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

October 7, 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 Goldammer, seconded by McCardle, to approve the following items on the consent agenda:

a. City Council Minutes
   1. Work Session September 16, 2024
   1. City Council September 16, 2024
   2. Work Session September 30, 2024
b. Committee Reports
   1. Planning Commission September 9, 2024
   2. Planning Commission September 23, 2024 (unsigned)
   3. Library Board July 16, 2024
   4. Community Services Board September 12, 2024
c. Automatic Supplement to the Corn Palace Fund in the amount of $1,000 from a donation of funds
d. Raffle Permits
   1. Safe Place of Eastern SD with the drawing to be held on November 18, 2024
   2. MTC Mavericks Rodeo Team with the drawing to be held on November 16, 2024
e. Change Order #1 for Lakeview Golf Course Project #2021-53 to Duininck Golf, contract amount $670,300.00
f. Lakeview Golf Course Improvements additional design services fee in the amount of $7,280
g. Authorization to apply for SD DOH Regional Designation Grant
h. Authorization to apply for the Leary Firefighters Foundation Grant
i. Volunteer Board Appointments
   1. Appoint Shaun Davis to the Park & Recreation Board to fill an unexpired term to run from October 2024-June 2027
j. Set date 1:30 p.m., October 16, 2024 for bid opening for Cemetery Hayland Project #2025-05
k. Set date 6:00 p.m., October 21, 2024 for hearing on proposed Resolution of Necessity for the Construction of Curb and Gutter, Asphalt Surfacing, Concrete Fillets, Concrete Valley Gutter,

Concrete Approaches, Engineering Fees and Miscellaneous Expenses for West Plum Avenue and South Wisconsin Street

l. Pay Estimates October 7, 2024

Pay Estimate #44 in the amount of $13,068.93 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group

Pay Estimate #45 in the amount of $7,965.22 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group

Pay Estimate #24 in the amount of $300.00 for West Side Water Tower #2021-03 contracted to SPN & Associates

Pay Estimate #15 in the amount of $445.50 for Livesay Lane Utility Improvements #2021-25 contracted to Infrastructure Design Group

Pay Estimate #22 in the amount of $23,821.81 for Recycling Building #2021-30 contracted to Helms & Associates

Pay Estimate #1 in the amount of $10,965.00 for Recycling Building #2021-30 contracted to Foerster Testing Limited

Pay Estimate #3 in the amount of $366,152.60 for Recycling Building #2021-30 contracted to WS Construction Management

Pay Estimate #4 in the amount of $44,060.79 for East Spruce Street Construction #2021-39 contracted to Rexwinkel Concrete

Pay Estimate #38 in the amount of $5,030.63 for Highway #37 Utilities #2021-45 contracted to SPN & Associates

Pay Estimate #3 in the amount of $27,080.64 for Highway #37 Utilities #2021-45 contracted to Michels Road & Stone

Pay Estimate #1 in the amount of $157,254.30 for Waste Water Treatment Plant-Phase II #2022-01 contracted to John T Jones Construction

Pay Estimate #2 in the amount of $840,091.82 for Waste Water Treatment Plant-Phase II #2022-01 contracted to John T Jones Construction

Pay Estimate #19 in the amount of $5,993.75 for South Lake Estates Development #2022-23 contracted to SPN & Associates

Pay Estimate #5 in the amount of $201,166.47 for 3rd & Main Streetscape #2022-26 contracted to Schoenfelder Construction

Pay Estimate #1 in the amount of $323,786.84 for Lake Mitchell Jetty & Marina #2023-03 contracted to Soukup Construction

Pay Estimate #1 in the amount of $12,500.00 for Lake Mitchell Jetty & Marina #2023-03 contracted to Planning & Development District III

Pay Estimate #15 in the amount of $23,605.00 for Lake Mitchell Jetty & Marina #2023-03 contracted to Brosz Engineering

Pay Estimate #9 in the amount of $9,556.00 for Concrete #2023-04 contracted to Top Grade Concrete

Pay Estimate #15 in the amount of $1,734.73 for North Sanitary Sewer Outfall #2023-06 contracted to SPN & Associates

Pay Estimate #3 in the amount of $3,454.15 for Hitchcock Pickleball Courts #2023-14 contracted to SPN & Associates

Pay Estimate #15 in the amount of $491.25 for Ohlman & South Harmon Lift Station #2023-16 contracted to SPN & Associates

