

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

**November 4, 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. City Council October 21, 2024
- b. Committee Reports
 - 1. Planning Commission October 15, 2024
 - 2. Planning Commission October 28, 2024 (unsigned)
- c. Automatic Supplement to Parks-Sports Complex in the amount of \$35,133.97 from an insurance claim
- d. Raffle Permits
 - 1. Area Community Theatre with the drawing to be held on December 16, 2024
 - 2. Mitchell Quarterback Club with the drawing to be held on January 31, 2025
- e. Volunteer List
- f. Purchase of Walking Floor Trailer off of BuyBoard for Recycling Project #2024-31
- g. Change Order #1 for North Harmon Sanitary Sewer Outfall #2023-06 increasing the contract amount by \$10,000.00 to Halme Inc. adjust contract amount to \$3,239,884.25
- h. Set date for bid opening 1:30 PM, November 20, 2024 for West End Bridge 2023 Bridge Improvement Grant Project BRF 3630 (00)23-2, Davison County, PCN 09GJ #2023-23
- i. Set date for bid opening 1:30 PM, November 7, 2024 for 7th & Main Traffic Lights Rebid #2022-08R
- j. Set date of November 18, 2024 for Hearing and Action
 - 1. On the application to transfer PL-4700 Package (off-sale) Liquor License from RADHE, LLC dba Thunderbird Lodge, 1601 South Burr Street to TBM LLC dba Booze Boys, 1620 South Burr Street, Suite 4
 - 2. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall for November 30, 2024 for a wedding
 - 3. On the application of the Corn Palace Shrine Club for a Special Event Liquor License

located at the Masonic Hall for December 7, 2024 for the National Guard Christmas Party
4. On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall for December 31, 2024 for the New Year's Eve Bash
5. On the application of Mitchell Meat Lodge, LLC dba Meat Lodge, 904 East Spruce Street for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License (Video lottery is not included.)

k. Pay Estimates November 4, 2024

Pay Estimate #46 in the amount of \$12,370.70 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
Pay Estimate #47 in the amount of \$8,278.83 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
Pay Estimate #25 in the amount of \$155.00 for West Side Water Tower #2021-03 contracted to SPN & Associates
Pay Estimate #5 in the amount of \$11,517.95 for Firesteel Creek Dam Design #2021-18 contracted to Ducks Unlimited
Pay Estimate #32 in the amount of \$9,706.40 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering
Pay Estimate #4 in the amount of \$120,797.40 for Recycling Building #2021-30 contracted to WS Construction Management
Pay Estimate #23 in the amount of \$26,428.20 for Recycling Building #2021-30 contracted to Helms & Associates
Pay Estimate #39 in the amount of \$600.80 for Highway #37 Utilities #2021-45 contracted to SPN & Associates
Pay Estimate #40 in the amount of \$437.50 for Highway #37 Utilities #2021-45 contracted to SPN & Associates
Pay Estimate #1 in the amount of \$4,872.00 for Waste Water Treatment Plant-Phase II #2022-01 contracted to GeoTek Engineering
Pay Estimate #6 in the amount of \$257,282.41 for 3rd & Main Streetscape #2022-26 contracted to Schoenfelder Construction
Pay Estimate #2 in the amount of \$456,390.42 for Lake Mitchell Jetty & Marina #2023-03 contracted to Soukup Construction
Pay Estimate #16 in the amount of \$6,300.92 for North Harmon Sanitary Sewer Outfall #2023-06 contracted to SPN & Associates
Pay Estimate #1 in the amount of \$147,776.40 for North Harmon Sanitary Sewer Outfall #2023-06 contracted to Halme, Inc.
Pay Estimate #4 in the amount of \$1,690.00 for Hitchcock Pickleball Courts #2023-14 contracted to SPN & Associates
Pay Estimate #10 in the amount of \$50.00 for Cadwell Booster Station #2023-19 contracted to SPN & Associates
Pay Estimate #2 in the amount of \$255,888.56 for Cadwell Booster Station #2023-19 contracted to 605 Companies
Pay Estimate #1 in the amount of \$119,662.00 for Dump Truck Chassis #2023-34 contracted to I-State Truck

Pay Estimate #1 in the amount of \$562,507.60 for Paving & Overlay #2024-15 contracted to Commercial Asphalt

I. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer

PAYROLL OCTOBER 13, 2024 – OCTOBER 26, 2024: City Council \$4,126.48, Mayor \$1,567.54, City Administrator \$6,369.23, Administrative Boards \$2,325.00, Attorney \$5,332.08, Finance \$14,155.25, Human Resources \$4,392.72, Municipal Building \$3,451.76, Information Technology \$3,286.77, Police \$79,494.27, Traffic \$4,792.49, Fire \$40,632.14, Street \$33,159.83, Public Works \$25,569.32, Cemetery \$5,632.55, Animal Control \$1,711.52, Library \$18,574.84, Recreation & Aquatics \$7,666.16, Recreation Center \$19,466.26, Sports Complexes \$10,071.07, Parks \$17,196.35, Supervision \$7,805.39, Corn Palace \$20,998.42, E911 \$26,468.13, Palace Transit \$31,017.60, JVCC \$2,096.39, Nutrition \$4,428.92, Airport \$2,540.81, Water Distribution \$15,418.43, Sewer \$16,280.07, Recycling Program \$7,824.65, Waste Collection \$7,207.57, Landfill \$10,553.40, Golf Course \$6,278.12, Emergency Medical Services \$36,249.66

NEW HIRES:

E-911: Elizabeth Adema-\$22.927

RECREATION CENTER: Shawn Lachnit-\$22.927

SPORTS COMPLEXES: Taryn Bultje-\$11.70, Megyn Estrada-\$11.70, Sydney Love-\$11.20, Greyce Northrup-\$11.70, Preston O'Connor-\$11.20, Abbi Schnabel-\$11.70, Clara Schroeder-\$11.20, Teresa Schroeder-\$11.70, Jordyn Wilson-\$11.70

SALARY ADJUSTMENTS:

POLICE: John Badker-\$36.859, David Sarne-\$36.841

STREET: Dale Star - \$27.393

WATER DISTRIBUTION: Ryland DeVries-\$22.042

TERMINATIONS:

CORN PALACE: Doug Greenway

PALACE TRANSIT: Arthur Degelder

PARK & RECREATION: Angel Dewaard

WARRANTS: 605 Companies, 2023-19 P.E. #2-\$255,888.56; A-Ox Welding Supply, Supplies-\$385.95; AAA Collections, Precollection Letters-\$20.00; Ace K9, Subscription-

