automatic Building Control, Alarm Monitoring-\$300.00; Avera Queen of Peace, Supplies-\$233.97; B-Y Water District, Utilities-\$61,357.32; Baker & Taylor, Books-\$668.17; Barr Engineering, 2021-20 P.E. #PH2-27-\$5,592.08; Bechen Electric, Maintenance-\$247.91; Bender's Sewer Cleaning, Maintenance-\$400.00; Big Daddy D's, Contract Services-\$1,836.00; Broad Reach, Books-\$193.60; Brosz Engineering, 2021-39 P.E. #10-\$26,450.00; Buhl's Drycleaners & Linen, Maintenance-\$32.50; Butler Machinery, Supplies-\$279.19; Cadwell Sanford Deibert & Garry, Indoor Pool/Puetz-\$96.00; Center Point Large Print, Books-\$94.08; Century Link, Utilities-\$64.64; Chesterman, Supplies-\$977.90; CHS Farmers Alliance, Supplies-\$2,122.60; City of Mitchell, May 2024 Hotel Tax-\$636.00; CK Bicycles & Locks, Supplies-\$76.00; CMX Excavation, Maintenance-\$11,819.90; Coborns, Contract Services-\$786.50; Column Software, Advertising-\$356.71; Core & Main, Maintenance-\$1,720.00; Core-Mark Midcontinent, Supplies-\$17,764.71; Corporate Translation Service, Translation Services-\$180.99; County Fair, Contract Services-\$1,306.55; Creekside Veterinary Clinic, Supplies-\$100.90; Dakota Pump, Repairs-\$1,263.57; Darrington Water Conditioning, Rental-\$3.00; Davison County Treasurer, Supplies-\$15.00; Davison Rural Water Systems, Utilities-\$98.70; Department of Agriculture, Solid Waste-\$9,527.01; Department of Social Services, Child Support-\$633.69; Doug L Driggs, Repairs-\$4,182.00; Educate Station, Subscription-\$200.00; Elfstrand's Ace Hardware, Supplies-\$59.98; Fedex, Shipping-\$39.98; First Dakota National Bank, TID #20-Morris-\$9,429.17; Fisher Scientific, Supplies-\$1,211.31; Foreman Charters, Bus Trip-\$1,400.00; Gaylen's Gourmet Popcorn, Supplies-\$2,106.00; Grainger, Supplies-\$312.80; Guardian Alliance Technology, Background Checks-\$50.00; Hawkins, Supplies-\$9,896.28; Henry Schein, Supplies-\$620.25; Honda of Mitchell, Supplies-\$744.28; Ican, Advertising-\$725.00; Ingram Library Services, Books-\$334.71; Insurance Benefits, Liability-\$2,703.00; Intellipro Security, Supplies-\$10,807.15; Interstate Office Products, Supplies-\$218.10; James Valley Landscape Solutions, Supplies-\$324.04; Jones, Supplies-\$1,613.42; Jordon Sehnert, CDL Renewal-\$83.00; Karl's, Supplies-\$574.99; Krohmer Plumbing, Maintenance-\$362.25; Lakeview Veterinary Clinic, Supplies-\$974.95; Larry's I-90 Service, Supplies-\$1,019.83; Lighthouse Uniform, Supplies-\$2,695.60; M&T Fire and Safety, Supplies-\$2,907.00; Make it Mine Designs, Supplies-\$49.00; Maximum Promotions, Supplies-\$359.00; McLaury Engineering, 2022-26 P.E. #9-\$30,640.00; McLeod's Printing, Supplies-

