

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

**August 19, 2024
6:00 P.M.**

PRESENT: Mike Bathke, John Doescher, Tim Goldammer,
Kevin McCardle, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT: Marty Barington

PRESIDING: Mayor Jordan Hanson

RECOMMENDATION:

Moved by Goldammer, seconded by McCardle, to approve Mayor Hanson's recommendation to appoint Dean Knippling to the position of Police Chief. Motion carried.

OATH OF OFFICE:

Mayor Hanson issued the oath of office to Chief of Police Dean Knippling.

AGENDA:

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

- a. City Council Minutes
 - 1. City Council August 5, 2024
- b. Committee Reports
 - 1. Planning Commission July 22, 2024
 - 2. Planning Commission August 12, 2024 (unsigned)
- c. Department Reports
 - 1. Sales Tax Collections (July)
 - 2. Finance (July)
 - 3. Building Permits (July)
 - 4. Police (July)
 - 5. Fire (July)
 - 6. Code Enforcement (July)
 - 7. Water (July)
- d. Raffle Permits
 - 1. Dakota Wesleyan University Football with the drawing to be held September 7, 2024
 - 2. Dakota Wesleyan University Volleyball with the drawing to be held at home matches

- e. Contingency funds for Recreation Center sewer line repairs
- f. Purchase of equipment for snow removal and authorization for contingency funds
- g. Special Event Permit application for The Back 40 Live Music on August 23-24, 2024
- h. Special Event Permit application for Cursed Chains Challenge Disc Golf Tournament on Saturday, October 26, 2024
- i. Volunteer Board Appointment
 - 1. Nicholas Kummer to the Historic Preservation Commission to fill an unexpired term to run from August 2024-June 2027
- j. Change Order #2 for Cadwell Park Press Box Project #2022-34 increasing the contract amount by \$5,620.00 to Rexwinkel Construction, adjust contract amount to \$563,548.16
- k. Set date of September 3, 2024 for Hearing and Action
 - 1. On the application of Odyssey Entertainment Inc. dba Odyssey Luxury 5, 209 North Lawler for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License (Video lottery is not included.)
 - 2. On the application to transfer RL-5771 Retail (on-sale) Liquor License from Bradley Theme, LLC dba Scoreboard Pub & Grill, 522 North Main Street to Bradley Theme, LLC dba Bradley's Pub & Grille, 514 North Main Street (Video lottery is included.)
 - 3. On the application to transfer RB-2846 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Bradley Theme, LLC dba Scoreboard Pub & Grill, 522 North Main Street to Bradley Theme, LLC dba Bradley's Pub & Grille, 514 North Main Street (Video lottery is included.)
 - 4. On the application to transfer RW-6509 Retail (on-off sale) Wine and Cider License from Bradley Theme, LLC dba Scoreboard Pub & Grill, 522 North Main Street to Bradley Theme, LLC dba Bradley's Pub & Grille, 514 North Main Street (Video lottery is included.)
 - 5. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at The Masonic Hall for September 14, 2024 for a wedding
- l. Set date 6:00 p.m., September 16, 2024 for hearing for Assessment Roll for 2023 Construction Projects and 2023 Nuisance Abatements
- m. Pay Estimates August 19, 2024
 - Pay Estimate #15 in the amount of \$416,159.29 for Above Ground Storage Tank #2020-20 contracted to Rice Lake West
 - Pay Estimate #42 in the amount of \$841.19 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
 - Pay Estimate #43 in the amount of \$12,889.18 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
 - Pay Estimate #5 in the amount of \$39,982.00 for West Side Water Tower #2021-03 contracted to Maguire Iron
 - Pay Estimate #1 in the amount of \$83,625.00 for Firesteel Ducks Unlimited NAWCA Easement #2021-18 contracted to Dennis and Darlene Koch
 - Pay Estimate #14 in the amount of \$1,023.50 for Livesay Lane Improvements #2021-25 contracted to Infrastructure Design Group
 - Pay Estimate #20 in the amount of \$1,167.50 for Recycling Building #2021-30 contracted to Helms & Associates
 - Pay Estimate #19 in the amount of \$35,326.76 for Wastewater Treatment Plant Improvements-Phase II #2022-01 contracted to HDR Engineering

