

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

**July 1, 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 Jordan Hanson

Council Members John Doescher and Susan Tjarks are both present by phone.

OATH OF OFFICE:

Judge Patrick Smith issued the Oath of Office to City Council Members: Ward 1-Dan Sabers, Ward 2-Kevin McCardle, Ward 3-Marty Barington, Ward 4-Jeff Smith and Mayor-Jordan Hanson.

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF COUNCIL:

Mayor Hanson called for nominations for President and Vice-President of the City Council.

Moved by Bathke, seconded by Sabers, to nominate Kevin McCardle as President. Moved by Smith, seconded by Tjarks, to nominate Marty Barington as President. Moved by Goldammer, seconded by Bathke, to close nominations. Motion carried. Roll call vote: Sabers-McCardle, Goldammer-Barington, Doescher-McCardle, McCardle-McCardle, Barington-Barington, Bathke-McCardle, Tjarks-Barington, Smith-Barington. Tied vote 4-4. Moved by Tjarks, seconded by Sabers, to reopen nominations. Motion carried. Moved by Sabers, seconded by McCardle, to nominate Tim Goldammer as President. Moved by Goldammer, seconded by Bathke, to allow public comment. Motion carried. Moved by Bathke, seconded by Goldammer, to close nominations. Motion carried. Roll call vote: Doescher-McCardle, McCardle-McCardle, Barington-Barington, Bathke-McCardle, Tjarks-Barington, Smith-Barington Sabers-McCardle, Goldammer-Barington. Tied vote 4-4. Moved by Bathke, seconded by Smith, to break the tie with a coin flip by the Mayor, heads-Marty Barington wins, tails-Kevin McCardle wins. Members present voting aye: Barington, Bathke, Doescher, Goldammer, McCardle, Smith, Tjarks. Members present voting nay: Sabers. Motion carried. The coin flip is tails, Kevin McCardle wins President of City Council.

Moved by McCardle, seconded by Goldammer, to nominate Marty Barington as Vice-President. Moved by Goldammer, seconded by McCardle, to close nominations. Members present voting

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

AGENDA:

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

- a. City Council Minutes
 - 1. City Council June 17, 2024
- b. Committee Reports
 - 1. Planning Commission June 10, 2024
 - 2. Planning Commission June 24, 2024 (unsigned)
- c. Raffle Permits
 - 1. 301 Rodz with the drawing to be held September 21, 2024
 - 2. Mitchell Arts in the Park with the drawing to be held July 28, 2024
 - 3. Mitchell Arts in the Park with the drawing to be held July 26-28, 2024
- d. Surplus fax machine from Finance Office to be sold on Purple Wave.
- e. City of Mitchell Volunteer List
- f. Acceptance of 2024 SD Department of Health Regional Services Designation Grant
- g. Contingency funding request for Recreation Center pool area HVAC repairs in the amount of \$20,000.00
- h. Fireworks permit request for P&J Pyrotechnics 4th of July display
- i. Change Order #3 for Concrete Schedule A Project #2023-04 increasing the contract amount by \$37,198.00 to Top Grade Concrete, adjust contract amount to \$199,339.14
- 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>
On Road Diesel #2	3,200	3,200	\$2.8025	\$8,968.00
Off Road Diesel #2	4,300	4,300	\$2.5275	\$10,868.25
Total Bid:				\$19,836.25

- k. Pay Estimates July 1, 2024
 - Pay Estimate #39 in the amount of \$41,704.91 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
 - Pay Estimate #10 in the amount of \$1,578.00 for Above Ground Storage Tank #2020-20 contracted to GeoTek Engineering
 - Pay Estimate #1 in the amount of \$246,878.60 for East Spruce Street #2021-39 contracted to Rexwinkel Concrete
 - Pay Estimate #17 in the amount of \$1,650.08 for Recycling Building #2021-30 contracted to Helms & Associates
 - Pay Estimate #18 in the amount of \$1,050.00 for Recycling Building #2021-30 contracted to Helms & Associates

Pay Estimate #17 in the amount of \$91,557.25 for Wastewater Treatment Plant-Phase II #2022-01 contracted to HDR Engineering

Pay Estimate #15 in the amount of \$1,777.50 for 23rd & Ohlman Lift Station #2022-03 contracted to SPN & Associates

