

WORK SESSION OF THE CITY COUNCIL
MITCHELL, SOUTH DAKOTA

September 16, 2024
5:00 P.M.

PRESENT: Mayor Jordan Hanson, Marty Barington, Mike Bathke, John Doescher,
Tim Goldammer, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT:

PRESIDING: Council President Kevin McCardle

REVIEW:

The City Council met September 16, 2024 for a budget work session in the Council Chambers of City Hall. City Administrator Stephanie Ellwein reviewed budgeted capital items as requested by City Council.

ADJOURN:

There being no further business to come before the meeting, Council President McCardle adjourned the work session at 5:56 p.m.



Michelle Bathke
Finance Officer

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

**September 16, 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

AGENDA:

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

- a. City Council Minutes
 - 1. City Council September 3, 2024
 - 2. Work Session September 9, 2024
- b. Committee Reports
 - 1. Planning Commission August 26, 2024
 - 2. Planning Commission September 9, 2024 (unsigned)
- c. Department Reports
 - 1. Sales Tax Collections (August)
 - 2. Finance (August)
 - 3. Building Permits (August)
 - 4. Police (August)
 - 5. Fire (August)
 - 6. Code Enforcement (August)
 - 7. Palace Transit (July)
 - 8. Water (August)
- d. Raffle Permits
 - 1. Corn Palace Shrine Club with the drawing to be held on October 25, 2024
 - 2. VFW Post 2750 with the drawing to be held on October 14, 2024
 - 3. LB Williams PTO with the drawing to be held on November 2, 2024
 - 4. Kiwanis Club with the drawing to be held on December 11, 2024
 - 5. DWU Football with the drawing to be held during football games in September, October, and November-amended
- e. Special Event Permit application for Raise Em Rank Bull Riding Championships on October 4-5, 2024
- f. Volunteer List for 2024 Park and Rec Football Coaches

g. Volunteer Board Appointments

1. Reappoint John Foster to the Corn Palace Events & Entertainment Board for a term to run from October 2024-September 2027
2. Reappoint Giovanni Lanier to the Corn Palace Events & Entertainment Board for a term to run from October 2024-September 2027
3. Appoint Nancy Conzemius to the Corn Palace Events & Entertainment Board for a term to run from October 2024-September 2027
4. Appoint Jason Bates to the Corn Palace Events & Entertainment Board for a term to run from October 2024-September 2027
- h. Change Order #1 for Recycling Building Project #2021-30 increasing the contract amount by \$15,579.80 to WS Construction Management LLC, adjust contract amount to \$2,188,767.24
- i. Change Order #1 for East Spruce Street Project #2021-39 increasing the contract amount by \$28,002.74 to Rexwinkel Concrete adjust contract amount to \$903,654.78
- j. Change Order #2-Final for West Harmon Drive Watermain Loop Project #2023-07 decreasing the contract amount by \$6,860.32 to Halme Inc adjust contract amount to \$357,975.18
- k. Change Order #2-Final for 12th/13th Avenue Watermain Loop Project #2023-08 increasing the contract amount by \$7,744.18 to Halme Inc adjust contract amount to \$686,943.68
- l. Approval of Gas and Fuel Quotations

Howes Oil Company	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel #2	3,000	3,000	\$2.6975	\$8,092.50
Off Road Diesel #2	4,500	4,500	\$2.4225	\$10,901.25
Total Bid:				\$18,993.75

m. Pay Estimates September 16, 2024

Pay Estimate #16 in the amount of \$351,306.35 for Above Ground Storage Tank #2020-20 contracted to Rice Lake West

Pay Estimate #11 in the amount of \$3,434.90 for Firesteel NAWCA Grant #2021-14 contracted to Steve Donovan

Pay Estimate #30 in the amount of \$8,801.50 for Lake Mitchell-Phase II contracted to Barr Engineering

Pay Estimate #1 in the amount of \$31,797.21 for Recycling Building #2021-30 contracted to WS Construction Management