\$168.00; ACP International, Community Project-\$1,208.00; Aetna, Refund-\$83.19; AFSCME Council 65, Union Dues-\$508.25; Amazon Capital Services, Supplies-\$516.24; Andrew Becker, Reimbursement-\$14.00; AT&T Mobility, Utilities-\$521.22; AT&T Mobility, Utilities-\$1,081.19; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$82.93; Avera Health Plans, Refund-\$91.22; Avera Occupational Medicine, Testing-\$1,445.00; Baker & Taylor, Books-\$325.29; Barr Engineering, 2021-20 P.E. #Ph2-32-\$9,706.40; Beacon Athletics, Supplies-\$525.00; Bender Sewer & Drain, Repair-\$4,285.00; Big Daddy D's, Contract Services-\$4,264.20; Blackstone Publishing, Audiobooks-\$139.99; Bonnie Fetzer, Refund-\$266.78; Brandon Manchester, Reimbursement-\$81.88; Brett Lowrie, Contract Services-\$10,000.00; Butler Machinery, Supplies-\$492.87; C&B Operations, Supplies-\$179.79; Carol Rikken, Refund-\$92.01; Carol Vilhauer, Refund-\$89.37; Carquest Auto Parts, Supplies-\$454.24; Casey Tegethoff, Reimbursement-\$14.00; CDW Government, Equipment-\$83.48; Chad Cody, Reimbursement-\$28.33; Chesterman, Supplies-\$65.50; CHR Solutions, Mailing-\$3,788.23; CHS Farmers Alliance, Supplies-\$6,524.81; City of Mitchell, Parking Lot Closure-Raise Em Rank-\$200.00; CK Bicycles & Locks, Supplies-\$30.00; Column Software, Advertising-\$108.24; Commercial Asphalt, Supplies-\$570,673.10; Core & Main, Supplies-\$9,023.81; Core-Mark Midcontinent, Supplies-\$1,089.95; County Fair, Supplies-\$35.99; Dakota Counseling, 2024 4th Quarter Allocation-\$3,250.00; Dakota Fluid Power, Dump Truck-\$32,013.37; Dakota Green Landscape, Repair-\$114.31; Dakota Pump, Repair-\$2,279.93; Dakota Riggers & Tool Supplies, Supplies-\$4,277.44; Dakota Supply Group, Maintenance-\$278.90; Dale Star, Reimbursed-\$97.04; Dean V Strand, Refund-\$1,000.00; Department of Social Services, Child Support-\$633.69; Dicks Towing, Towing-\$150.00; Display Sales, Supplies-\$532.95; Ducks Unlimited, 2021-18 P.E. #5-\$11,517.95; Elfstrand's Ace Hardware, Supplies-\$83.93; Emme Sand & Gravel, Supplies-\$1,693.86; Eric Hieb, Contract Service-\$6,853.01; ETix, Ticketing Fees-\$679.65; Fedex, Mailing-\$36.14; First National Bank Omaha, Cash Back Redemption-\$10,974.84; First Rate Excavate, Maintenance-\$22,808.30; Fleetpride, Supplies-\$2,910.22; Galls, Supplies-\$8,065.62; Geotek Engineering & Testing, 2022-1 P.E. #1A-\$4,872.00; GF Advertising Services, Supplies-\$266.00; Great Western Tire, Repair-\$4,989.80; Hach, Supplies-\$1,852.30; Halme, 2023-6 P.E. #1-\$147,776.40; Hawkins, Supplies-\$20.00; Helms and Associates, 2021-30 P.E. #23-\$26,428.20; Howes Oil, Supplies-\$20,096.25; I-State Truck Center, 2023-34 P.E. #1-\$119,662.00; IDEAG, Hydrant Meter Deposit-\$2,000.00; Infrastructure Design Group, 2020-20 P.E. #46-\$20,649.53; Ingram Library Services, Books-\$336.75; Innovative Office Solution, Supplies-\$610.55; Interstate Office Products, Supplies-\$231.43; Iverson, 2022 Chevrolet Silverado-\$44,645.00; Jacquelyn High, Reimbursement-\$68.00; James Huck, Refund-\$90.69; James Pratt, Refund-\$86.11; Janice Chittenden, Refund-\$92.29; JCL Solutions, Supplies-\$552.60; Joan Johnson, Refund-\$50.00; John Badker, Travel-\$14.00; John Hegg, Supplies-\$9.97; Jones Supplies, Supplies-\$1,854.54; Joseph King, Travel-\$120.00; Joyce A Smetana, Refund-\$200.00; Kimball Midwest, Supplies-\$309.60; Krohmer Plumbing, Maintenance-\$199.93; Lawson Products, Supplies-\$2,088.85; Leland Tiede, Refund-\$91.22; Lewis Family Drug, Supplies-\$49.89; Light & Siren, Supplies-\$32,284.63; Linda Niewenhuis-Kredit, Refund-\$50.00; M&T Fire and Safety, Supplies-\$9,922.03; Make It Mine Designs, Supplies-\$4,982.93; Marian Bies, Refund-\$100.48; Mark Jenniges, Travel-\$215.04; MC&R Pools, Supplies-\$184.99; McLeod's Printing, Supplies-\$3,817.98; Mebius Nursery & Landscaping, Repairs-\$445.00; Menard's, Supplies-\$2,480.06; Menning Excavating, Maintenance-\$6,285.66; Michaels Fence & Supply, Supplies-\$836.68; Mid-American Research Chemical, Maintenance-\$5,441.31;