Pay Estimate #17 in the amount of \$121.25 for 1st & Main/7th & Main Signals #2022-08 contracted to HR Green

Pay Estimate #17 in the amount of \$1,253.75 for South Lake Estates Development #2022-23 contracted to SPN & Associates

Pay Estimate #2 in the amount of \$215,676.81 for 3rd & Main Streetscape #2022-26 contracted to Schoenfelder Construction

Pay Estimate #8 in the amount of \$5,625.00 for Cadwell Park Press Box #2022-34 contracted to Rexwinkel Concrete

Pay Estimate #12 in the amount of \$7,652.50 for Jetty & Marina Bike Trail #2023-03 contracted to Brosz Engineering

Pay Estimate #6 in the amount of \$28,125.00 for Concrete Bid #2023-04 contracted to Top Grade Concrete

Pay Estimate #12 in the amount of \$1,347.50 for North Harmon Sanitary Sewer Outfall #2023-06 contracted to SPN & Associates

Pay Estimate #12 in the amount of \$1,500.17 for West Harmon Watermain Loop #2023-07 contracted to SPN & Associates

Pay Estimate #12 in the amount of \$9,636.93 for 12th & 13th Avenue Watermain Loop #2023-08 contracted to SPN & Associates

Pay Estimate #14 in the amount of \$1,551.25 for Ohlman & South Harmon Lift Station #2023-16 contracted to SPN & Associates

Pay Estimate #1 in the amount of \$6,000.00 for Airport Tracking System #2024-25 contracted to VirTower

Pay Estimate #3 in the amount of \$1,670.00 for Old Landfill Leachate Monitoring #2024-28 contracted to GeoTek Engineering

Pay Estimate #3 in the amount of \$2,740.00 for New Landfill Monitoring #2024-29 contracted to GeoTek Engineering

Pay Estimate #36 in the amount of \$1,859.81 for AIP '28 Airport ALP/Master Plan contracted to Helms & Associates

Pay Estimate #4 in the amount of \$928.08 for AIP '32 Airport Hangar Design contracted to Helms & Associates

I. 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 JUNE 9, 2024 – JUNE 22, 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 \$14,400.28, Human Resources \$4,379.83, Municipal Building \$3,744.57, Information Technology \$3,286.77, Police \$76,779.29, Traffic \$6,412.36, Fire \$45,756.73, Street \$35,765.88, Public Works \$25,399.95, Cemetery \$7,244.37, Library \$20,386.01, Recreation & Aquatics \$30,384.50, Recreation Center \$17,619.32, Sports Complexes \$19,325.38, Ballpark Concessions \$870.38, Parks \$22,287.08, Supervision \$6,441.15, Corn Palace \$27,393.55, E911 \$25,165.44,

Palace Transit \$34,506.61, JVCC \$2,234.87, Nutrition \$4,546.09, Water Distribution \$16,307.82, Sewer \$18,960.23, Recycling Program \$7,945.13, Waste Collection \$7,211.42, Landfill \$10,813.32, Golf Course \$8,453.91, Campground \$2,426.40, Emergency Medical Services \$38,410.39

NEW HIRES:

E-911: Almitra O'Day-\$22.477

FIRE: Michael Bartell-\$20.669

PARKS: Tesa Olson-\$12.70

RECREATION & AQUATICS: Lauren Anderson-\$15.70, Raeana Eggert-\$13.70, Elise Foster-\$11.70, Allison Gukeisen-\$15.20, Hannah Hetland-\$14.20, Avrie London-\$13.70, Reegan Nydam-\$15.70, Treyson Schulz-\$15.70, Mackenzie Stange-\$15.20, Ella Ziegeldorf-\$13.70

RECREATION CENTER: Grace Baysinger-\$13.70, Addison Ducheneaux-\$13.70, Camden Groepper-\$13.70, Bailey Henkel-\$12.70, Delana Henkel-\$15.70, Morgan Hoffman-\$14.70, Trell Kaupp-\$13.70, Jennifer Krause-\$13.70, Jack Lentz-\$12.70, Macey Linke-\$14.20, Kean Mimmack-\$13.70, Colin Pickett-\$12.70, Emma Plamp-\$13.70, Mikayla Ratigan-\$13.70, Joseph Tegethoff-\$14.70, Tristen Zimmer-\$13.70