Pay Estimate #2 in the amount of \$434,833.32 for Recycling Building #2021-30 contracted to WS Construction Management

Pay Estimate #20 in the amount of \$26,303.10 for Waste Water Treatment Plant-Phase II #2022-01 contracted to HDR Engineering

Pay Estimate #4 in the amount of \$98,961.12 for 3rd & Main Streetscape #2022-26 contracted to Schoenfelder Construction

Pay Estimate #10 in the amount of \$49,538.75 for 3rd & Main Streetscape #2022-26 contracted to McLaury Engineering

Pay Estimate #7 in the amount of \$2,911.00 for Lake Mitchell Jetty #2023-03 contracted to Shive Hattery

Pay Estimate #4-Final in the amount of \$17,898.76 for West Harmon Watermain Loop #2023-07 contracted to Halme Inc

Pay Estimate #4-Final in the amount of \$46,645.34 for 12th/13th Avenue Watermain Loop #2023-08 contracted to Halme Inc

Pay Estimate #4 in the amount of \$2,125.00 for West End Bridge #2023-23 contracted to Brosz Engineering

Pay Estimate #9 in the amount of \$2,475.00 for East 5th-Burr to Foster #2024-02 contracted to Brosz Engineering

Pay Estimate #1 in the amount of \$85,126.50 for Railroad & Main Sewer Improvements #2024-21 contracted to Schoenfelder Construction

Pay Estimate #4 in the amount of \$820.00 for Old Landfill Leachate Monitoring #2024-28 contracted to GeoTek Engineering

Pay Estimate #4 in the amount of \$1,270.00 for New Landfill Monitoring #2024-29 contracted to GeoTek Engineering

Pay Estimate #1 in the amount of \$5,361.25 for AIP '29 Pavement Maintenance contracted to SD Department of Transportation

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 AUGUST 18, 2024 – AUGUST 31, 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 \$14,542.55, Human Resources \$4,379.83, Municipal Building \$1,946.40, Information Technology \$3,286.77, Police \$78,022.89, Traffic \$5,163.65, Fire \$40,340.20, Street \$36,203.47, Public Works \$25,399.97, Cemetery \$8,097.43, Library \$16,223.47, Recreation & Aquatics \$8,662.08, Recreation Center \$17,770.62, Sports Complexes \$13,281.82, Parks \$18,457.75, Supervision \$6,526.79, Corn Palace \$30,325.03, E911 \$25,282.17, Palace Transit \$30,764.70, JVCC \$2,111.98, Nutrition \$4,645.04, Water Distribution \$14,992.49, Sewer \$15,441.25, Recycling Program \$8,463.21, Waste Collection \$7,980.97, Landfill \$9,628.95, Golf Course \$5,716.54, Campground \$2,811.20, Emergency Medical Services \$35,651.78

NEW HIRES:

POLICE: Cole Albaugh-Edgecomb-\$29.349

RECREATION & AQUATICS: Timothy Moon-\$20.00

RECREATION CENTER: Cynthia Gerlach-\$13.70, Jennifer Krause-\$16.20

SPORTS COMPLEXES: Daniel Dobesh-\$14.20

STREET: Gavyn Degen-\$22.477

TRAFFIC: James Cranny-\$24.811

SALARY ADJUSTMENTS:

FINANCE: Erika Miller-\$25.813

FIRE: Shannon Sandoval-\$39.086

LIBRARY: Rachel Soulek-\$26.342

POLICE: Dean Knippling-\$113,728.00

STREET: Steven Anderson-\$38.715

WASTE COLLECTION: Walter Davis-\$23.386

TERMINATIONS:

E911: Almitra O'Day

PARKS: Lukas Bennett

RECREATION & AQUATICS: Elise Foster, Avery Moschell, Lori Schmidt

SPORTS COMPLEX: Brenon Hanson, Jaxson Hartman, Timothy McCain, Preston O'Connor, Dylan Soulek