Pay Estimate #9 in the amount of \$40,563.00 for Cadwell Park Press Box #2022-34 contracted to Rexwinkel Concrete

Pay Estimate #14 in the amount of \$955.00 for Jetty & Marina Bike Trail #2023-03 contracted to Brosz Engineering

Pay Estimate #3 in the amount of \$3,900.00 for West End Bridge #2023-23 contracted to Brosz Engineering

Pay Estimate #8 in the amount of \$15,972.50 for East 5th-Burr to Foster #2024-02 contracted to Brosz Engineering

Pay Estimate #6 in the amount of \$54,367.95 for Randall Regional Waterline #2024-07 contracted to Randall Community Water District

n. 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 JULY 21, 2024 – AUGUST 3, 2024: City Council \$3,626.48, Mayor \$1,567.54, City Administrator \$6,369.23, Administrative Boards \$2,325.00, Attorney \$5,332.08, Finance \$14,542.74, Human Resources \$4,379.83, Municipal Building \$3,744.56, Information Technology \$3,286.77, Police \$71,706.01, Traffic \$3,382.10, Fire \$42,465.05, Street \$36,154.46, Public Works \$25,399.99, Cemetery \$8,570.57, Library \$16,959.17, Recreation & Aquatics \$34,668.92, Recreation Center \$16,544.26, Sports Complexes \$20,546.58, Ballpark Concessions \$288.86, Parks \$26,157.49, Supervision \$6,441.14, Corn Palace \$32,656.91, E911 \$25,404.45, Palace Transit \$31,543.31, JVCC \$2,325.40, Nutrition \$4,435.60, Water Distribution \$15,409.22, Sewer \$15,711.45, Recycling Program \$7,571.18, Waste Collection \$6,655.63, Landfill \$10,869.25, Golf Course \$7,804.19, Campground \$2,811.20, Emergency Medical Services \$37,175.56

NEW HIRES:

CORN PALACE: Joey Totton-\$15.00

E-911: Emma Farley-\$22.477

PARKS: Myles Brewster-\$22.477

POLICE: Cierra Dailey-\$28.773

RECREATION CENTER: Macy Bohl-\$12.70, Savannah Schmidt-\$12.70,

SPORTS COMPLEXES: Charles McCardle-\$13.70

SALARY ADJUSTMENTS:

AIRPORT: Daniel London-\$66,061.00

CEMETERY: Aaron Willis-\$33.384

CORN PALACE: Kathy Hanks-\$23.397

LIBRARY: Jean Patrick-\$32.088

PALACE TRANSIT: Jonathan Gamber-\$22.704, Wanda Graves-\$29.658

SPORTS COMPLEXES: Nolan Tegels-\$23.853

STREET: Pamela Punt-\$27.400

WARRANTS: A-Ox Welding Supply, Supplies-\$432.23; AAA Collections, Collection Fees-\$439.66; Aaron Hieb, Reimbursed-\$7.08; ABC Harris Publishing, Advertising-\$510.00; AFSCME Council 65, Union Dues-\$508.25; Amazon Capital Services, Supplies-\$855.39; American Garage Door, Supplies-\$120.00; American Legal Publishing, Advertising-\$431.55; Aqua-Pure, Supplies-\$3,487.50; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,870.90; Avera Occupational Medicine, Service-\$1,597.00; Avera Queen of Peace, Supplies-\$211.30; B-Y Water District, Utilities-\$119,953.06; Baker & Taylor, Books-\$39.01; Bechen Electric, Repairs-\$669.78; Becker Arena Products, Supplies-\$2,566.47; Bender Sewer & Drain, Maintenance-\$3,967.00; Big Daddy D's, Contract Services-\$4,347.00; Billy Lurken, Fundraising-\$425.00; Blackstone Publishing, Audiobooks-\$171.96; Blue Crew Productions, Entertainment-\$76,000.00; Brandon Jones, Entertainment-\$3,000.00; Brett Lowrie, Contract Services-\$20,000.00; Brosz Engineering, 2023-23 P.E. #3-\$20,827.50; Builders First Source, Supplies-\$110.61; Butler Machinery, Supplies-\$384.25; C&B Operations, Supplies-\$2,456.89; C&D Pedal Pulls, Entertainment-\$510.00; CBRE Valuation and Advisory Service, Improvements-\$5,000.00; Cengage Learning Inc/Gale, Books-\$1,366.76; Center Point Large Print, Books-\$97.08; Central Electric, Utilities-\$12,688.44; Century Link, Utilities-\$66.85; Chesterman, Supplies-\$1,119.75; Chris R Garcia, Entertainment-\$1,400.00; CHS Farmers Alliance, Supplies-\$10,420.88; City of Mitchell, Supplies-\$262.00; City of Mitchell, Hotel Tax-\$1,178.00; CK Bicycles & Locks, Supplies-\$32.00; Coborns, Contract Services-\$974.40; Commercial Asphalt, Supplies-\$11,226.60; Confluence, Plaza Expansion-\$4,500.00; Core & Main, Supplies-\$1,064.80; Core-Mark Midcontinent, Supplies-\$10,287.61 ; Corn Palace, Supplies-\$14.75; Corporate Translation Service, Translation Services-\$87.15; County Fair, Contract Services-\$1,232.00; Dakota Mainstem, Travel-\$2,304.71; Dakota Pump, Supplies-\$3,570.30; Dakota Supply Group, Supplies-\$590.53; Dan London, Reimbursement-\$53.90; Dan Pollreis, Entertainment-\$1,000.00; Darrington Water Conditioning, Rental-\$63.90; Davison County Register of Deeds, Improvements-\$30.00; Davison Rural Water Systems, Utilities-\$156.85; Dennis & Darlene Koch, 2021-18 P.E. #1-\$83,625.00; Department of Agriculture, Solid Waste Surcharge-\$3,560.07; Department of Social Services, Child Support-\$633.69; Dicks Towing, Towing-\$405.00; Dimock Dairy, Supplies-\$297.00; Elfstrand's Ace Hardware, Supplies-\$379.80; Elliott Equipment, Supplies-\$453.63; ELO Prof, Annual Audit-\$19,750.00; Fleetpride, Supplies-\$983.70; Flowbird America, Gateway Fees-\$69.00; Galls, Supplies-\$161.60; Gaylen's Gourmet Popcorn, Supplies-\$1,735.20; Graham Tire, Supplies-\$160.00; Grainger, Supplies-\$182.76; Hawkins, Supplies-\$6,871.22; HDR Engineering, 2022-1 P.E. #19-\$35,326.76; Heather Hinker, Deposit Refund-\$2,000.00; Helms and Associates, 2021-30 P.E. #20-\$1,167.50; Henry Schein, Supplies-\$474.25; Hunter Heating & Cooling, Maintenance-