SPORTS COMPLEXES: Dayton Adams-\$12.70

STREET: Gavyn Degen-\$14.70

SALARY ADJUSTMENTS:

CORN PALACE: Michael Leach-\$22.477, Kady Turner-\$12.20

FIRE: Luke Ruml-\$26.213

POLICE: Daniel Kopfmann-\$36.859

PUBLIC WORKS: Jonathon Thurman-\$28.493

RECYCLING: Travis Platt-\$26.863

SPORTS COMPLEXES: Roger Prewett-\$29.070

TERMINATIONS:

LIBRARY: Ada Morales

PALACE TRANSIT: Patti Goudy

WARRANTS: A-Ox Welding Supply, Supplies-\$200.55; A.T. Emblem, Supplies-\$307.45; AAA Collections, Collection Fees-\$129.81; AFLAC, Aflac Withholding-\$11,068.61; AFSCMD Council 65, Union Dues-\$533.45; Al's Engraving, Name Plate-\$17.90; Amazon Capital Services, Supplies-\$1,505.28; Americinn Fort Pierre, Travel-\$363.98; Aqua-Pure, Supplies-\$3,487.50; AT&T Mobility, Utilities-\$1,096.22; Auto Body Specialties, Repair-\$61.60; Avera Occupational Medicine, Testing-\$5,485.00; Avera Queen of Peace, Supplies-\$164.19; Axon Enterprise, Training-\$ 990.00; Baker & Taylor, Books-\$59.98; Bechen Electric, Maintenance-\$864.22; Bender's Sewer Cleaning, Maintenance-\$6,005.00; Big Daddy D's, Contract Services-\$6,603.30; Brendan J Poore, Reimbursed-\$150.01; Brosz Engineering, 2023-3 P.E. #12-\$7,652.50; Builders First Source, Repair-\$308.00; Butler Machinery, Supplies-\$1,366.92; C&B Operations, Supplies-\$359.07; Carquest Auto Parts, Supplies-\$10.79; Casey Tegethoff, Reimbursed-\$307.56; Central Electric, Utilities-\$12,879.04; Century Link, Utilities-\$13.64; Chelsea Scholten, Deposit Refund-\$2,000.00; Chesterman, Supplies-\$759.00; CHS Farmers Alliance, Supplies-\$7,904.36; City of Mitchell, Utilities-\$33,640.11; City of Mitchell, Golf Course Deductions-\$1,291.28; City of Mitchell, Recreation Deductions-\$2,417.54; CK Bicycles & Locks, Supplies-\$125.00; Column Software, Advertising-\$500.44; Commercial Asphalt, Supplies-\$6,293.00; Confluence, Community Project-\$3,899.16; Core & Main, Supplies-\$17,113.50; Core-Mark Midcontinent, Supplies-\$12,931.78; Corn Palace, Supplies-\$29.50; Cummins Sales & Service, Maintenance-\$874.95; Dakota Data Shred, Shredding Service-\$176.53; Dakota Fluid Power, Supplies-\$60.19; Dakota Green Landscape, Improvements-\$1,007.64; Dakota Pump, Supplies-\$2,917.82; Dakota Supply Group, Supplies-\$863.71; Darrington Water Conditioning, Rental-\$14.10; Davison County Register of Deeds, Solid Waste Grant-\$7.00; Davison County Treasurer, Titles-\$100.00; Debra Jones, Repairs-\$720.00; Delta Dental Plan of South Dakota, Dental Insurance-\$16,251.06; Department of Social Services, Child Support-\$633.69; Dimock Dairy, Supplies-\$396.00; Doug L Driggs, Repairs-\$1,192.38; Dr. Matthew Schafer, Professional Service-\$1,500.00; Elfstrand's Ace Hardware, Supplies-\$385.91; Elliott Equipment, Supplies-\$467.02; Environmental Equipment & Service, Supplies-\$981.84; Eric Hieb, Contract Services-\$7,774.21; Eurofins Environment Testing, Testing-\$5,540.00; First National Bank Omaha, Cash Back Redemption-\$13,713.50; Fisher Scientific, Supplies-\$531.17; Forum Communications, Advertising-\$1,309.00; Geotek Engineering & Testing, 2020-20 P.E. #10-\$5,988.00; Government Finance Officer, Membership-\$190.00; Grainger, Supplies-\$58.68; Hawkins, Chemicals-\$14,577.55; HDR Engineering, 2022-1 P.E. #17-\$91,557.25; Heiman, Supplies-\$2,411.00; Helms and Associates, 2021-30 P.E. #17-\$5,487.97; Henry Schein, Supplies-\$846.12; Hohn's Carpet Cleaning, Supplies-\$405.00; Howes Oil, Supplies-\$38,468.08; HR Green, 2022-8 P.E. #17-\$121.25; Identisys, Supplies-\$783.40; Infrastructure Design Group, 2020-20 P.E. #39-\$41,704.91; Ingram Library Services, Books-\$202.46; Innovative Office Solution, Supplies-\$519.00; Interstate Glass & Door, Repair-\$354.61; Interstate Office Products, Supplies-\$293.05; Iverson Chrysler Center, Rental-\$69.95; James Valley Landscape Solutions, Supplies-\$12,659.84; John Hegg, Travel-\$351.34; Jones Supplies, Supplies-\$2,078.52; Justin Stoltenburg, Travel-\$20.00; Kyle McLaughlin, Travel-\$20.00; Lakeview Golf Course, Supplies-\$5,177.25; Larry's I-90 Service, Maintenance-\$920.14; Lawson Products, Supplies-\$90.90; Leighton Family Farms, Supplies-\$811.00; Lewis Family Drug, Supplies-\$56.94; Light & Siren, Supplies-\$2,103.00; Locators and Supplies, Supplies-\$481.85; Marilyn Jansen, Uniform Reimburse-