TRAFFIC: Gavyn Erickson

WARRANTS: 3D Security, Maintenance-\$605.96; A&B Business Solutions, Supplies-\$4,735.29; A-Ox Welding Supply, Supplies-\$1,811.38; AAA Collections, Pre-Collection letters-\$380.37; ADBC Student Chapter, Labor-\$5,000.00; AFSCME Council 65, Union Dues-\$483.05; Al's Engraving, Supplies-\$8.95; Amazon Capital Services, Supplies-\$1,267.04; Aqua-Pure, Supplies-\$3,937.50; AT&T Mobility, Utilities-\$420.76; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,879.55; Auto Body Specialties, Supplies-\$9.40; Automatic Building Control, Monitoring-\$1,091.00; Avera Occupational Medicine, Screenings-\$1,455.00; Avera Queen of Peace Nutrition Consulting, Assessments-\$429.00; B-Y Water District, Utilities-\$125,852.81; Bailey Metal Fabricators, Supplies-\$15.00; Baker & Taylor, Book-\$543.62; Barr Engineering, 2021-20 P.E. #PH2-30-\$8,801.50; Big Daddy D's, Contract Services-\$6,320.40; Blackstrap, Supplies-\$1,756.08; Book Systems, Subscription-\$3,395.00; Bound Tree Medical, Supplies-\$12,206.97; Brosz Engineering, 2023-23 P.E. #4-\$4,600.00; Buhl's Drycleaners & Linen, Service-\$25.00; C&B Operations, Supplies-\$80.68; C&D Pedal Pulls, Entertainment-\$1,650.00; C&H Baseball, Supplies-\$180.98; Carquest Auto Parts, Supplies-\$12.29; CDW Government, Supplies-\$1,388.26; Center Point Large Print, Books-\$97.08; Century Link, Utilities-\$66.85; Charlie's Shoe Repair, Repair-\$47.50; Chesterman, Supplies-\$610.00; CHS Farmers Alliance, Supplies-\$5,546.00; City of Mitchell, Utilities-\$91,503.08; City of Mitchell, Hotel Tax-\$982.00; CK Bicycles & Locks, Supplies-\$9.00; Claims Associates, Liability-