\$1,042.14; ICan, Advertising-\$750.00; Infrastructure Design Group, 2020-20 P.E. #42-\$14,753.87; International Code Council, Membership-\$170.00; Interstate Glass & Door, Supplies-\$333.96; Interstate Office Products, Supplies-\$222.97; Jack's Campers, Supplies-\$22.15; Jebro, Supplies-\$18,853.28; Jesse Schlimgen, Reimbursed-\$89.96; Jimmy River Band, Entertainment-\$1,000.00; Johnson Controls, Repair-\$1,600.13; Jones, Supplies-\$2,586.35; Karter Kenis & The Smoking, Entertainment-\$1,000.00; KIKN-FM, Advertising-\$200.00; Kone, Maintenance-\$945.66; Kromer, Supplies-\$87.12; KIKN-AM, 2024 Dakotafest-\$200.00; Lakeview Veterinary Clinic, Management-\$900.00; Lance and Lea Music, Entertainment-\$1,500.00; Larry's I-90 Service, Repair-\$31.05; Leighton Family Farms, Supplies-\$740.00; Logan Culhane, Entertainment-\$1,000.00; Maguire Iron, 2021-3 P.E. #5-\$39,982.00; Make It Mine Designs, Supplies-\$501.75; Mark Zard, Reimbursed-\$155.99; McLeod's Printing, Supplies-\$1,319.30; Medical Waste Transport, Professional Service-\$131.97; Menard's, Supplies-\$2,066.62; Midcontinent Communication, Utilities-\$131.19; Midcontinent Communication, Advertising-\$1,902.00; Midwest Drywall, Repairs-\$780.61; Midwest Laboratories, Testing-\$1,386.04; Midwest Turf & Irrigation, Supplies-\$166.96; Minnesota Valley Testing, Lab Fees-\$513.00; Mitchell Animal Rescue, Management Fee-\$350.00; Mitchell Convention & Visitors Bureau, August 2024 Funding-\$20,800.00; Mitchell Plumbing & Heating, Repair-\$85.64; Mitchell United Way, United Way Deductions-\$173.00; Mobotrex, Supplies-\$254.00; Mueller Lumber, Supplies-\$1,561.74; Muth Electric, Repairs-\$10,443.83; Napa Central, Supplies-\$870.47; Natural Formulations, Supplies-\$277.43; Northwest Pipe Fittings, Supplies-\$226.56; Northwestern Energy, Utilities-\$82,640.46; One Source The Background, Background Checks-\$304.00; Overdrive, Supplies-\$93.99; Overtime, Contract Services-\$2,338.25; Palace Transit, Advertising-\$360.00; Pepper Entertainment, Entertainment-\$15,000.00; Pepsi Cola, Supplies-\$429.96; Porter Distributing, Supplies-\$110.75; Premier Equipment, Supplies-\$633.70; Premier Pest Control, Pest Control-\$200.00; Public Health Laboratory, Testing-\$325.20; Qualified Presort, Postage-\$403.92; Quick Med Claims, Monthly Charges-\$5,253.93; Randall Community Water District, 2024-7 P.E. #6-\$54,367.95; Reed Renken, Entertainment-\$100.00; Republic National Distributing, Supplies-\$828.00; Rexwinkel Concrete, 2022-34 P.E. #9-\$40,563.00; RGM Productions, Entertainment-\$2,000.00; Rice Lake West, 2020-20 P.E. #15-\$416,159.29; Runnings Supply, Supplies-\$2,358.72; S & M Printing, Supplies-\$92.10; Saga Communications, Advertising-\$651.00; Sanford Health Mitchell, Community Events-\$275.00; Santel Communications, Utilities-\$30.00; Schoenfelder Portables, Rentals-\$1,710.00; Schumacher Elevator, Maintenance-\$549.38; South Dakota Police Chiefs', Training-\$1,085.00; South Dakota-Supplemental Retirement, Supplemental Retirement-\$3,007.50; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$1,787.50; South Dakota Solid Waste Management, Membership Renewals-\$550.00; SF Ballfield, Supplies-\$585.00; Sherwin-Williams, Supplies-\$176.43; Sign Solutions, Supplies-\$1,563.73; Siteone Landscape Supply, Supplies-\$2,716.51; South Dakota 811, Message Fees-\$332.85; Stan Houston Equipment, Supplies-\$354.88; Standard Insurance, Life Insurance-\$407.20; Staples, Supplies-\$755.20; Streicher's - Minneapolis, Supplies-\$1,208.00; Sturdevants Auto Value, Supplies-\$2,075.74; Subway, Planning Meals-\$47.94; Sun Gold Sports, Supplies-\$2,772.00; Teamsters Local No. 120, Union Dues-\$1,459.00; Tessiers Mechanical Contracting, Repair-\$135.40; The Dugout, Contract Services-\$2,529.00; The Reality of Yourself, Entertainment-\$3,400.00; Thomson Reuters - West, Subscription-\$824.82; Thune True Value & Appliance, Supplies-\$206.43; Titan Machinery-Application, Supplies-\$203.25; TMA Stores, Repairs-\$135.82;