Pay Estimate #5 in the amount of $4,590.00 for West End Bridge #2023-23 contracted to Brosz Engineering
Pay Estimate #10 in the amount of $23,910.00 for East 5th-Burr to Foster #2024-02 contracted to Brosz Engineering
Pay Estimate #2 in the amount of $76,075.20 for Railroad & Main Sewer Improvements #2024-21 contracted to Schoenfelder Construction
Pay Estimate #1 in the amount of $122,296.85 for Mattie Street Utility Improvements #2024-24 contracted to Siteworks

m. 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 SEPTEMBER 1, 2024 – SEPTEMBER 14, 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 $14,430.54, Human Resources $4,379.83, Municipal Building $6,875.63, Information Technology $3,286.77, Police $86,281.48, Traffic $4,780.45, Fire $39,607.08, Street $36,971.86, Public Works $25,399.95, Cemetery $7,788.00, Library $16,410.15, Recreation & Aquatics $7,901.06, Recreation Center $21,403.30, Sports Complexes $11,326.51, Ballpark Concessions $36.40, Parks $18,508.02, Supervision $6,441.14, Corn Palace $19,541.57, E911 $24,984.33, Palace Transit $31,453.86, JVCC $2,090.53, Nutrition $4,494.87, Water Distribution $16,052.06, Sewer $15,809.29, Recycling Program $7,757.29, Waste Collection $8,838.01, Landfill $10,281.42, Golf Course $5,793.42, Campground $2,958.00, Emergency Medical Services $35,521.10

PAYROLL SEPTEMBER 15, 2024 – SEPTEMBER 28, 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 $14,562.90, Human Resources $4,379.83, Municipal Building $1,946.40, Information Technology $3,286.77, Police $78,621.65, Traffic $4,675.19, Fire $40,862.87, Street $33,514.05, Public Works $25,399.98, Cemetery $5,678.69, Library $16,596.26, Recreation & Aquatics $8,130.95, Recreation Center $15,552.79, Sports Complexes $9,430.13, Parks $17,469.85, Supervision $6,455.12, Corn Palace $23,648.72, E911 $24,784.65, Palace Transit $31,525.93, JVCC $2,108.70, Nutrition $4,608.81, Airport $2,540.81, Water Distribution $17,433.41, Sewer $15,489.73, Recycling Program $7,555.51, Waste Collection $7,187.65, Landfill $9,837.43, Golf Course $6,646.90, Campground $1,937.20, Emergency Medical Services $36,967.86

NEW HIRES:

E-911: Courtney Pella-$22.477

GOLF: Connor Calahan-$12.70

LANDFILL: Tia Dorsey-$20.363

RECREATION & AQUATICS: Camdyn Beatch-$15.00, Thomas Berg-$13.20

Justin Ebert-$25.00, Carter McCormick-$15.00, Steele Morgan-$15.00, Steven Schoenfelder-$25.00

RECREATION CENTER: Hope Baysinger-$11.70

SPORTS COMPLEXES: Brielle Biteler-$13.20, Andrew Gunnare-$13.20, Hunter Hufstutler-$13.70

SALARY ADJUSTMENTS:

CORN PALACE: Amy Gebhard-$14.70, Addison Sprinkel-$12.20

E-911: Mary Aronson-$31.474

EMS: McKenzy Young-$24.695

FIRE: Justin Adams-$28.935

PALACE TRANSIT: Tracy Sprinkel-$22.259

POLICE: Justin Stoltenburg-$31.145, Casey Tegethoff-$40.655

RECREATION CENTER: Carlie Bell-$12.20, Isabella Eldeen-$12.20, Ayda Gulledge-$12.20, Bailey Hansen-$15.20, Katie Hohn-$12.20, Lydia Schaefer-$12.20

SPORTS COMPLEXES: Jesse Schlimgen-$24.330

WASTE WATER: Brian Daughters-$31.775

WATER DISTRIBUTION: Tylor Peterson-$38.715

TERMINATIONS:

CAMPGROUND: Rebecca Fritsche

GOLF: Connor Kerkhove

RECREATION CENTER: Joe Haiar

WARRANTS: A-Ox Welding Supply, Supplies-$102.97; AAA Collections, Refunds-$1,526.60; Aaron Hieb, Reimbursement-$45.00; AFLAC, Aflac Withholding-$11,146.74; AFSCME Council 65, Union Dues-$966.10; Alex Dagen, Reimbursement-$45.00; Amazon Capital Services, Supplies-$1,680.81; American Garage Door, Repair-$244.90; American Public Works, Membership Renewal-$1,193.00; Andrea Hamilton, Reimbursement-$45.00; Andrew Schneider, Reimbursement-$45.00; Associated Supply, Supplies-$14,265.12; AT&T Mobility, Utilities-$659.30; AT&T Mobility, Utilities-$1,107.80; ATV Holdings, LLC dba Mitchell Telecom, Utilities-$2,742.99; Austin Resick, Reimbursement-$12.35; Avera Occupational Medicine, Testing-$1,478.00; Baker & Taylor, Books-$397.29; Best Western Plus Ramkota, Travel-$239.98; Big Daddy D's, Contract Services-$6,996.60; Blackstone Publishing, Audiobooks-$152.77; Books By Terrall, Books-$36.97; Brad Gates, Reimbursement-$45.00; Brady Andera, Reimbursement-$45.00; Brian Daughters, Reimbursement-$45.00; Brosz Engineering, 2023-23 P.E. #5-$52,105.00; Builders First Source, Supplies-$37.97; Bumblebee-Gibson, Supplies-$10,833.60; Butler Machinery, Supplies-$350.09; C & B Operations, Supplies-$319.57; C&D Pedal Pulls, Entertainment-$4,000.00; Carquest Auto Parts, Supplies-$160.01; CDW Government, Supplies-$784.24; Cengage Learning Inc/Gale, Books-$689.39; Central Electric, Utilities-$12,554.98; Century Link, Utilities-Utilities-$33.04; Chad Cody, Reimbursement-$45.00; CHR Solutions, Billing-$3,838.61; CHS Farmers Alliance, Supplies-$9,598.03; City of Mitchell, Utilities-$664.09; City of Mitchell, Dakota Riptide District 4 Funding-$30,000.00; City of Mitchell, Golf Course-$1,291.28; City of Mitchell, Recreation-$2,446.14; City of Mitchell, Hotel Tax-$788.00; CK Bicycles & Locks, Service Call-$425.00; Column Software, Advertising-$914.66; Commercial Asphalt, Supplies-$3,334.10; Connor Davis, Reimbursement-$45.00; Core & Main, Supplies-$7,315.21; Core-Mark Midcontinent, Supplies-$4,953.97; Corn Palace, Supplies-$59.00; County Fair, Supplies-$1,328.92; Craig Stucky, Reimbursement-$45.00; CTM Services, Supplies-$195.03; Dakota Fluid Power, Repair-$1,298.75; Dakota Oyate Challenge, Sports Authority Promo-$4,200.00; Dakota Pump, Repairs-$10,001.64; Dakota Scuba, Training-$3,462.00; Dakota Supply Group, Supplies-$9,922.57; Dan Pollreisz, Reimbursement-$45.00; Daniel Fechner, Training-$20.00; Davison County Register of Deeds, Grant Record-$30.00; Davison County Treasurer, Title Register-$26.70; Dell Marketing, Supplies-$1,813.24; Delta Dental Plan of South Dakota, Dental Insurance-$16,544.96; Demco, Supplies-$168.70; Dennis Geidel, Reimbursement-$45.00; Department of Agriculture, Exam Fee-$60.00; Department of Social Services, Child Support-$1,267.38; Detco, Maintenance-$540.28; Dick's Body Shop, Repairs-$6,563.00; Dimock Dairy, Supplies-$292.50; Doug Cunningham, Reimbursement-$45.00; Doug Greenway, Reimbursement-$45.00; Dr. Matthew Schafer, Contract Services-$1,500.00; Dustin's Repair & Auto Sales, Maintenance-$57.31; Elfstrand's Ace Hardware, Supplies-$488.38; Environmental Equipment & Services, Repair-$75.20; Envisionware, Supplies-$1,672.77; Eric Hieb, Contract Services-$8,311.98; ETix, Ticketing Fees-$1,125.55; FedEx, Shipping-$18.07; First Dakota National Bank, Highland TID #8-$3,375.13; First National Bank Omaha, Supplies-$4,988.35; Fleetpride, Supplies-$571.04; Foerster Testing Limited, 2021-30 P.E. #1-$10,965.00; Foreman Charters, Fundraising-$1,400.00; Galls, Supplies-$10,592.42; Gavyn Degen, CDL Reimbursement-$70.00; Grainger, Supplies-$327.56; Great Western Tire, Supplies-$2,999.80; Harve's Pro Prints, Supplies-$497.00; Harve's Sport Shop, Supplies-$23.98; Hatzenbeller Appraisal, Appraisal Report-$1,200.00; Hawkins, Supplies-$2,054.00; Heartland Association of Fairs, Membership-$175.00; Helms and Associates, 2021-30 P.E. #22-$23,821.81; Henry Schein, Supplies-$1,115.99; Howes Oil, Supplies-$17,942.12; Infrastructure Design Group, 2020-20 P.E. #44-$21,479.65; Ingram Library Services, Books-$2,200.74; Innovative Office Solution, Supplies-$155.05; Intellipro Security, Supplies-$8,400.00; Interstate Office