\$5,000.00; Coborns, Contract Services-\$1,036.00; Column Software, Advertising-\$141.63; Core & Main, Supplies-\$10,590.13; Core-Mark Midcontinent, Supplies-\$4,378.82; Corn Palace, Supplies-\$14.75; Corporate Translation Service, Translation Services-\$125.70; County Fair, Supplies-\$1,420.74; Dakota Supply Group, Supplies-\$85.30; Darcie Schmidt, Deposit-\$2,000.00; Darrington Water Conditioning, Rental-\$62.00; Davison County Register of Deeds, Agreement-\$30.00; Davison Rural Water Systems, Water Usage-\$105.85; Department of Agriculture, Solid Waste Surcharge-\$3,114.75; Department of Social Services, Child Support-\$633.69; Dick's Body Shop, Repair-\$466.00; Dicks Towing, Towing-\$350.00; Elaine Peacock, Entertainment-\$150.00; Elfstrand's Ace Hardware, Supplies-\$49.99; Fastenal, Supplies-\$10.61; Fisher Scientific, Supplies-\$294.04; Fleetpride, Repair-\$25.29; Flowbird America, Alarm Monitoring-\$69.00; Forum Communications, Advertising-\$2,000.00; Gabe Jurgens, Water Refund-\$50.00; Galls, Supplies-\$241.81; Gaylen's Gourmet Popcorn, Supplies-\$1,861.20; Geotek Engineering & Testing, 2024-28 P.E. #4-\$2,090.00; Graham Tire, Supplies-\$31.94; Grainger, Supplies-\$166.60; Guardian Alliance Technology, Background Investigations-\$300.00; Halme, 2023-7 P.E. #4-Final-\$64,544.10; Hampton Inn Mitchell, Rooms-\$3,089.00; Hawkins, Supplies-\$428.68; HDR Engineering, 2022-1 P.E. #20-\$26,303.10; Honda of Mitchell, Repair-\$26.25; Howes Oil, Supplies-\$19,004.00; ICan, Advertising-\$750.00; Imagetrend, Subscription-\$1,422.82; Innovative Office Solution, Supplies-\$96.64; Intellipro Security, Supplies-\$2,559.85; Interstate Office Products, Supplies-\$341.51; Iverson, Alcohol Task Force-\$69.95; JABR Trucking, Tow Fee-\$400.00; James Valley Landscape Solutions, Supplies-\$4,940.00; Jebro, Supplies-\$55,612.43; Joey Davis, Entertainment-\$250.00; Johnson Controls, Maintenance-\$4,906.97; Jones Supplies, Supplies-\$903.17; Krohmer Plumbing, Repair-\$654.60; Lakeview Veterinary Clinic, Management-\$900.00; Larry's I-90 Service, Maintenance-\$906.41; Leighton Family Farms, Supplies-\$1,122.00; Lewis Family Drug, Supplies-\$26.93; Loren Vanoverschelde, Riparian Payment #3-\$6,185.00; Lucy Littlewolf, Refund-\$120.00; Make it Mine Designs, Supplies-\$28.00; McLaury Engineering, 2022-26 P.E. #10-\$49,538.75; McLeod's Printing, Supplies-\$425.90; Menard's, Supplies-\$900.20; Mettler Implement, Supplies-\$257.75; Michael Leach, Reimbursement-\$109.46; Midcontinent Communication, Advertising-\$2,758.00; Midway Service dba Vollan Oil, Supplies-\$394.35; Midwest Fire & Safety, Service-\$694.00; Midwest Oil, Supplies-\$1,192.12; Midwest Turf & Irrigation, Maintenance-\$588.02; Mike Carpentier, CDL Training-\$650.00; Mitchell Animal Rescue, Management-\$350.00; Mitchell Concrete Product, Supplies-\$161.50; Mitchell Convention & Visitors Bureau, Sept 2024 Funding-\$20,800.00; Mitchell Music Boosters, Festival Concert-\$6,182.40; Mitchell Plumbing & Heating, Supplies-\$673.11; Mitchell School District, Utilities-\$1,777.07; Mitchell United Way, United Way-\$173.00; Mount Vernon School District, Contract Services-\$83.00; Mueller Lumber, Supplies-\$90.81; My Place Hotel-Mitchell South Dakota, Festival Rooms-\$607.47; N-Able Technologies, Supplies-\$560.15; Napa Central, Supplies-\$28.47; Nedved Media, Advertising-\$1,512.00; Newman Signs, Supplies-\$1,282.32; Northern Lake Service, Supplies-\$840.00; Northwest Pipe Fittings, Supplies-\$38.54; Northwestern Energy, Utilities-\$66,902.67; One Source The Background, Background Checks-\$664.50; Overdrive, Ebooks-\$1,207.69; Overtime, Contract Services-\$1,689.65; Pat Dockendorf, Corn Palace Games-\$160.00; Peter Arnold, Travel-\$98.00; Physicians Laboratory, Physicals-\$36.20; Pioneer Manufacturing, Supplies-\$1,158.35; Premier Pest Control, Supplies-\$200.00; Public Health Laboratory, Labs-\$451.24; Qualified Presort, Postage-\$379.66; R Place Kennel, Supplies-\$125.00; R.P. Constructors, Deposit-\$2,000.00; Rexwinkel Concrete, Maintenance-\$21,152.00; Rice Lake