\$272.44; Menard's, Supplies-\$1,083.93; Mettler Implement, Repairs-\$275.15; Michelle Bathke, Travel-\$216.46; Mid States Audio, Maintenance-\$1,443.93; Midamerica Books, Books-\$358.35; Midcontinent Communication, Advertising-\$1,494.00; Midwest Oil, Supplies-\$882.28; Midwest Turf & Irrigation, Supplies-\$90.35; Mike Carpentier, CDL Testing-\$150.00; Miner County Auditor, Alcohol Compliance-\$79.32; Mitchell Convention & Visitors, June 2024 Funding-\$20,800.00; Mitchell Iron & Supply, Maintenance-\$342.08; Mitchell School District, Sports Authority Promo-\$700.00; Mitchell United Way, United Way Deductions-\$173.00; Muth Electric, Repair-\$37,448.14; National Independent Health Club, Annual Membership-\$209.00; Northern Lake Service, Lab Tests-\$840.00; Northwestern Energy, Utilities-\$74,783.99; Office Advantage, Supplies-\$26.00; One Source The Background, Background Checks-\$698.00; Overdrive, Ebooks-\$466.12; Overtime, Contract Services-\$2,538.00; Penworthy, Books-\$588.85; Pepsi Cola, Supplies-\$8,148.07; Pkg Contracting, 2021-31 P.E. #23-\$321,999.67; Premier Pest Control, Maintenance-\$375.00; Qualified Presort, Postage-\$397.43; Randall Community Water District, 2024-7 P.E. #4-\$32,723.25; Rempfer Lake Partnership, 2021-18 P.E. #1-\$116,375.00; Rexwinkel Concrete, Maintenance-\$4,000.00; Rice Lake West, 2020-20 P.E. #13-\$975,506.54; Rion, Supplies-\$652.64; Rod Brown, Department Health Program-\$15.00; Rosemarie Hafner, Bus Refund-\$55.00; Runnings Supply, Supplies-\$655.60; S&M Printing, Advertising-\$74.80; Saga Communications of South Dakota, Advertising-\$939.10; Sally Moody, Hydrant Meter Deposit Refund-\$2,000.00; Sanford Health Mitchell, Supplies-\$155.00; Sanitation Products, Supplies-\$5,468.63; Santel Communications, Utilities-\$30.00; Schumacher Elevator, Service Call-\$996.00; South Dakota Police Chiefs', Supplies-\$544.35; South Dakota-Supplemental Retirement, Supplemental Retirement-\$2,894.50; South-Supplemental Roth 457, Roth 457 Contributions-\$1,787.50; Shannon Lerew, Department Health Program-15.00; Sherwin-Williams, Supplies-\$108.09; Shi International, License-\$531.90; Shive-Hattery, 2023-3 P.E. #5-\$2,336.80; Sign Solutions USA, Supplies-\$1,994.22; Spencer Quarries, 2024-10 P.E. #2-\$11,327.55; Standard Insurance, Life Insurance-\$422.74; Staples, Supplies-\$144.73; Sturdevants Auto Value, Supplies-\$2,477.24; Sun Gold Sports, Supplies-\$1,908.78; Teamsters Local No. 120, Union Dues-\$1,459.00; Tessier's, Supplies-\$211.60; Tessman, Supplies-\$2,486.20; The Dugout, Contract Services-\$2,019.00; Thomson Reuters-West, Subscription-\$824.82; Thune True Value & Appliance, Supplies-\$241.62; Titan Machinery-Mitchell, Supplies-\$3.03; TMA Stores, Supplies-\$34.30; Uline, Supplies-\$138.49; Upper Midwest Garage Door, Maintenance-\$903.06; UPS Store #4227, Postage-\$842.41; US Bank, Administration Charge-\$660.00; Van Wall Equipment, Supplies-\$939.79; Verizon Wireless, Utilities-\$796.82; Vern Eide Chevrolet GMC, Repairs-\$448.70; Vern Eide Ford, Supplies-\$336.88; Vestis, Supplies-\$151.41; Walmart/Capital One, Supplies-\$475.00; Wisconsin Child Support, Garnishment-\$395.58; Zacharias Construction, 2024-9 P.E. #1-\$251,250.00; The Safe Place of Eastern South Dakota. Grant #2021-106-CV-\$137895.93; US Bank-Bond Payments-\$245,411.17

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 commented that the city was busy this past weekend with baseball, tennis, and golf tournaments.

Council Member Tim Goldammer wished everyone a Happy Father's Day! and noted that he stopped out at the new rodeo grounds this past weekend and it looks fantastic and cannot wait to attend.