Midcontinent Communication, Utilities-\$16.50; Midcontinent Communication, Advertising-\$1,306.00; Midwest Fire & Safety, Extinguisher Service-\$685.00; Midwest Oil, Supplies-\$692.61; Millennium Recycling, Single Stream Fee-\$896.35; Mitchell Iron & Supply, Supplies-\$60.00; Mitchell Skating, Registration-\$390.00; Mitchell Skating & Hockey, Sports Authority Promo-\$1,000.00; Mitchell Towing and Recovery, Towing-\$180.00; Mitchell United Way, United Way Deductions-\$173.00; Mueller Lumber, Supplies-\$5.77; Muth Electric, Maintenance-\$48,655.70; Napa Central, Supplies-\$227.89; Northern Balance & Scale, Repairs-\$202.00; Northwestern Energy, Utilities-\$47,543.93; Novaha Construction, Landfill fees-\$46.56; Overdrive, EBooks-\$1,282.80; Pepsi Cola, Supplies-\$612.85; Premier Equipment, Supplies-\$290.66; Premier Pest Control, Supplies-\$525.00; Prime Insurance, Refund-\$150.00; Public Health Laboratory, Testing-\$660.00; Qualified Presort, Postage-\$520.80; Robert McCardle, Registration-\$20.00; Rockmount Research & Alloy, Supplies-\$1,322.61; Roy King, Entertainment-\$150.00; Runnings, Supplies-\$964.60; Sanford Health Mitchell, Supplies-\$235.00; Santel Communications, Utilities-\$30.00; Schoenfelder Construction, 2022-26 P.E. #6-\$257,282.41; South Dakota Municipal League, Registration-\$125.00; South Dakota Public Assurance Alliance, Insurance-\$4,238.14; South Dakota-Supplemental Retirement, Supplemental Retirement-\$26,511.10; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$2,092.50; Siteone Landscape Supply, Supplies-\$1,619.67; Soukup Construction, 2023-3 P.E. #2-\$456,390.42; SPN & Associates, 2021-3 P.E. #25-\$9,234.22; Standard Insurance, Life Insurance-\$427.00; Staples, Supplies-\$623.14; Steve Schladweiler, Supplies-\$378.00; Steve Whitney, Refund-\$699.34; Streicher's Minneapolis, Supplies-\$7,216.77; Sturdevants Auto Value, Supplies-\$3,292.97; Subway, Planning Comm Meals-\$53.94; Sun Gold Sports, Supplies-\$1,225.00; Teamsters Local No. 120, Union Dues-\$1,340.00; Therese Ware, Tree Mitchell Program-\$47.99; Thune True Value & Appliance, Supplies-\$40.94; TMA Stores, Supplies-\$1,253.08; Transwest Sioux Falls, Supplies-\$353.98; Travis Hohrman, Reimbursement-\$350.00; Upper Midwest Garage Door, Maintenance-\$306.12; UPS Store #4227, Shipping-\$94.68; Vale Krietlow, Refund-\$777.00; Verizon Wireless, Utilities-\$340.19; Vern Eide Chevrolet GMC, Towing-\$100.00; Vestis, Maintenance-\$262.79; Walmart/Capital One, Supplies-\$103.48; Watertown Wholesale, Supplies-\$141.43; Wisconsin Child Support, Garnishment-\$395.58; WS Construction Management, 2021-30 P.E. #4-\$120,797.40; South Dakota Department of Revenue, Sales Tax-\$21,538.13; Ellwein Brothers, Supplies-\$1,746.50

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

BOARD OF ADJUSTMENT:

Moved by Tjarks, seconded by Goldammer, 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 Josh Frost for a conditional use permit for outside storage 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. The property is zoned UD Urban

Development District. The Planning Commission recommended approval of said application. Moved by Goldammer, seconded by Tjarks, to deny said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Josh Frost for a conditional use permit for automotive sales, repair, parts and 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. The property is zoned UD Urban Development District. The Planning Commission recommended approval of said application. Moved by Goldammer, seconded by Barington, to approve said application with the conditions a fenced in area is created that will hold no more than five cars to be worked on and be in compliance with Outside Storage before being permitted. Bathke voting nay. Motion carried.

Moved by McCardle, seconded by Barington, to set date for November 18, 2024 on the application of Kyle Zacher for a variance for maximum height of an accessory building of 30' vs 22' to add onto existing garage and creating a mezzanine in the new portion of the garage with enough room under the mezzanine for the garage doors to open located at 1420 East Havens Avenue, legally described as Lot 1, Block 8, Fiar View Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

AWARD BID:

Bids were opened and read on Cemetery Hayland Project #2025-05 on the 16th day of October, 2024. Moved by Sabers, seconded by Bathke, to award, as follows:

CEMETERY HAYLAND PROJECT #2025-05

Brad Bartscher, 300 S 2nd Street, Emery, SD 57332

16 Acres \$168.20/acre

\$2,691.15 per Year \$8,073.45 for 3 Years (2025, 2026, 2027)

Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Goldammer, to approve the quote for South Wastewater Treatment Facility Building with Custom Touch Homes in the amount of \$53,061.32. The quote does not include transportation or foundation. Barington abstained. Motion carried.

Moved by Tjarks, seconded by Smith, to approve a release of a 10' utility easement in Nelson's Addition. Bathke abstained. Motion carried.

Moved by Tjarks, seconded by Barington, to approve an easement within the alleyway for 207 West 11th Avenue. Motion carried.