West, 2020-20 P.E. #16-\$351,306.35; Runnings Supply, Supplies-\$1,478.18; Ryland Devries, Reimbursement-\$45.00; Saga Communications of South Dakota, Advertising-\$1,824.00; Santel Communications, Utilities-\$30.00; Schoenfelder Construction, 2022-26 P.E. #4-\$184,087.62; Schoenfelder Portables, Rentals-\$4,100.00; South Dakota Department of Public Safety, Teletype-\$1,608.00; South Dakota Department of Transportation, AIP '29 Pavement P.E. #1-\$5,361.25; South Dakota Municipal League, Registration-\$125.00; South Dakota-Supplemental Retirement, Supplemental Retirement-\$3,012.50; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$1,792.50; Sherwin-Williams, Supplies-\$174.42; Shive-Hattery, 2023-3 P.E. #7-\$2,911.00; Sign Pro, Supplies-\$816.00; Sign Solutions USA, Supplies-\$1,627.38; Siteone Landscape Supply, Supplies-\$470.74; South Dakota 811, Supplies-\$337.05; Standard Insurance, Life Insurance-\$421.82; Staples, Supplies-\$548.92; Steve Anderson, Reimbursement-\$69.90; Steve Donovan, 2021-14 P.E. #11-\$3,434.90; Steve Epp, Retiree Mitchell Program-\$200.00; Steve Schladweiler, Supplies-\$2,720.00; Streicher's – Minneapolis, Supplies-\$1,432.00; Strider Education Foundation, Supplies-\$1,477.00; Sturdevants Auto Value, Supplies-\$17.69; Subway, Meals-\$55.93; Sun Gold Sports, Supplies-\$280.00; Teamsters Local No. 120, Union Dues-\$1,390.00; The Dugout, Contract Services-\$2,328.00; The Lodge at Deadwood, Travel-\$360.00; The Safe Place of Eastern South Dakota, Grant-\$176,029.79; Thomson Reuters – West, Subscription-\$824.82; Thune True Value & Appliance, Supplies-\$74.01; Titan Machinery-Mitchell, Supplies-\$68.55; Top Grade Concrete, Supplies-\$459.18; Townsquare Media-Sioux Falls, Advertising-\$2,418.00 ; Van Diest Supply, Supplies-\$1,571.90; Verizon Wireless, Utilities-\$723.27; Vern Eide Ford, Supplies-\$320.12; Vestis, Supplies-\$190.59; Walmart/Capital One, Supplies-\$58.45; Wisconsin Child Support, Garnishment-\$395.58; WS Construction Management, 2021-30 P.E. #1-\$466,630.53; Young Grave Service, Rental-\$500.00; Ellwein Brothers, Supplies-\$5286.35; Wage Works, Contract Services-\$9754.01; Wellmark of South Dakota, Administration, Prescription, Medical-\$266,928.05.

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

CITIZENS INPUT:

Mitchell resident, Kimberly Baker, stated she is a Door Dash Driver and would like to see the leash law back in place.

Engineering Project Supervisor, Terry Johnson, explained the Jetty Bike Trail Project and the work the Palace City Peddlers do to maintain the trail system around the lake. Joe Krall of the Palace City Peddlers stated the group maintains approximately 15 miles of bike trails around Lake Mitchell 365 days a year. Krall stated the Palace City Peddlers would like to donate \$12,000 to complete the Jetty Bike Trail Project through the West End Bridge parking lot.

Elizabeth Luczak of Mitchell Main Street & Beyond stated the Outkast Car Show and Oktoberfest will be held this Saturday on Main Street and encouraged all to attend.

Mitchell resident, Steve Sibson, stated he does not believe combining the auditor and treasurer positions at the county is a good idea and plans on taking out a petition to refer the decision.

CITY COUNCIL/MAYOR COMMENTS:

Council Member Bathke reminded the public of the soybean plant being constructed south of Mitchell and the money being brought into the area to local businesses.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Alexis Kress for a conditional use permit to operate a family residential daycare located at 423 West 11th Avenue, legally described as Lot 6, Block 40, Capital Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval with the following conditions the permit is non-transferable, if the business ceases to operate a new application would be required, and pass a fire inspection. Moved by Tjarks, seconded by McCardle, to approve said application with Planning Commission recommendations. Motion carried.