Council Member Susan Tjarks is very excited that 3rd & Main is open. Public Works Director Joe Schroeder stated that the work on Main and Railroad will begin in August.

Mitchell resident, Mike Vehle and Joe Kippes, representing Friends of Firesteel, thanked Mayor Everson for all of his work since 2018 and for his commitment to the lake and finding a solution to the problem.

Council Members Kevin McCardle, Jeff Smith, and Marty Barington thanked Mayor Everson for his last 6 years, bringing professionalism to City Hall, and leaving on a positive note. Barington also presented Mayor Everson with a key to the City.

RESOLUTION:

Moved by Tjarks, seconded by Smith, to approve Resolution #R2024-43, a Resolution Approving Honoric Naming of City Land, as follows:

RESOLUTION #R2024-43

Honorific Naming of City Land

WHEREAS, the Mitchell City Council adopted a Naming policy for the City of Mitchell in Resolution R2018-12;

WHEREAS, the Naming Policy allows the City Council to approve honorific naming for City land, facilities, and amenities if approved by resolution and adopted with a majority vote of the Council;

WHEREAS, John & Linda McLeod have made significant contributions in enhancing the quality of life and well-being of the City in the improvements made at Lake Mitchell including:

- Coordination of volunteers to implement the forestry plan as adopted by the Park & Recreation Board;
- Donation & planting of new trees at Lake Mitchell;
- Building & grounds improvements made to the Sportsman's Club; and &
- Building & grounds improvements made to the Day Camp.

WHEREAS, the City Council believes these contributions are significant, and warrant the honorific naming in honor of those contributions;

WHEREAS, according to the Policy outlined in Resolution R2018-12, honorific namings are in place for fifteen years from the date of the passage of the approving resolution;

NOW THEREFORE, BE IT RESOLVED that the area between the Sportsman's Club and the Pre-Historic Indian Village as shown in the enclosed map be named the John & Linda McLeod Park in honor of the contributions made by the McLeods to Lake Mitchell and the Mitchell Community.

Motion carried and resolution declared duly adopted.

BOARD OF ADJUSTMENT:

Moved by Goldammer, seconded by Tjarks, 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 Zion Lutheran Church for a signage variance for maximum total square feet of signage of 40 square feet vs 16 square feet located at 601, 605, and 611 East 4th Avenue (620 East 3rd Avenue existing church address), legally described as Lots 5-7, Block 32, 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. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Terry Rietveld for a variance for accessory buildings of 2,640 square feet vs 2,000 square feet to build a new accessory building of 1,440 square feet located on the lot between 84 and 92 South Harmon Drive, legally described as Lot 2, Block 4, 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 Sabers, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Arlen Schuh for a conditional use permit for self-service storage facility with varying compartment sizes located at 1910 North Foster, legally described as W 425' of N 240.42' of Lot A-2 except S 105' all in Skyline Estates in the NW ¼ of Section 14, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The property is zoned R4 High Density Residential District. The Planning Commission recommended approval of said application. Moved by McCardle, seconded by Sabers, to approve said application. Motion carried.

Moved by Goldammer, seconded by Barington, to set date for July 1, 2024 on the application of Tor Tovsland for a variance for accessory buildings of 2,640 square feet vs 2,000 square feet to build a new accessory building of 1,440 square feet located at 1312 Roland Lane, legally described as Lot 3, Block 4, Firesteel Heights Subdivision, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Goldammer, seconded by Sabers, to set date for July 1, 2024 on the application of Mike Royston for a front yard variance of 17' vs 25' to build a 16' x 26' attached garage located

at 412 South Iowa, legally described as Lot 9A and South 20' of Lot 10A, Block 22, Railroad Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Smith, seconded by Tjarks, to set date for July 1, 2024 on the application of Angie Moon for a conditional use permit to operate a family residential daycare located at 1024 Palmer Place, legally described as Lot 2 & West 13' of Lot 3, Block 1, Cedar Heights Subdivision, 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.