Transource, Supplies-\$273.36; Transwest - Sioux Falls, Supplies-\$788.07; Van Wall Equipment, Supplies-\$241.75; Verizon Wireless, Utilities-\$804.90; Vern Eide Ford, Supplies-\$423.64; Vestis, Service-\$239.00; Walmart/Capital One, Supplies-\$143.31; Wasserman Music, Entertainment-\$76,000.00; Williams Drones, Supplies-\$1,734.95; Wisconsin Child Support, Garnishment-\$395.58; Zimco Supply, Supplies-\$2,057.50; The Safe Place of Eastern South Dakota, Safehouse-\$218,875.56; South Dakota Department of Revenue, Sales Tax Payment-\$30,167.60

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

CITIZENS INPUT:

Mitchell resident, Ron Freeman, has concerns with the intent to move the bike path behind the homes on Thunderbird and near Pebble Beach.

Mitchell resident, Tom Fergen, shared his many concerns about draining and dredging the lake.

Corn Palace Director, Doug Greenway, invited City Council and the public to support and enjoy the Corn Palace Festival beginning Wednesday, August 21st.

Mitchell resident, Robert Hoffman, stated the ordinance for vicious animals is unconstitutional and needs to be repealed.

Mitchell resident, Stewart Hanson, stated the bid letting for the lake project should be delayed until a check is received from Friends of Firesteel. Hanson also wanted to thank everyone involved with bringing Arts in the Park back to Mitchell.

CITY COUNCIL/MAYOR COMMENTS:

Council Member Mike Bathke asked about the Kids Arts in the Park going on during Corn Palace Festival. Corn Palace Director Doug Greenway stated that this is not part of festival but rather the Farmers Market which will be held in the Corn Palace Plaza on Wednesday evening.

Mayor Jordan Hanson stated he would like to see term limits in place for Mayor and City Council Members.

BOARD OF ADJUSTMENT:

Moved by Goldammer, seconded by Bathke, 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 Jaun'l Gibson for a conditional use permit to operate a family residential daycare located at 505 South Davison Street, legally described as Lots 43 & 44, Overlook 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 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 Goldammer, seconded by Smith, to approve said application with Planning Commission recommendations. Motion carried.

It was advised that this is the date and time set for hearing on the application of Schmitz Construction for a variance for minimum lot width of 66' vs 100' and minimum lot area of 10,890 square feet vs 14,000 square feet located at 821 North Mentzer, legally described as S ½ and E ½ of Lot 6, Block 3, Hammers Addition, City of Mitchell, 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.

It was advised that this is the date and time set for hearing on the application of Curtis & Sonna Betts for a variance for a combination of attached and detached accessory buildings of 3,076 square feet vs 2,000 square feet to build a new attached accessory building of 1,476 square feet located at 204 North Harmon, legally described as Lots 54, 54A, 55, 55A of Sunset Point 2nd 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 Goldammer, to approve said application. Bathke abstained. Motion carried.

It was advised that this is the date and time set for hearing on the application of City of Mitchell for a variance for minimum lot width of 82.89' vs 100' and minimum lot area of 1,139 square feet vs 10,000 square feet located at 115 South Harmon, legally described as Lot 58-B of Indian Head Subdivision, Lake Mitchell Development Plan in the SW ¼ of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned PL Public Lands and Institutions District. The Planning Commission recommended approval of said application. Moved by Tjarks, seconded by Bathke, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of City of Mitchell for a variance for minimum lot width of 5' vs 100' and minimum lot area of 2,661 square feet vs 10,000 square feet located south of 129 South Harmon, legally described as Lot 68-A of Indian Head Subdivision, Lake Mitchell Development Plan in the SW ¼ of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned PL Public Lands and Institutions District. The Planning Commission recommended approval of said application. Moved by McCardle, seconded by Sabers, to approve said application. Motion carried.