Moved by Goldammer, seconded by Barington, to set date for October 7, 2024 on the application of Paul Groeneweg for a variance for maximum height of 3 stories vs 2 ½ stories located in the 1800 block of East 1st Avenue, legally described as Lots 1, 2, and 3, Block 1 of the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Goldammer, seconded by Bathke, 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 to transfer RB-3124 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Austen LLC dba Rowdy Ram, 1001 South Burr Street, Suite A to MG Oil Company LLC dba 777 Mitchell-A, 1001 South Burr Street, Suite A. (Video lottery is included.) Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Smith, to approve said application. Barington abstained. Motion carried.

It was advised that this is the date and time set for hearing on the application to transfer RW-7501 Retail (on-off sale) Wine and Cider License from Austen LLC dba Rowdy Ram, 1001 South Burr Street, Suite B to MG Oil Company LLC dba 777 Mitchell-B, 1001 South Burr Street, Suite B. (Video lottery is included.) Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by Goldammer, to approve said application. Barington abstained. Motion carried.

CONSIDER APPROVAL:

Moved by Goldammer, seconded by Barington, to approve the Special Event Application for DWU Homecoming Tailgate on Saturday, October 12, 2024 with the street closure fee waived as requested. Motion carried.

Moved by Sabers, seconded by Goldammer, to approve the Special Event Application for Pheasants Forever Banquet on Friday, October 18, 2024 with the parking lot closure fee waived as requested. Motion carried.

Moved by McCardle, seconded by Goldammer, to approve Agreement #A2024-38, 2025 AIP Design Runway 18/36 Grant Application with FAA in the amount of \$225,000.00 with 90% federal share, 5% state share, and 5% city share. Motion carried.

Moved by Smith, seconded by Tjarks, to approve Agreement #A2024-39, 2025 AIP Construction Revenue Producing Hangar Grant with FAA in the amount of \$1,197,893 with 90% federal share and 10% city share. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the proposed resolution for Collection of Special Assessments for 2023 Construction Projects and 2023 Nuisance Abatements. City Engineer I JoElle Dammann reviewed the assessment roll. Resident Blair Gades had concerns with the ditch level and water pooling. A letter was also passed around from another property owner. No other property owners were present for discussion. The hearing was then closed.

RESOLUTIONS:

Moved by Goldammer, seconded by Barington, to approve Resolution #R2024-59, Collection of Special Assessment Roll for 2023 Construction Projects and 2023 Nuisance Abatements, as follows:

RESOLUTION #R2024-59 PROVIDING FOR COLLECTION OF SPECIAL ASSESSMENT ROLLS FOR 2023 CONSTRUCTION PROJECTS AND 2023 NUISANCE ABATEMENTS

2023 Construction Projects and 2023 Nuisance Abatements

WHEREAS, Special Assessment Roll for the 2023 Construction Projects and 2023 Nuisance Abatements have been submitted by the Engineer I of Public Works to the City Council of the City of Mitchell for their approval.

WHEREAS, SDCL-9-43-102; requires the governing body of a municipality provide by resolution or ordinance whether said aforementioned special assessments and installments thereof shall be payable under Plan One, collection by the County Treasurer, or Plan Two, collection by the Municipal Finance Officer, and the number of annual installments into which said assessments shall be divided; and

WHEREAS, SDCL-9-43-103; requires the rate of interest that deferred installments shall bear be specified on that assessment roll.

The Special Assessments to be levied for payment of costs of P TAP(27) PCN:07RF Bike Trail Improvements (Norway Ave and S Rowley St), if the total assessment is over one hundred dollars (\$100.00) shall be divided into five (5) annual installments each equal to one-fifth of the total amount assessed to each lot of tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-102. The interest to be charged shall be 8%.