\$106.98; MC&R Pools, Supplies-\$167.98; McLeod's Printing, Supplies-\$1,130.58; Mebius Nursery & Landscaping, Repair-\$1,428.00; Menard's, Supplies-\$2,067.53; Messerli & Kramer, Garnishment-\$324.39; Microsoft, Subscription-\$910.00; Midcontinent, Advertising-\$233.08; Midwest Fire & Safety, Service-\$1,372.00; Midwest Laboratories, Testing-\$1,278.05; Midwest Oil, Supplies-\$526.51; Midwest Turf & Irrigation, Supplies-\$1,377.12; Millennium Recycling, Single Stream Fee-\$703.85; Mitchell Concrete Product, Supplies-\$90.00; Mitchell Iron & Supply, Supplies-\$388.55; Mitchell Prehistoric Indian Village, 2024 3rd Quarter Allocation-\$4,750.00; Mitchell School District, Utilities-\$1,848.12; Mitchell United Way, United Way Deductions-\$173.00; Motorola Solutions, Supplies-\$57,341.52; Mueller Lumber, Supplies-\$13.99; N-Able Technologies, Supplies-\$164.56; Nagel Painting, Capital Equipment-\$12,240.00; Napa Central, Supplies-\$444.60; Nedved Media, Advertising-\$3,150.00; Nepstads Flower Shop, Supplies-\$123.20; Newvision Security, Alarm Monitoring-\$227.00; Northwest Pipe Fittings, Maintenance-\$5,693.28; Northwestern Energy, Utilities-\$15,039.46; Overdrive, Ebook-\$122.50; Paulson Sheet Metal, Supplies-\$2.29; Pepsi Cola, Supplies-\$3,276.27; Pictometry International, Service-\$11,763.54; Premier Equipment, Supplies-\$432.68; Premier Pest Control, Maintenance-\$400.00; Qualified Presort, Postage-\$420.65; Quick Med Claims, Supplies-\$2,282.18; Ralph E and Pamela K Kiner, Land Purchase-\$200,000.00; Range Servant America, Maintenance-\$219.00; Rexwinkel Concrete, 2021-39 P.E. #1-\$252,503.60; Runnings Supply, Supplies-\$2,189.53; S&M Printing, Supplies-\$780.00; Schmucker, Paul, Nohr, 2022-23 P.E. #17-\$17,067.10; Schoenfelder Construction, 2022-26 P.E. #2-\$215,676.81; Schoenfelder Portables, Rentals-\$360.00; South Dakota Department of Transportation, Supplies-\$1,007.40; South Dakota Federal Property Agency, Supplies-\$259.00; South Dakota Municipal League, Meeting-\$50.00; South Dakota Public Assurance Alliance, Addition Ambulance Coverage-\$1,288.87; South Dakota Retirement System, South Dakota Retirement-\$123,037.62; South Dakota Retirement System Special Pay Plan, Supplemental Retirement-\$3,788.33; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$1,787.50; Sherwin-Williams, Supplies-\$2,008.44; Sign Pro, Supplies-\$45.00; Sign Solutions USA, Supplies-\$3,992.95; Siteone Landscape Supply, Chemicals-\$2,352.50; South Dakota 811, Professional Service-\$338.10; Stan Houston Equipment, Supplies-\$177.44; Standard Insurance, Life Insurance-\$2,765.00; Staples, Supplies-\$2,063.27; Stryker Sales, Supplies-\$1,128.05; Sturdevants Auto Value, Supplies-\$3,999.12; Subway, Meals-\$79.90; Sun Gold Sports, Supplies-\$372.00; Tessier's, Repairs-\$579.33; Thune True Value & Appliance, Supplies-\$310.38; Titan Machinery, Supplies-\$237.42; Titze Electric & Remodeling, Repair-\$458.47; TMA Stores, Repair-\$648.58; Top Grade Concrete, 2023-4 P.E. #6-\$28,125.00; Traffic Control, Repair-\$1,199.00; Transource, Supplies-\$2,224.73; Trimax Mowing Systems, Maintenance-\$411.79; UPS Store #4227, Shipping-\$12.67; USA Bluebook, Supplies-\$0.00; Van Diest Supply, Supplies-\$14,073.25; Verizon Wireless, Utilities-\$360.09; Vern Eide Chevrolet GMC, Towing-\$205.00; Vestis, Supplies-\$262.52; Virtower, 2024-25 P.E. #1-\$6,000.00; Walmart/Capital One, Supplies-\$63.19; Wisconsin Child Support, Garnishment-\$395.58; Xtreme Fire Protection, Capital Improvements-\$37,000.00; Yamaha Golf & Utility, Repair-\$321.54; AAA Collections, Refunds-\$1,574.43; City of Mitchell, Refunds-\$274.09; First Dakota National Bank, Loan Payment TID #19-\$12,584.43; Avera Payment Center, Refund-\$112.63; South Dakota Department of Revenue, Sales Tax-\$33,394.96; Gregg Schmit, Refund-\$522.60