Moved by McCardle, seconded by Tjarks, to set date for September 3, 2024 on the following applications:

Dennis Kaus for a front yard variance of 20' vs 25' to build a 12' x 14' covered patio located at 408 West 12th Avenue, legally described as Lot 10, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota;

Josh Frost for a conditional use permit for outside storage and to operate Mitchell Towing and Recovery business which falls under the category of automotive sales, repair, parts, detailing located at 24994 406th Avenue, legally described as Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota;

Central Plains Automation Inc. for a front yard variance of 1' 6" vs 35' to build a 16' x 40' office addition located at 1501 West 4th Avenue, legally described as Lots 1-6 except H-1 of Lot 6, Block 29, Home Park Addition, City of Mitchell, Davison County, South Dakota.

Motion carried.

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

HEARING:

It was advised that this is the date and time set for hearing on the application of Palace Brewing, LLC dba Palace City Brewing, Co 227 West Railroad Avenue for a new Retail (on-off sale) Wine and Cider License. (Video lottery is not included.) Notice of hearing has been given and affidavit of publication is on file. Moved by Smith, 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 Palace Brewing, LLC dba Palace City Brewing, Co 227 West Railroad Avenue for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License. (Video lottery is not included.) Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by Goldammer, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Goldammer, to approve the Special Event Application for River Tree Block Party on Sunday, September 8, 2024 with street closure fee waived as requested. Motion carried.

AWARD BID:

Bids were opened and read on Airport Snow Removal Project #2024-22 on the 31st day of July, 2024. Moved by Bathke, seconded by Smith, to reject all bids. Goldammer nay. Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Sabers, to approve Agreement #A2024-36, Tax Increment District #37 Developer Agreement with corrections. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Bathke, to approve Resolution #R2024-52, Plat of Lots 1A & 2A in Block 2 of Bayside Overlook Subdivision, as follows:

RESOLUTION #R2024-52

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

WHEREAS, it appears from an examination of the PLAT OF LOTS 1A & 2A IN BLOCK 2 OF BAYSIDE OVERLOOK SUBDIVISION IN THE SE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M. IN THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Robert D Kummer, 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 1A & 2A IN BLOCK 2 OF BAYSIDE OVERLOOK SUBDIVISION IN THE SE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M. IN THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Robert D Kummer, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Smith, to approve Resolution #R2024-53, Plat of Lot 58-B of Indian Head Subdivision, Lake Mitchell Development Plan, as follows:

RESOLUTION #R2024-53

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

WHEREAS, it appears from an examination of the PLAT OF LOT 58-B OF INDIAN HEAD SUBDIVISION, LAKE MITCHELL DEVELOPMENT PLAN IN THE SW 1/4 OF SECTION

4, 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 58-B OF INDIAN HEAD SUBDIVISION, LAKE MITCHELL DEVELOPMENT PLAN IN THE SW 1/4 OF SECTION 4, 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 Goldammer, to approve Resolution #R2024-54, Plat of Lot 68-A of Indian Head Subdivision, Lake Mitchell Development Plan, as follows:

RESOLUTION #R2024-54

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

WHEREAS, it appears from an examination of the PLAT OF LOT 68-A OF INDIAN HEAD SUBDIVISION, LAKE MITCHELL DEVELOPMENT PLAN IN THE SW 1/4 OF SECTION 4, 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 68-A OF INDIAN HEAD SUBDIVISION, LAKE MITCHELL DEVELOPMENT PLAN IN THE SW 1/4 OF SECTION 4, 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 Tjarks, seconded by Smith, to approve Resolution #R2024-55, Plat of Lot 108-A of Indian Head Subdivision, Lake Mitchell Development Plan, as follows:

RESOLUTION #R2024-55

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

WHEREAS, it appears from an examination of the PLAT OF LOT 108-A OF INDIAN HEAD SUBDIVISION, LAKE MITCHELL DEVELOPMENT PLAN IN THE SW 1/4 OF SECTION 4, 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 108-A OF INDIAN HEAD SUBDIVISION, LAKE MITCHELL DEVELOPMENT PLAN IN THE SW 1/4 OF SECTION 4, 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 Sabers, seconded by McCardle, to approve Resolution #R2024-56, Plat of Lots A, B, and C of Depot Second Addition, as follows:

RESOLUTION #R2024-56

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

WHEREAS, it appears from an examination of the PLAT OF LOTS A, B, AND C OF DEPOT SECOND ADDITION TO THE CITY OF MITCHELL, LYING IN THE NE 1/4 OF THE SE 1/4 OF SECTION 21, AND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 22, T 103 N, R 60 W OF THE 5TH P.M., 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 LOTS A, B, AND C OF DEPOT SECOND ADDITION TO THE CITY OF MITCHELL, LYING IN THE NE 1/4 OF THE SE 1/4 OF SECTION 21, AND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 22, T 103 N, R 60 W OF THE 5TH P.M., 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.