The Special Assessments to be levied for payment of construction costs for the #2023-15 Paving and Overlay Project (Livesay Ln and Anthony Ave) and the Water Service Repairs, if the total assessment is over one hundred dollars (\$100.00) shall be divided into ten (10) annual installments each equal to one-tenth of the total amount assessed to each lot of tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-102. The interest to be charged shall be 8%.

The Special Assessments to be levied for payment of costs of 2023 Nuisance Abatement Projects shall be one (1) installment, equal to the total amount assessed to each lot or tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-102. The interest to be charged shall be 8%.

The description of all lots and parcels of land to be assessed together along with the amount properly chargeable are shown on said Special Assessment Roll.

The Property Owner will have 30 days after the collection hearing, starting September 16th, 2024, until October 16th, 2024, to pay their assessment in full to avoid paying any interest. Payments can be made in the finance office in City Hall at 612 North Main Street.

The Assessment Roll shall be open for public inspection at the finance office in City Hall.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Smith, to approve Resolution #R2024-60, Tax Levies to be Certified to County Auditor, as follows:

Resolution #R2024-60
A Resolution Certifying the Tax Levy for the 2025 Annual Appropriation Budget

WHEREAS, SDCL 9-21-34 & 9-21-34.1 were enacted in 2021 for the purpose of providing municipalities with certain flexibilities within budget proceedings;

WHEREAS, the City of Mitchell adopted Ordinance #O2021-10 implementing changes to the City of Mitchell Annual Appropriation Proceedings;

WHEREAS, Ordinance #O2021-10 requires that the City hold a hearing regarding tax levies for the upcoming fiscal year, and direct the finance officer to certify the tax levies to the Davison County Auditor as required by law;

THEREFORE BE IT RESOLVED, that the Finance Officer is directed to certify the following dollar amount of tax levies for the year January 1, 2025 through December 31, 2025.

Amount to be certified to the County Auditor: \$6,738,679

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by McCardle, to approve Resolution #R2024-58, Plat of Lot 24 of the Island First Addition, as follows:

RESOLUTION #R2024-58

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 9th day of September, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOT 24 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. 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 24 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. 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 Goldammer, seconded by Sabers, to approve Resolution #R2024-61, Plat of Tract A of Glenda's Addition, in the S ½ of the NE ¼ of Section 16, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2024-61

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 9th day of September, 2024; and

WHEREAS, it appears from an examination of the PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S 1/2 OF THE NE 1/4 OF SECTION 16, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas L 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 TRACT A OF GLENDA'S ADDITION, IN THE S 1/2 OF THE NE 1/4 OF SECTION 16, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas L 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 Sabers, to approve Resolution #R2024-62, Surplus of Building at 522 North Main (Scoreboard), as follows:

RESOLUTION #R2024-62

A RESOLUTION PROVIDING FOR THE SURPLUS OF THE BUILDING AT 522 NORTH MAIN STREET

WHEREAS the City of Mitchell is the owner of real property at 522 North Main Street in Mitchell and there is currently a vacant building upon that lot; and

WHEREAS the City desires to remove the building as it is no longer necessary, useful, or suitable for the purpose for which it was acquired; and

WHEREAS it is not feasible to move the building off the property, the property has previously gone through the State Historic Preservation Office process, and the City desires to demolish the structure.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City hereby determines that the building at 522 North Main Street is no longer necessary, useful, or suitable for the purpose for which it was acquired; and

IT IS FURTHER RESOLVED that City staff shall provide such notice as required by law to proceed with the demolition and removal of the structure from the 522 North Main Street property and proceed with such demolition and removal as soon as is practicable.
Motion carried and resolution declared duly adopted.