Products, Supplies-$584.44; Interstate Power Systems, Supplies-$470.70; James Valley Drug Task Force, Registration-$555.00; James Valley Landscape Solutions, Maintenance-$5,877.28; Jamie Henkel, Reimbursement-$45.00; Jaylon Tollefson, Reimbursement-$45.00; JCL Solutions, Supplies-$96.00; JD Concrete Products, Service Charge-$33.87; Jebro, Supplies-$67,530.95; Jeff Hanson, Reimbursement-$45.00; Jesse Schlimgen, Reimbursement-$45.00; Jessica Pickett, Reimbursement-$54.87; Joe Dolezal, Reimbursement-$45.00; Joe Galpin, Reimbursement-$45.00; Joe Haiar, Reimbursement-$37.50; Joe Schroeder, Reimbursement-$45.00; Joelle Dammann, Reimbursement-$45.00; John Badker, Reimbursement-$98.00; John Hegg, Reimbursement-$45.00; John T Jones Construction, 2022-1 P.E. #1-$997,346.12; Johnson Bros of South Dakota, Supplies-$561.70; Johnson Controls Maintenance-$5,300.08; Jon Thurman, Reimbursement-$45.00; Jon Vermeulen, Reimbursement-$45.00; Jones Supplies, Supplies-$2,604.11; Jordan Hanson, Reimbursement-$45.00; Joseph King, Reimbursement-$45.00; Kathy Hanks, Reimbursement-$45.00; Kevin Devries, Reimbursement-$45.00; Kevin Dykes, Reimbursement-$45.00; Kevin Kenkel, Reimbursement-$45.00; Kevin Nelson, SDPRA Reimbursement-$96.94; Kevin Roth, SDSWMA Conference-$93.00; Kevin Sibson, Reimbursement-$45.00; Koinonia Kafe, Repairs-$3,870.00; Kone, Maintenance-$7,161.00; Kromer, Supplies-$24,870.00; Lakeview Veterinary Clinic, Supplies-$974.95; Larry's I-90 Service, Maintenance-$369.47; Lawson Products, Supplies-$314.19; Leighton Family Farms, Supplies-$111.00; Liz Kitchens, Reimbursement-$45.00; Make it Mine Designs, Supplies-$411.63; Mark Zard, Reimbursement-$350.00; Master Blaster, Supplies-$2,536.71; Maximum Promotions, Repair-$35.00; McLeod's Printing, Supplies-$2,778.67; Melissa Hobaugh, Reimbursement-$30.00; Menard's, Supplies-$3,230.31; Michael Leach, Reimbursement-$45.00; Michelle Bathke, Reimbursement-$45.00; Michels Road & Stone, 2021-45 P.E. #3-$27,080.64; Midcontinent Communication, Utilities-$245.54; Midwest Fire & Safety, Fire Service-$1,809.92; Midwest Laboratories, Testing-$1,566.05; Midwest Oil, Supplies-$48.44; Mike Carpentier, Training-$675.00; Millennium Recycling, Single Stream Fee-$449.70; Minnesota Valley Testing, Lab Fees-$132.00; Mitchell Baseball, Advertising-$150.00; Mitchell High School Volleyball, Programming Service-$2,240.00; Mitchell Iron & Supply, Parts-$132.31; Mitchell Prehistoric Indian Village, 2024 4th Allocation-$4,750.00; Mitchell Towing and Recovery, Towing-$160.00; Mitchell United Way, United Way Deductions-$346.00; Mobotrex, Maintenance-$944.00; Mount Vernon School District, Contract Services-$196.00; Mueller Lumber, Supplies-$76.95; Muth Electric, Maintenance-$24,587.88; N-Able Technologies, Supplies-$167.94; Napa Central, Supplies-$509.11; Nate Hegg, Reimbursement-$45.00; Newvision Security, Monitoring-$227.00; Nolan Tegels, Reimbursement-$45.00; Norby Golf Course Design, Improvements-$19,280.00; Northern Truck Equipment, Supplies-$17,410.00; Northwestern Energy, Utilities-$63,967.64; Overdrive, Ebooks-$1,772.90; Paddock Pool Equipment, Capital Equipment-$192.00; Palace Transit, 2024 Contracted Rides-$10,500.00; Partridge Group, Pre-Employment Evaluation-$450.00; Paulson Sheet Metal, Supplies-$2,403.07; Pepsi Cola , Supplies-$382.21; Peterbilt of Sioux Falls, Supplies-$229.49; Pioneer Manufacturing, Supplies-$1,095.65; Planning & Development District III, 2023-3 P.E. #1-$12,500.00; Postal Solutions, Mailings-$2,781.27; Premier Equipment, Supplies-$2,317.96; Premier Pest Control, Contract Services-$525.00; Pro Contracting, CDL Training-$150.00; Public Health Laboratory, Testing-$1,213.24; Qualified Presort, Postage-$452.99; Raise Em Rank, Sports Authority Promotion-$5,000.00; Rexwinkel Concrete, 2021-39 P.E. #4-$44,060.79; RMB Environmental Laboratories, Lab Fees-$660.00; Robert McCardle, Reimbursement-$90.00; Roger Prewett II, Reimbursement-$45.00; Rosenbauer Minnesota, Maintenance-$1,105.46; Runnings Supply, Supplies-$1,749.20; Ryland Devries, Reimbursement-$45.00; S&M Printing, Supplies-$55.10; Schoenfelder Construction, 2022-26 P.E. #5-$277,241.67; Schoenfelder Portables, Rentals-$360.00; South Dakota Department of Transportation, Supplies-