ORDINANCE:

Moved by McCardle, seconded by Smith, to place Ordinance #O2024-06, Method of Electing Officers for City Council on second reading. Motion carried. Moved by Tjarks, seconded by Goldammer, to adopt Ordinance #O2024-06, Method of Electing Officers for City Council, as follows:

ORDINANCE #O2024-06

**AN ORDINANCE ESTABLISHING A METHOD OF ELECTING OFFICERS FOR THE
CITY COUNCIL.**

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

Section 1.

That a NEW SECTION be added to Chapter 1-5: MAYOR AND CITY COUNCIL of the Mitchell City Code as Section 1-5-6 to read as follows:

"1-5-6: METHOD OF ELECTING COUNCIL OFFICERS:

- A. Whenever a president or vice president of the city council must be elected due to vacancy or reorganization required by law, the following procedures shall apply to the election of a member to the officer position.
- B. One or more candidates may be nominated from the council membership for an open officer position. Nominating a candidate for a position requires a second. The members nominating and seconding a candidate for a position may nominate or second another candidate for that same position. Nominations will remain open for a position until the council closes nominations by motion and a majority vote of the council. If, when nominations are closed for a position, only one candidate has been nominated, that candidate shall be awarded the office. If, when nominations are closed, two or more candidates have been nominated, the council shall conduct an election.
- C. When an election is required for an officer position on the council, such vote will be done by voice roll call with each member indicating their preferred candidate by name. The candidate receiving five or more votes from the council membership shall be awarded the position. If no candidate receives five votes, then the further provisions of this chapter shall apply.

- D. In the event of an election for an officer position on the council where there are three or more candidates and no single candidate receives five votes, the council will re-vote. However, before the re-vote, the candidate who received the fewest number of votes shall be automatically removed from contention. If there are two candidates that received the same number of votes which is also the lowest number of votes, then the chair of the meeting shall conduct a coin flip and the loser of the coin flip shall be removed from contention. Once only two candidates remain, and upon re-vote of the last two remaining candidates neither receives five votes, then neither candidate shall be removed automatically. At that point, the winning candidate shall be selected from the two remaining candidates by a coin flip conducted by the chair of the meeting and the winner shall be awarded the position.
- E. The city council may vote to modify these procedures by majority vote. However, the modifications to the election procedures shall only be effective for one election of one officer position at a time and shall terminate upon a candidate being awarded the position. To permanently change these procedures, the council must do so by ordinance.
- F. When electing officers, other city boards, commissions, or other committees shall use these election procedures unless other election procedures have been established for that board, commission, or other committee by federal, state or local law. However, if the board, commission or other committee has more or less than 8 members, then the number of votes needed to elect an officer shall be a majority of such board, commission, or other committee. Such boards, commissions, or other committees may also vote to change their procedures by majority vote. However, the changes to the election procedures shall only be effective for one election of one officer position at a time and shall terminate upon a candidate being awarded the position. Permanent changes to the election procedures for city boards, commissions, and committees must be approved by the city council by ordinance.”

Section 2.

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

Section 3.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Members present voting aye: Bathke, Doescher, Goldammer, McCardle, Sabers, Smith, Tjarks.
Members present voting nay: none. Motion carried and ordinance declared duly adopted.

EXECUTIVE SESSION:

Moved by Goldammer, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(3) Legal and SDCL 1-25-2(4) Negotiations. Motion carried.

Mayor Hanson declared the board out of executive session at 8:44 p.m. and the City Council to reconvene in regular session at 8:45 p.m.

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 _____.