HEARING:

It was advised that this is the date and time set for hearing on the application of the Corn Palace Shrine Club for a Special Event Liquor License located at The Masonic Hall on July 6, 2024 for a wedding. Notice of hearing has been given and affidavit of publication is on file. Moved by Goldammer, 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 the Corn Palace Shrine Club for a Special Event Liquor License located at The Masonic Hall on July 27, 2024 for a fundraiser. Notice of hearing has been given and affidavit of publication is on file. Moved by Goldammer, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of the Corn Palace Stampede Inc. for a Special Event Liquor License located at 6320 North Ohlman Street on July 18-21, 2024 for the Corn Palace Stampede Rodeo. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Goldammer, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Smith, seconded by McCardle, to approve the Special Event Application for Mitchell Open Disc Golf Tournament on Saturday, July 20, 2024 with no waiver of fee. Motion carried.

Moved by Smith, seconded by Tjarks, to approve the Special Event Application for The 437 Project on Saturday, September 21, 2024 with the permit fee waived as requested. Motion carried.

Moved by McCardle, seconded by Barington, to approve the Cadwell Press Box contingency funding request in the amount of \$16,257.82. Motion carried.

Moved by McCardle, seconded by Tjarks, to approve the purchase of two Ford transit vans from South Dakota federal Surplus with the City's local match in the amount of \$9,620.00. Motion carried.

Moved by Goldammer, seconded by Tjarks, to approve Agreement #A2024-25, Tornado Room at Lake Mitchell Campground Design Services with Larry Jirsa, AIA Architect in the amount of \$48,990.00. Motion carried.

Moved by Smith, seconded by Goldammer, to approve Agreement #A2024-28, Fuel Tax Funds Financial Assistance Agreement AP0037-2024 for 2024 with the South Dakota Department of Transportation. Motion carried.

Moved by Sabers, seconded by Bathke, to approve Agreement #A2024-29, MLC Addition Special Assessments with SPN & Associates in the amount of \$23,500.00. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on improvements to the City's wastewater treatment facility. Public Works Director Joe Schroeder reviewed the details of the project. The funds could be either a grant from the state Consolidated Water Facilities Construction Program or a loan from the Clean Water State Revolving Fund Program. The City is seeking up to \$13,000,000.00 from the program, the expected loan term is 30 years at 3.75%.

RESOLUTIONS:

Moved by Barington, seconded by Tjarks, to approve the additional funds request application and Resolution #R2024-38, Authorizing Application to State of South Dakota State Revolving Fund, as follows:

RESOLUTION #R2024-38

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS the **City of Mitchell** (the "City") has determined it is necessary to proceed with improvements to the city's wastewater treatment facilities (the "Project"); and

WHEREAS the City has received funding for the project from the South Dakota Board of Water and Natural Resources; and

WHEREAS the City has determined that additional financial assistance will be necessary to undertake the Project and an application for the additional financial assistance to the South Dakota Board of Water and Natural Resources is being prepared; and

WHEREAS it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed **\$13,000,000** to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Motion carried and resolution declared duly adopted.

AWARD BID:

Bids were opened and read on South Wastewater Treatment Plant Phase II Project #2022-01 on the 30th day of May, 2024. Moved by Sabers, seconded by Tjarks, to award contingent on DANR approval, as follows:

**SOUTH WASTEWATER TREATMENT PLANT-PHASE II
PROJECT #2022-01**

John T. Jones Construction Company, 2213 7th Ave. N., Fargo, ND 58102

Bid Schedule A	\$30,036,000.00
Alternate 1	\$ 986,500.00
Alternate 3	\$ 306,250.00

First Rate Excavate, Inc., 1509 East 39th St N, Sioux Falls, SD 57104

Bid Schedule B	\$ 619,478.00
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Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Sabers, to approve Resolution #R2024-40, Plat of Tracts 1, 2, 3 and 4 in Lot 1-A, Block C of Westview Addition in the SE ¼ of Section 20, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2024-40

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 10th day of June, 2024; and