$1,042.20; South Dakota Public Assurance Alliance, Insurance Freightliner-$971.10; South Dakota Retirement System, Retirement Contributions-$123,912.12; South Dakota-Supplemental Retirement, Supplemental Contributions-$22,154.25; South Dakota-Supplemental Roth 457, Roth 457 Contributions-$3,835.00; Shannon Sandoval, Reimbursement-$45.00; Sherwin-Williams, Supplies-$2,233.78; Sign Pro, Supplies-$67.00; Siteworks, 2024-24 P.E. #1-$122,296.85; Sl-Serco, Consumer Report-$1,900.00; Soukup Construction, 2023-3 P.E. #1-$323,786.84; SPN & Associates, 2021-3 P.E. #24-$17,004.51; Standard Insurance Company, Life Insurance-$2,793.16; Standard Insurance Company, Life Insurance-$424.41; Staples, Supplies-$330.06; Stephanie Ellwein, Travel-$497.34; Steve Anderson, Reimbursement-$45.00; Steve Schladweiler, Supplies-$2,560.00; Streicher's-Minneapolis, Supplies-$11,709.12; Sturdevants Auto Value Mitchell, Supplies-$5,450.52; Subway, Planning Meals-$44.95; Sun Gold Sports, Supplies-$127.50; Teamsters Local No. 120, Union Dues-$1,390.00; Terry Johnson, Reimbursement-$45.00; Tessiers Mechanical Contractors, Supplies-$690.47; The Diamond Store, Project Improvements-$2,570.00; Thomas Gulledge, Reimbursement-$45.00; Thomas Holleman, Reimbursement-$45.00; Thomas L Price, Screening-$1,050.00; Thomas Schuman, Reimbursement-$45.00; Thune True Value & Appliance, Supplies-$358.90; Titze Electric & Remodeling, Maintenance-$976.03; TK Electric, Repair-$380.00; TMA Stores, Repair-$809.34; Todd Cavanaugh, Reimbursement-$45.00; Top Grade Concrete, 2023-4 P.E. #9-$9,556.00; Traditions Prepared Meals, Contract Services-$3,227.05; Transwest Sioux Falls, Supplies-$625.00; Travis Hohrman, Reimbursed-$221.70; Tyler Vetch, Reimbursement-$45.00; Tylor Peterson, Reimbursement-$90.00; UPS Store #4227, Shipping-$54.36; USA Bluebook, Supplies-$756.82; Van Diest Supply, Supplies-$6,069.00; Verizon Wireless, Utilities-$2,401.54; Vestis, Service-$433.56; Vilhauer, Supplies-$2,933.52; Walmart/Capital One, Supplies-$230.38; Wanda Graves, Reimbursement-$45.00; Wisconsin Child Support, Garnishment-$791.16; WS Construction Management, 2021-30 P.E. #3-$366,152.60; Youth Athletic Foundation, Sports Authority Promotion-$12,500.00; Zach Dalrymple, Reimbursement-$45.00; Ellwein Brothers, Supplies-$1090.00; South Dakota Department of Revenue, Sales Tax-$28,810.45.

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

CITIZENS INPUT:

Chad Ellsworth, a previous resident, supports the comments of Steve Sibson from the last meeting regarding the separation of the auditor and treasurer offices at Davison County.

Shannon Sandoval representing the Local Union 4166 of Firefighters stated they are opposed to IM-28.