Moved by Barington, seconded by Smith, to amend Resolution #R2024-63. Motion carried.
Moved by Goldammer, seconded by Barington, to approve Resolution #R2024-63, Declaring Lot 58-A Indianhead Subdivision to be Surplus and Authorizing the Sale of Such Real Property Pursuant to State Law, as follows:

RESOLUTION #R2024-63

A RESOLUTION DECLARING LOT 58-A INDIAN HEAD SUBDIVISION TO BE SURPLUS AND AUTHORIZING THE SALE OF SUCH REAL PROPERTY PURSUANT TO STATE LAW

WHEREAS the City of Mitchell is the owner of the below described real property which lies immediately south of 111 South Harmon Drive, Mitchell, SD 57301:

**Lot 58-A of Indian Head Subdivision, Lake Mitchell Development
Plan in the SW ¼ of Section 4, Township 103 North, Range 60 West of
the 5th P.M., City of Mitchell, Davison County, South Dakota; and**

WHEREAS the City has considered the sale of the above-described real property; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the above-described real property is no longer necessary, useful, or suitable for the purpose for which it was acquired.

IT IS FURTHER RESOLVED, that the real property shall be sold pursuant to public auction and that the Mayor, or Mayor's designee, is hereby authorized to obtain an auctioneer and complete any supplemental documentation necessary to accomplish those purposes. Such auction shall be scheduled, noticed, and conducted in accordance with state law and the acceptance or rejection of any bids therefrom shall be subject to the final approval of the City Council.

IT IS FURTHER RESOLVED, that the minimum bid for the auction of such property shall be no less than \$7,704.00 and that if no such bid is received, the auction shall cease and be declared no sale and the matter shall be brought back to council to determine a new method of disposing of the surplus real property.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Council Member Tjarks left the meeting.

Moved by McCardle, seconded by Goldammer, to place Ordinance #O2024-07, Rezoning of Lot 1 Ex Lot H6 in the SE ¼ of Section 27, Township 103 N, Range 60 W of the 5th P.M., Davison County, South Dakota be changed from HB Highway Oriented Business District to TWC Transportation, Warehousing and Commercial District (1600 to 1900 block of S Foster Street on the West side) on second reading. Motion carried. Moved by Smith, seconded by Goldammer, to adopt Ordinance #O2024-07, Rezoning of Lot 1 Ex Lot H6 in the SE ¼ of Section 27, Township 103 N, Range 60 W of the 5th P.M., Davison County, South Dakota be changed from HB Highway Oriented Business District to TWC Transportation, Warehousing and Commercial District (1600 to 1900 block of S Foster Street on the West side), as follows:

ORDINANCE NO. O2024-07

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 1 Ex Lot H6 in the SE ¼ of Section 27, Township 103 N, Range 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Oriented Business District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS, Lot 1 Ex Lot H6 in the SE ¼ of Section 27, Township 103 N, Range 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Oriented Business District to TWC Transportation, Warehousing and 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.

Council Member Tjarks is now present.

Moved by Goldammer, seconded by McCardle, to place Ordinance #O2024-08, Rezoning of Lot 12, Maui Farms First Addition in Section 34, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota be changed from UD Urban Development District to TWC Transportation, Warehousing and Commercial District (110 E 54th Ave) on first reading. Motion carried.

Moved by Goldammer, seconded by Sabers, to place Ordinance #O2024-09, Rezoning Lots 1A & 2A in Block 2 of Bayside Overlook Subdivision in the SE ¼ of the SE ¼ of Section 4, Township 103 North, Range 60 West of the 5th P.M., in the City of Mitchell, Davison County, South Dakota be changed from TWC Transportation, Warehousing and Commercial District to RL Lake Residential District on first reading. Motion carried.

CONSIDER APPROVAL:

Public Works Director Joe Schroeder reviewed the cemetery bike path relocation and the need for the future cemetery expansion. The trail which is budgeted in the project has an increased minimum distance of 60 feet from all property lines. Another, alternative trail was proposed which would run next to Lakeview Golf Course. Moved by Barington, seconded by Goldammer, to approve the budgeted trail with the increased minimum distance of 60 feet from all property lines.

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

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 _____.