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 reminded the public that this Friday, July 5th is First Fridays.

Council Member Mike Bathke asked what the cost of spraying mosquitos is. Park & Recreation Director Kevin Nelson stated the cost was \$2,000.00 and said they would be spraying again on Tuesday night, July 2nd.

Council Member Tim Goldammer reminded the public that there will be a Farmer's Market held on Wednesday evening at Hitchcock Park.

Phil Lee, owner of TK Electric, stated he had 12 inches of water in his business and was disappointed in the city's infrastructure.

Mitchell resident, Bruce Trebil, who lives near Dry Run Creek said he has flooded four times in 48 years and something needs to be done with Dry Run Creek and the bridges.

Council Member Jeff Smith stated he would like the City Council to meet on Monday, July 8th to discuss selling additional lake lots. The meeting will be held at 5:30 p.m.

Council Member Kevin McCardle asked what the backup plan is for spraying mosquitos if Tuesday night does not work out. Park & Recreation Director Kevin Nelson stated they would then try spraying on Wednesday evening.

Council Member Marty Barington congratulated Police Chief Mike Koster on his upcoming retirement on July 5th.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of 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. Application has been withdrawn.

It was advised that this is the date and time set for hearing 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. The property is zoned R2 Single Family

Residential District. The Planning Commission recommended denial of said application. Moved by Smith, seconded by Bathke, to deny said application. Moved by Smith, seconded by Tjarks, to amend motion to approve said application. Members present voting aye: Goldammer, McCardle, Tjarks. Members present voting nay: Barington, Bathke, Doescher, Sabers, Smith. Motion failed.

It was advised that this is the date and time set for hearing 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. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application with the conditions the permit is non-transferable, if the business ceases to operate for six months, a new application would be required, and pass a fire inspection. Moved by Barington, seconded by Tjarks, to approve said application with Planning Commission recommendations. Motion carried.