Mitchell resident, Linda McEntee, read a long list of the many things to do going on in and around Mitchell in the next month.

Mitchell resident, Aaron Cooper, stated he believes there are currently too many restrictions on the cannabis industry.

CITY COUNCIL/MAYOR COMMENTS:

Mayor Hanson stated he and members of Council are sometimes using their phones during meetings to respond to messages.

Council Member Goldammer asked where we are at with rental inspections. City Attorney Johnson stated collecting information regarding rental inspections is still in the preliminary phase.

Council Member Goldammer thanked Corn Palace Director Doug Greenway for his years of service with the City. Greenway will be retiring on October 18th.

Council Member Bathke stated the Raise Em Rank Bull Riding event at the Corn Palace was very enjoyable, especially seeing the Mayor get bucked off of a bull.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Paul Groeneweg for a variance for maximum height of 3 stories vs 2 ½ stories to build 6-plexes 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. The property is zoned NS Neighborhood Shopping District. The Planning Commission recommended approval of said application. Moved by Tjarks, seconded by Goldammer, to approve said application. Motion carried.

Moved by McCardle, seconded by Goldammer, to set date for October 21, 2024 on the application of 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. 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.

UPDATE:

Donald Hammond of Brosz Engineering updated City Council on the yearly bridge inspections. The four locations inspected were the Canal Bridge, the West End Bridge, and the box culverts under Minnesota Street and Burr Street.

CONSIDER APPROVAL:

Moved by Goldammer, seconded by Barington, to approve the Special Event Application for Thanksgiving Turkey Giveaway on Saturday, November 23, 2024 with the street and parking lot closure fee waived as requested. Motion carried.

Moved by McCardle, seconded by Sabers, to approve the request for 'No Parking from 3 AM to 4:30 AM on 100 Block of West 3rd Avenue' signs adjacent to the Methodist Church. Motion carried.

Moved by Smith, seconded by Bathke, to approve amending Resolution #R2024-60, Certifying Tax Levy to the County Auditor to be $6,743,837. Motion carried.

Moved by Tjarks, seconded by Goldammer, to approve the purchase of a water meter customer portal. The total cost for the implementation is $37,805, this includes the first year of annual fees. Annual fees of $11,755.00 will be due in subsequent years. Goldammer voted nay. Motion carried.

Moved by Sabers, seconded by Tjarks, to approve West End Bridge Preservation Grant Utility and Right of Way Certificate Project BRF 3630 (00)23-2 PCN 09GJ Project #2023-23. Motion carried.

AWARD BID:

Bids were opened and read on Airport Snow Removal Rebid Project #2024-22R on the 18th day of September, 2024. Moved by McCardle, seconded by Barington, to award, as follows:

AIRPORT SNOW REMOVAL REBID
PROJECT #2024-22R

Quality Cut Lawn & Tree, 3340 N Gale Road, Mitchell, SD 57301

Snow Accumulation up to 45 inches	$75,000.00
Add Price for Snow Acc Greater than 45 inches to 65 inches	$ 5,000.00
Add Price for Snow Acc Greater than 65 inches	$ -0-
Total Maximum Amount per Winter Season	$80,000.00

Motion carried.

CONSIDER APPROVAL:

Moved by Smith, seconded by Barington, to approve Agreement #A2024-40, State Pavement Maintenance Agreement with SDDOT-Aeronautics Division Project #AIP 46-4600-30-2024 in the amount of $14,762.57. Motion carried.

HEARING:

Public Works Director Joe Schroeder stated the property owner was waiving the notice of hearing for special assessments for the extension of Sam Street. Schroeder then asked if there was any public comment. There was none.

RESOLUTIONS:

Moved by Barington, seconded by Goldammer, to approve Resolution #R2024-65, Declaring the Necessity for Assessments on Extension of Sam Street, as follows:

RESOLUTION NO. R2024-65
PROPOSED RESOLUTION DECLARING THE NECESSITY
FOR THE CONSTRUCTION OF
ASPHALT SURFACING ENGINEERING FEES & MISCELLANEOUS EXPENSES ON CERTAIN STREETS IN THE CITY OF MITCHELL, SOUTH DAKOTA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA

SECTION 1. That it is deemed necessary to improve certain streets in the City of Mitchell, South Dakota as follows:

THE PROPERTY OWNER WILL HAVE 30 DAYS AFTER THE COLLECTION HEARING TO PAY FOR THEIR ASSESMENT WITHOUT INTEREST. AFTER 30 DAYS, INTEREST WILL BE ADDED AT A RATE OF 8% OR AS DETERMINED BY THE CITY COUNCIL. IN NOVEMBER FOLLOWING THE COLLECITON HEARING, THE BALANCE DUE ON THE ASSESMENT GETS SENT TO THE COUNTY AUDITOR AND SPLIT INTO 10 ANNUAL EQUAL PAYMENTS THAT WILL BE TAKEN OUT OF FIRST HALF OF THE TAX PAYMENT FOR THAT PROPERTY.