Moved by Goldammer, seconded by Tjarks, to approve Agreement #A2024-43, Testing Services for South Waste Water Treatment Plant-Phase II-Schedule A with GeoTek in an amount not to exceed \$70,350.00. Motion carried.

Moved by Smith, seconded by Sabers, to approve Agreement #A2024-44, Partial Alley Closure Joining 6th and 7th between Main and Rowley with Confluence.

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

RESOLUTIONS:

Moved by Sabers, seconded by Goldammer, to approve Resolution #R2024-69, Creating Tax Increment District #38-Palace City Brewery, as follows:

RESOLUTION R2024-69

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

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Thirty-Eight (TID 38) and to define the district's boundaries; and

WHEREAS notice of the hearing before the city planning commission was provided pursuant to SDCL 11-9-3; and

WHEREAS, the City of Mitchell Planning Commission held a hearing on October 28, 2024 at which any interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district; and

WHEREAS the City of Mitchell Planning Commission after said hearing has recommended the proposed plan for Tax Incremental District Number Thirty-Eight and has recommended its creation, setting the boundaries as listed in the project plan, and recommending adoption of the project plan.

THEREFORE, IT IS HEREBY RESOLVED:

1. Pursuant to SDCL 11-9-5, there is hereby created, as of November 4, 2024, the City of Mitchell Tax Incremental District Number Thirty-Eight (TID 38). TID 38 is legally described as follows:

Lot R-1 of Depot Second Addition to the City of Mitchell, lying in the SE ¼ of Section 21, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, according to the plat filed in Book 21 of Plats, page 39 on September 16, 2005 in the office of the Register of Deeds, Davison County, South Dakota.

with a map showing said boundaries included in the Project Plan presented to Council on November 4, 2024.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 38 was held on October 28, 2024.
3. The City Council, in consideration of the project plan, other documentary evidence, and testimony, hereby makes the following findings:
 - a. Pursuant to SDCL 11-9-8, not less than fifty percent (50%) by area of the real property within the proposed tax increment district will stimulate and develop the general economic welfare and prosperity of the City of Mitchell and State of South Dakota through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources;
 - b. Further pursuant to SDCL 11-9-8, the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TID 38;
 - c. Pursuant to SDCL 11-9-13, the project plan for TID 38 includes information satisfying each of the 5 requirements contained therein;
 - d. Pursuant to SDCL 11-9-16, the project plan for TID 38 includes information satisfying each of the 6 requirements contained therein; and
 - e. The plan is feasible and in conformity with the master plan of the City.
 - f. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts does not exceed ten (10%) percent of the total assessed valuation of the City.
 - g. TID 38 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
4. Based on the findings in Section 3 above, the City hereby approves and adopts the project plan and the proposed boundaries as recommended by the City of Mitchell Planning Commission.
5. The City hereby directs the City of Mitchell Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
6. There is hereby created, pursuant to SDCL 11-9-31, the Tax Incremental District Number Thirty-Eight Fund (TID 38 Fund).

7. All tax increments collected pursuant to TID 38 shall be deposited into the TID 38 Fund.
8. All funds in the TID 38 Fund shall be used solely for the purposes expressly stated and reasonably inferred in SDCL 11-9.
9. The City finds that the aggregate assessed value of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed ten percent of the total assessed value of taxable property in the municipality.
10. The project plan is on file with the City of Mitchell Finance Officer.
11. A Developer's Agreement consistent with the provisions of this Resolution and the Project Plan shall be approved by separate action of the City Council.

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by Barington, to approve Resolution #R2024-70, Creating Tax Incremental District #39-Mad Garage, as follows:

RESOLUTION R2024-70

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

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Thirty-Nine (TID 39) and to define the district's boundaries; and

WHEREAS notice of the hearing before the city planning commission was provided pursuant to SDCL 11-9-3; and

WHEREAS, the City of Mitchell Planning Commission held a hearing on October 28, 2024 at which any interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district; and

WHEREAS the City of Mitchell Planning Commission after said hearing has recommended the proposed plan for Tax Incremental District Number Thirty-Nine and has recommended its creation, setting the boundaries as listed in the project plan, and recommending adoption of the project plan.