Moved by Barington, seconded by Goldammer, to set date for July 15, 2024 on the application of Darla Kummer for a conditional use permit to operate a family residential daycare located at 1503 South Miller Street, legally described as N 130' of Lot 16A, Block 16, Sunnyside Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

HEARING:

It was advised that this is the date and time set for hearing on the application of the 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. Notice of hearing has been given and affidavit of publication is on file. 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 to 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 Rodriguez dba Puerto Vallarta, 905 East Spruce Street. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Bathke, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Sabers, seconded by Goldammer, to approve the Special Event Application for Tour de Corn on Saturday, August 17, 2024 with fees waived as requested. Motion carried.

Moved by McCardle, seconded by Barington, to approve the Special Event Application for the Corn Palace Festival on Tuesday, August 20, 2024 through Monday, August 26, 2024 with the fees waived as requested. Motion carried.

Moved by Sabers, seconded by Barington, to approve the Office of Economic Development Administration Certificate as to site, right of ways, and easements for the Lake Mitchell Marina Project. Motion carried.

Moved by McCardle, seconded by Sabers, to approve Agreement #A2024-30, TIF #35 Developer Agreement. Motion carried.

Moved by Barington, seconded by Smith, to approve Agreement #A2024-31, Permanent Easement with Robert Young and Norman Schoenfelder for EDA Sidewalk for Jetty and Trail Project #2023-03. Motion carried.

Moved by Barington, seconded by McCardle, to approve Agreement #A2024-32, Proposed Engineering Services with SPN & Associates for Pickleball Courts Project #2023-14 in the amount of \$53,000.00. Motion carried.

Council Member Doescher is now present in person.

Moved by Goldammer, seconded by Barington, to approve Amendment #2 to Agreement #A2021-07, Construction Services with Infrastructure Design Groups Inc. for Livesay Lane Utility Improvements in an amount not to exceed \$14,292.00. Motion carried.

RESOLUTIONS:

Moved by Smith, seconded by McCardle, to approve Resolution #R2024-44, A Resolution Designating the City Administrator as the City Council's Representative for Union Negotiations & Labor Contract Issues, as follows:

Resolution #R2024-44

A Resolution Designating the City Administrator as the City Council's Representative For Union Negotiations & Labor Contract Issues

WHEREAS, there are three union organizations that represent City employees, these unions include: AFSCME for general employees, IAFF for Firefighters, and TEAMSTERS for Police; and

WHEREAS, these unions are requesting the commencement of negotiations for 2025;

WHEREAS, the contract agreements require approval by the Mitchell City Council;

WHEREAS, the Mitchell City Council has included the responsibility of negotiations and labor contract management into the City Administrator position when it was created and approved in 2015;

WHEREAS, the Mitchell City Council would like to confirm and formally delegate these responsibilities through approval of this resolution;

THEREFORE BE IT RESOLVED, that the City Administrator be appointed as the lead negotiator and contact for all negotiations and labor contract issues.

Motion carried and resolution declared duly adopted.

Council Member Tjarks has left the meeting.

Moved by McCardle, seconded by Goldammer, to approve Resolution #R2024-45, Creating Tax Incremental District #36 and Approving Project Plan, as follows:

RESOLUTION R2024-45

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

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Thirty-Six (TID 36) 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 June 24, 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-Six 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 July 1, 2024, the City of Mitchell Tax Incremental District Number Thirty-Six (TID 36). TID 36 is legally described as follows:

Lots 3 through 6, Block 14, and vacated alley abutting, and Lots 8 through 10, Block 15, and vacated alley abutting, of Indian Head Third Addition to the City of Mitchell;

Lots 22 through 46, Block 5 and Lots 1 through 5, Block 6 of South Lake Estates Subdivision to the City of Mitchell;

That portion of South Harmon Drive R-O-W that aligns with Dakota Avenue R-O-W extended;

That portion of Dakota Avenue R-O-W lying between the Westerly R-O-W of South Harmon Drive and the Easterly R-O-W of Indian Head Drive;

That portion of Indian Head Drive R-O-W that aligns with the Northerly R-O-W of Dakota Avenue and extends to the North property line of Block 15 of Indian Head Third Addition; thence Westerly continuing along and including that portion of Indian Head Drive R-O-W to the intersection of the East R-O-W of North Ohlman Street;

That portion of North Ohlman Street R-O-W within city limits from a point that is perpendicular to the North property line of Lot 46, Block 5 of South Lake Estates Subdivision, thence South to a point that aligns with the South R-O-W of Indian Village Road;