Segment 2024-01:

Extension of Sam Street
Construction of 3" thick Asphalt Surfacing Engineering Fees and Miscellaneous Expenses and Accessories.

	LOT	BLK.	ADDITION	ESTIMATED ASSESSMENT
1*		1	Maui Farms 2nd Add	**$ 20,650.00**
2*		2	Maui Farms 2nd Add	**$ 20,650.00**

TOTAL ASSESSMENT AMOUNT	$ 41,300.00

*** Lots assessed for <u>FRONT YARD</u> according to Section 2a and 2d.**
 # Lots assessed for <u>INTERSECTION</u> according to Section 2b and 2c.
^ Lots assessed for <u>BENEFIT</u> according to Section 2e.

SECTION 2. That it is deemed necessary to levy a special assessment to defray the expense thereof, and that the cost thereof shall be proportioned as follows:

That the method of apportioning or assessing the cost of the said improvements or payment against all assessable lots, tracts and parcels of land shall be according to the following schedules:

a. The total Cost of the street, alley, or utility improvements shall be assessed according to the front footage of the property fronting on the improvements.

b. The Total Cost of the street or alley improvements shall be divided equally between all lots benefiting from the improvements.

c. Shall be to all lots, tracts, or parcels of land according to the area of each to include 1/2 of the property between the street improvement and the next street, whether or not such property abuts such street or not, but in no case shall any property situated more than 300' from such intersection be assessed.

d. Footage of the property fronting or abutting on the improvements. The estimated cost for the street portion is estimated at $34.42 a lineal foot, this does not include intersection, benefit or corner lot costs. Per side.

BE IT FURTHER RESOLVED that the Engineering Department prepare and file in the office of the Finance Officer for the examination of all interested parties, plans, and specifications to be used in the construction thereof; and

BE IT FURTHER RESOLVED that a hearing will be held upon such construction of proposed street and alley improvements, as provided by statue and notice thereof be given as provided by law.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Tjarks, to approve Resolution #R2024-66, A Resolution Amending City of Mitchell Water & Sewer Rates & Fees to Fund Current and Future Infrastructure Improvement Projects and to Implement a Surcharge for CW-10, as follows:

Resolution R2024-66

A RESOLUTION AMENDING CITY OF MITCHELL WATER & SEWER RATE RESOLUTION TO IMPLEMENT A SURCHARGE FOR CW-10

WHEREAS, the City of Mitchell has been involved in a comprehensive infrastructure planning process,

WHEREAS, many of these projects will include state revolving loan financing that the city will be obligated to repay through rates,

WHEREAS, these improvements are necessary to meet expected demands of current customers in the next 5-10 years, as well as any future demands from growth and development within the City of Mitchell;

WHEREAS, the Mitchell City Council asked that rates be set with quarterly increases until they reach the necessary level in 2027 to fund the projected increases required for planned improvements in order to make the increases more gradual for residents;

THEREFORE, BE IT RESOLVED, by the City Council of the City of Mitchell, SD that effective October 7, 2024 rates be amended to include the surcharge as listed below **for CW-10.**

Water Rates

Water Rate & Effective Date		1/1/2024	4/1/2024	7/1/2024	10/1/2024
Base Rate	1" and less	$ 13.94	$ 14.88	$ 15.82	$ 16.75
	1 1/2"	$ 27.87	$ 29.74	$ 31.62	$ 33.50
	2"	$ 44.60	$ 47.60	$ 50.60	$ 53.60
	3"	$ 83.62	$ 89.24	$ 94.87	$ 100.50
	4"	$139.37	$148.74	$158.12	$ 167.50
	6"	$278.75	$297.50	$316.25	$ 335.00
Water Usage		$ 6.48	$ 6.48	$ 6.48	$ 6.48

Water rates include the following surcharges that are segregated from the total fees collected:

$1.78/month/user	DW- 02	Water Storage Tank
$.85/month/user	DW-05	West Water Tower Repairs
$10.30/month/user	DW-06	Ground Storage Tank Project
$1.94/month/user	DW-07	Water System Improvements