THEREFORE, IT IS HEREBY RESOLVED:

1. Pursuant to SDCL 11-9-5, there is hereby created, as of November 4, 2024, the City of Mitchell Tax Incremental District Number Thirty-Nine (TID 39). TID 39 is legally described as follows:

Outlots 20 and 21 less and except Lots H1 and Lots H2 of Green's Outlots in the NW1/4 of Section 15, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

with a map showing said boundaries included in the Project Plan presented to Council on November 4, 2024.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 39 was held on October 28, 2024.
3. The City Council, in consideration of the project plan, other documentary evidence, and testimony, hereby makes the following findings:
 - a. Pursuant to SDCL 11-9-8, not less than fifty percent (50%) by area of the real property within the proposed tax increment district will stimulate and develop the general economic welfare and prosperity of the City of Mitchell and State of South Dakota through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources;
 - b. Further pursuant to SDCL 11-9-8, the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TID 39;
 - c. Pursuant to SDCL 11-9-13, the project plan for TID 39 includes information satisfying each of the 5 requirements contained therein;
 - d. Pursuant to SDCL 11-9-16, the project plan for TID 39 includes information satisfying each of the 6 requirements contained therein; and
 - e. The plan is feasible and in conformity with the master plan of the City.
 - f. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts does not exceed ten (10%) percent of the total assessed valuation of the City.
 - g. TID 39 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
4. Based on the findings in Section 3 above, the City hereby approves and adopts the project plan and the proposed boundaries as recommended by the City of Mitchell Planning Commission.
5. The City hereby directs the City of Mitchell Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
6. There is hereby created, pursuant to SDCL 11-9-31, the Tax Incremental District Number Thirty-Nine Fund (TID 39 Fund).
7. All tax increments collected pursuant to TID 39 shall be deposited into the TID 39 Fund.
8. All funds in the TID 39 Fund shall be used solely for the purposes expressly stated and reasonably inferred in SDCL 11-9.

9. The City finds that the aggregate assessed value of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed ten percent of the total assessed value of taxable property in the municipality.
10. The project plan is on file with the City of Mitchell Finance Officer.
11. A Developer's Agreement consistent with the provisions of this Resolution and the Project Plan shall be approved by separate action of the City Council.

Bathke abstained. Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Goldammer, to approve Resolution #R2024-71, Plat of Lot B of Big Bend Addition in the NW ¼ of Section 1 and the NE ¼ of Section 2, all in T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2024-71

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 28th day of October, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOT B OF BIG BEND ADDITION IN THE NW 1/4 OF SECTION 1 AND THE NE 1/4 OF SECTION 2, ALL IN 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 LOT B OF BIG BEND ADDITION IN THE NW 1/4 OF SECTION 1 AND THE NE 1/4 OF SECTION 2, ALL IN 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.

Moved by Goldammer, seconded by Tjarks, to approve Resolution #R2024-72, Plat of Tract 3 in the West 626.84 feet of Lot 5 of Crane's Addition, in the SE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2024-72

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 28th day of October, 2024; and

WHEREAS, it appears from an examination of the PLAT OF TRACT 3 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas Lynn Week, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF TRACT 3 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas Lynn Week, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Goldammer, seconded by McCardle, to approve Resolution #R2024-73, Plat of Lot 10, Block 1 of Westwood First Addition, as follows:

RESOLUTION #R2024-73

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 28th day of October, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOT 10, BLOCK 1 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF SW 1/4 OF SECTION 16, 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 10, BLOCK 1 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF SW 1/4 OF SECTION 16, 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 Smith, seconded by Tjarks, to approve Resolution #R2024-74, Plat of Lot A-3, a subdivision of lot A-1 of N. Boyden First Addition, a subdivision of the SE ¼ of the NE ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2024-74

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 28th day of October, 2024; and

WHEREAS, it appears from an examination of the PLAT OF LOT A-3, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, 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 LOT A-3, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, 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 Goldammer, seconded by McCardle, to place Ordinance #O2024-10, Rezoning of the S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota be changed from R3 Medium Density Residential District to HB Highway Oriented Business District on second reading. Motion carried. Moved by Tjarks, seconded by Barington, to adopt Ordinance #O2024-10, Rezoning of the S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota be changed from R3 Medium Density Residential District to HB Highway Oriented Business District, as follows:

ORDINANCE NO. O2024-10

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell,

Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Oriented Business 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; S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Oriented Business 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 Goldammer, seconded by Barington, to place Ordinance #O2024-11, 2025 Annual Appropriation Ordinance on first reading. 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 _____.