That portion of Indian Village Road R-O-W lying between the East R-O-W of North Ohlman Street and the North R-O-W of West 23rd Avenue;

That portion of West/East 23rd Avenue R-O-W from a point that aligns with the West R-O-W of Indian Village Road, thence East to a point that aligns with the East R-O-W of North Kimball Street;

That portion of North Kimball Street R-O-W from a point that aligns with the South R-O-W of East 23rd Avenue, thence South to a point that aligns with the North R-O-W of East 11th Avenue;

That portion of East 11th Avenue R-O-W from a point that aligns with the West R-O-W of North Kimball Street, thence East to a point that aligns with the West R-O-W of North Foster Street;

That portion of North Foster Street R-O-W from a point that aligns with the North R-O-W of East 11th Avenue, thence South to a point that aligns with the South R-O-W of Nagle Lane;

That portion of Nagle Lane R-O-W from a point that aligns with the East R-O-W of North Foster Street, thence East to a point that aligns with the West R-O-W of North Calhoun Street;

That portion of North Calhoun Street R-O-W from a point that aligns with the North R-O-W Nagle Lane, thence South to a point that aligns with the South R-O-W of Bridle Drive;

All of Peace Place R-O-W located between Nagle Lane R-O-W and East 8th Avenue R-O-W;

All of Nursia Drive R-O-W located between Nagle Lane R-O-W and Peace Place R-O-W;
and

Lot 6, Block 1-A; Block 2-A; Lots 1 through 9, Block 3-A; and Lots 1 through 13, Block 5-A; all in Ridge View on Foster Addition to the City of Mitchell.

with a map showing said boundaries included in the Project Plan presented to Council on July 1, 2024.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 36 was held on June 24, 2024.
3. The City Council, in consideration of the project plan, other documentary evidence, and testimony, hereby makes the following findings:
4.
 - 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 36;
 - c. Pursuant to SDCL 11-9-13, the project plan for TID 36 includes information satisfying each of the 5 requirements contained therein;
 - d. Pursuant to SDCL 11-9-16, the project plan for TID 36 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 36 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
5. 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.
6. The City hereby directs the City of Mitchell Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
7. There is hereby created, pursuant to SDCL 11-9-31, the Tax Incremental District Number Thirty-Six Fund (TID 36 Fund).

8. All tax increments collected pursuant to TID 36 shall be deposited into the TID 36 Fund.
9. All funds in the TID 36 Fund shall be used solely for the purposes expressly stated and reasonably inferred in SDCL 11-9.
10. 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.
11. The project plan is on file with the City of Mitchell Finance Officer.
12. 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.

Members present voting aye: Barington, Doescher, Goldammer, McCardle, Sabers, Smith.
Members present voting nay: Bathke. Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Sabers, to approve Resolution #R2024-46, Plat of Lot 4 of Iverson's Second Addition, as follows:

RESOLUTION #R2024-46

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 24th day of June, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOT 4 OF IVERSON'S SECOND ADDITION, A SUBDIVISION OF LOT 1-C WITHIN LOT C, FORMERLY A PORTION OF IRREGULAR TRACT NO. 4A IN THE SOUTH 1/2 OF SECTION 22, 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 4 OF IVERSON'S SECOND ADDITION, A SUBDIVISION OF LOT 1-C WITHIN LOT C, FORMERLY A PORTION OF IRREGULAR TRACT NO. 4A IN THE SOUTH 1/2 OF SECTION 22, 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.

Moved by McCardle, seconded by Barington, to approve Resolution #R2024-47, Plat of Lot 58 of the Island First Addition, as follows:

RESOLUTION #R2024-47

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 24th day of June, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOT 58 OF THE ISLAND FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M. AND TRACT A IN THE NE 1/4 OF THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., ALL IN THE 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 LOT 58 OF THE ISLAND FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M. AND TRACT A IN THE NE 1/4 OF THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., ALL IN THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Barington, seconded by Goldammer, 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 second reading. Motion carried. Moved by Barington, seconded by Smith, to adopt 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, as follows:

ORDINANCE NO. 02024-05

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; 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;

All from R2 Single-Family Residential District to TWC Transportation Warehousing & Commercial 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 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;

All from R2 Single-Family Residential District to TWC Transportation Warehousing & Commercial 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. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

ADJOURN:

There being no further business to come before the meeting, Mayor Hanson adjourned the meeting.


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.