WHEREAS, it appears from an examination of the PLAT OF TRACTS 1, 2, 3 AND 4 IN LOT 1-A, BLOCK C OF WESTVIEW ADDITION IN THE SE 1/4 OF SECTION 20, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 TRACTS 1, 2, 3 AND 4 IN LOT 1-A, BLOCK C OF WESTVIEW ADDITION IN THE SE 1/4 OF SECTION 20, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas Lynn Week, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Barington, to approve Resolution #R2024-41, Plat of Lot AB, Block 1 of Lakeridge Addition, a subdivision of Irregular Tract No. 1 in the NW ¼ of Section 10, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION #R2024-41

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 10th day of June, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOT AB, BLOCK 1 OF LAKERIDGE ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 1 IN THE NW 1/4 OF SECTION 10, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, 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 AB, BLOCK 1 OF LAKERIDGE ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 1 IN THE NW 1/4 OF SECTION 10, T 103 N, R 60 W OF THE 5TH P.M., CITY

OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, 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.

HEARING:

It was advised that this is the date and time set for hearing on creation of the Davison County Regional Railroad Authority. City Administrator Stephanie Ellwein opened the hearing for public comment. Mitchell resident, Steve Sibson, spoke against the creation of the regional rail authority. Davison County Commissioner John Claggett, also commented on the creation of the regional rail authority and its benefits. There were no other comments, Ellwein closed the hearing.

RESOLUTIONS:

Moved by Goldammer, seconded by Tjarks, to approve Resolution #R2024-42, A Resolution Authorizing an Agreement to Create the Davison County Regional Railroad Authority, Appointing Initial Members, and Authorizing the Execution Thereof, as follows:

RESOLUTION #R2024-42

A RESOLUTION AUTHORIZING AN AGREEMENT TO CREATE THE DAVISON COUNTY REGIONAL RAILROAD AUTHORITY, APPOINTING INITIAL MEMBERS, AND AUTHORIZING THE EXECUTION THEREOF.

WHEREAS, a public hearing was held June 17, 2024, after public notice thereof was published in the official newspaper of the City on May 29, 2024; and

WHEREAS, the public was given opportunity to give public comment on the creation of a rail authority; and

WHEREAS, the City finds and does hereby declare it necessary for the creation of a rail authority.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota (the "City"), as follows:

1. Authorization of Agreement. The City does hereby authorize the execution of an agreement by and between the City of Mitchell and Davison County in substantially the form on file with the finance officer and open to public inspection.

2. Authorization of Officers. The Mayor and Finance Officer are authorized to take such action as they deem necessary to carry out the intent of this resolution, including but not limited to the execution of the agreement described herein.
3. Designation of persons representing City. The following individuals are appointed as the initial representatives of the City to act as commissioners under the agreement:
 - a. Jeff Smith
 - b. Mike Bathke
 - c. Mike Lauritsen

Motion carried and resolution declared duly adopted.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Smith, to approve Transfer of Entitlements in the amount of \$260,000.00 to the State of South Dakota Department of Transportation and to authorize contingency funds for the city's contribution in the amount of \$15,000.00. Motion carried.

ORDINANCE:

Moved by Goldammer, seconded by Sabers, to place Ordinance #O2024-05, Rezoning of Lot 7A & Lots 8-12 & North ½ of Vacated Railroad ROW Lying South of & adjacent to said Lots & West ½ of vacated Langdon St, All in Block 16, D. A. Scotts 1st Addition, City of Mitchell, Davison County, South Dakota; Northerly 13.6' of Lots 1-6, Block 1 & West ½ of vacated Langdon St & South ½ of vacated Railroad ROW lying North and adjacent to said Lots & West ½ of vacated Langdon St, M.H. Rowley's First Addition, City of Mitchell, Davison County, South Dakota; Lots A, B & C, Block 1, M.H. Rowley's First Addition, City of Mitchell, Davison County, South Dakota; West 12.19' x South 153.5' of Lot 4 & East 13' x South 153.5' of Lot 5, Block 1, M.H. Rowley's First Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District on first reading. Motion carried.

EXECUTIVE SESSION:

Moved by Tjarks, seconded by Barington, to go into Executive Session as permitted by SDCL 1-25-2(3) Legal. Motion carried.

Mayor Everson declared the board out of executive session at 7:59 p.m. and the City Council to reconvene in regular session at 8:00 p.m.

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 _____.