Sewer Rates

2024 Sewer Rate & Effective Date		1/1/2024	4/1/2024	7/1/2024	10/1/2024
Residential	Base	$ 29.45	$ 29.85	$ 30.25	$ 30.65
	Volume	$ 4.05	$ 4.10	$ 4.16	$ 4.22
Non Residential	Base	$ 29.45	$ 29.85	$ 30.25	$ 30.65
	Volume	$ 5.06	$ 5.13	$ 5.20	$ 5.27
Industrial	Base	$ 29.45	$ 29.85	$ 30.25	$ 30.65
	Volume	$ 4.03	$ 4.08	$ 4.14	$ 4.20
	BOD	$ 0.89	$ 0.90	$ 0.91	$ 0.92
	TSS	$ 1.30	$ 1.32	$ 1.34	$ 1.36
	TKN	$ 4.86	$ 4.92	$ 4.99	$ 5.06

Sewer rates include the following surcharges that are segregated from the total fees collected:

$8.05/month/user	CW-05	Sanborn Phase II
$3.70/month/user	CW-06	East Central Drainage Phase I
$.99/month/user	CW-07	East Central Drainage Phase II
$1.11/month/user	CW-08	Daily Drive Lift Station
$11.60/month/user	CW-09	Waste Water Treatment Plant Improvements Phase I
$.77/month/user	CW-12	Livesay Improvements
$3.47/month/user	CW-11	Waste Water System Improvements
$9.36/month/user	**CW-10**	**Waste Water Treatment Plant Improvements Phase II**

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Tjarks, to approve Resolution #R2024-67, Resolution Giving Approval to Certain Sewer Facilities Improvements Giving Approval to the Issuance and Sale of a Revenue Bond to Finance, Directly or Indirectly, the Improvements to the Facilities; Approving the Form of the Loan Agreement and the Revenue Bond and Pledging Project Revenues and Collateral to Secure the Payment of the Revenue Bond; and Creating Special Funds and Accounts for the Administration of Funds for Operation of the System and Retirement of the Revenue Bond and Providing for a Segregated Special Charge or Surcharge for the Payment of the Bonds, as follows:

RESOLUTION # R2024-67

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND

CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the "Act") as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Mitchell (the "City") currently operates a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; and for the control of floods and drainage and has determined that improvements to the sewer facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its sewer system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its sewer system for the purpose of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes (the "System") and has applied to the South Dakota Conservancy District (the "District") for a Clean Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 1. <u>Definitions</u>. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

"Act" means South Dakota Codified Laws Chapter 9-40.

"Loan" means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

"Project" means the City of Mitchell Wastewater Treatment Facility Phase 2 Improvements.

"Revenue Bond" means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City's obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

"System" means the City's system of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 2. Declaration of Necessity and Findings.

2.1.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-2, and the federal Clean Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to $12,899,436 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

3.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed $12,899,436 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Special Charge or Surcharge for Revenue Bond.

4.1. The City does hereby create the Revenue Bond Special-Surcharge District (the "Surcharge District") which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

4.2. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

4.3. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due.

4.4. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

4.5. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement's rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 5. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 6. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the sewer system account of the City and shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

6.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Mitchell, South Dakota (collectively the "Rate Resolution"). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

6.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City's governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

6.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

6.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

(a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;

(b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

(c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or

(d) To be used for any other authorized municipal purpose designated by the Common Council.

(e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended ("the Code") and applicable Treasury Regulations (the "Regulations").

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal and interest on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Repeal of Resolution. At such time as the Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 15. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Motion carried and resolution declared duly adopted.

ORDINANCE:

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

ORDINANCE NO. O2024-08

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; 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 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 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 AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

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

Moved by Tjarks, seconded by Goldammer, to place Ordinance #O2024-09, Rezoning of 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 second reading. Motion carried. Moved by Goldammer, seconded by Barington, to adopt Ordinance #O2024-09, Rezoning of 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, as follows:

ORDINANCE NO. O2024-09

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; 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; be changed from TWC Transportation, Warehousing and Commercial District to RL Lake Residential 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, 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; be changed from TWC Transportation, Warehousing and Commercial District to RL Lake Residential District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

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

UPDATE:

City Administrator Stephanie Ellwein updated City Council regarding the 2025 budget status. Ellwein reviewed capital projects that were added back into the budget as well as the subsidy requests. Ellwein also reviewed the capital projects that were cut to balance the budget and other capital item discussions.

EXECUTIVE SESSION:

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

Mayor Hanson declared the board out of executive session at 8:36 p.m. and the City Council to reconvene in regular session at 8:37 p.m.

ADJOURN:

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

Michelle Bathke

Michelle Bathke
Finance Officer

Published once at the approximate cost of _____________.