

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

**April 7, 2025
6:00 P.M.**

PRESENT: Marty Barington, Mike Bathke, John Doescher,
Kevin McCardle, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT: Tim Goldammer

PRESIDING: Mayor Jordan Hanson

AGENDA:

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

- a. City Council Minutes
 - 1. City Council March 17, 2025
 - 2. Work Session March 31, 2025
- b. Committee Reports
 - 1. Planning Commission February 24, 2025
 - 2. Planning Commission March 24, 2025 (unsigned)
 - 3. Library Board November 19, 2024
- c. Raffle Permits
 - 1. Mitchell Music Boosters with the drawing to be held on April 29, 2025
 - 2. Mitchell Women's Softball with the drawing to be held on June 1, 2025
 - 3. Big Friend Little Friend with the drawing to be held on July 14, 2025
 - 4. Area Community Theatre with the drawing to be held on May 12, 2025
- d. Purchase of 32 Glock pistols for the Police Department
- e. Purchase of 2025 Ford F150 Responder Pursuit Pickup off of state bid pricing
- f. Agreement A2025-28, Purchase Agreement with Axon Enterprise
- g. Authorize submitting grant application to Game, Fish and Parks for Recreational Trail Program
- h. Authorize Resolution #R2025-22, Grant Application to South Dakota Game Fish & Parks
Land and Water Conservation Fund seeking matching funding toward playground for Jennewein Park
- i. Authorize application for Palace Transit Section 5311 & Title IIIB grant funding
- j. Authorize application for Homeland Security Grant for 3 gas detectors for the Fire Department
- k. Special Event Permit Application for Corn Palace Shrine Circus from Sunday, April 27 through Thursday, May 1, 2025
- l. Special Event Permit Application for Mitchell Main Street & Beyond 1st Fridays on Main on May 2, June 6, July 4, and September 5, 2025

- m. Special Event Permit Application for Mitchell Main Street & Beyond 2nd Saturdays on Main on June 14, July 12, August 9, and September 13, 2025
- n. Special Event Permit Application for Mitchell Main Street & Beyond Memorial Weekend in Mitchell on Saturday, May 24, 2025
- o. Special Event Permit Application for Heart & Sole Cancer Walk on Friday, June 13, 2025
- p. Special Event Permit Application for Corn Palace Stampede Rodeo Parade on Saturday, July 19, 2025
- q. Special Event Permit Application for Mitchell Main Street & Beyond Oktoberfest/301 Rodz & Ridez Car Show on Saturday, September 20, 2025
- r. Special Event Permit Application for 301 Rodz & Ridez Car Show on Saturday, September 20, 2025
- s. Special Event Permit Application for Mitchell Main Street & Beyond Parade of Lights on Tuesday, December 2, 2025
- t. Volunteer Board Appointments
 - 1. Appoint Elizabeth Luczak to the Historic Preservation Commission to fill an unexpired term to run April 2025-June 2027
 - 2. Appoint Christie Gunkel to the Corn Palace board to fill an unexpired term to run April 2025-September 2026
- u. Change Order #1 for 23rd Avenue Lift Station Project #2022-03 increasing the contract amount by \$21,700.00 to Halme Inc adjust contract amount to \$1,568,914.00
- v. Change Order #2 for 23rd Avenue Lift Station Project #2022-03 increasing the contract amount by \$30,228.00 to Halme Inc adjust contract amount to \$1,599,142.00
- w. Change Order #1 for Ohlman & South Harmon Lift Station Project #2023-13 increasing the contract amount by \$1,600.00 to Halme Inc adjust contract amount to \$1,240,823.50
- x. Pay Estimates April 7, 2025
 - Pay Estimate #54 in the amount of \$8,242.90 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
 - Pay Estimate #37 in the amount of \$18,025.31 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering
 - Pay Estimate #18 in the amount of \$1,020.50 for Livesay Lane Utility Improvements #2021-25 contracted to Infrastructure Design Group
 - Pay Estimate #8 in the amount of \$111,322.42 for Recycling Building #2021-30 contracted to WS Construction Management
 - Pay Estimate #8 in the amount of \$1,156,249.76 for Wastewater Treatment Plant-Phase II #2022-01 contracted to John T. Jones Construction
 - Pay Estimate #3 in the amount of \$246,942.22 for 23rd & Ohlman Lift Station #2022-03 contracted to Halme Inc.
 - Pay Estimate #19 in the amount of \$4,012.32 for 23rd & Ohlman Lift Station #2022-03 contracted to SPN & Associates
 - Pay Estimate #21 in the amount of \$3,075.00 for 1st/7th & Main Traffic Signals #2022-08 contracted to HR Green
 - Pay Estimate #2 in the amount of \$36,565.00 for 1st/7th & Main Traffic Signals #2022-08 contracted to Traffic Control Corporation

Pay Estimate #8 in the amount of \$141,619.11 for 3rd & Main Streetscape #2022-26 contracted to Schoenfelder Construction

Pay Estimate #6 in the amount of \$384,979.96 for Jetty & Marina Improvements #2023-03 contracted to Soukup Construction

Pay Estimate #22 in the amount of \$10,802.50 for Jetty & Marina Improvements #2023-03 contracted to Brosz Engineering

Pay Estimate #21 in the amount of \$35,665.28 for North Harmon Sanitary Sewer Outfall #2023-06 contracted to SPN & Associates

Pay Estimate #7 in the amount of \$371,899.71 for North Harmon Sanitary Sewer Outfall #2023-06 contracted to Halme Inc.

Pay Estimate #10 in the amount of \$378.75 for Hitchcock Pickleball Courts #2023-14 contracted to SPN & Associates

Pay Estimate #11 in the amount of \$4,182.27 for Hitchcock Pickleball Courts #2023-14 contracted to SPN & Associates

Pay Estimate #18 in the amount of \$7,336.36 for Ohlman & South Harmon Lift Station #2023-16 contracted to SPN & Associates

Pay Estimate #3 in the amount of \$778,885.20 for Ohlman & South Harmon Lift Station #2023-16 contracted to Halme Inc.

Pay Estimate #9 in the amount of \$1,475.00 for West End Bridge #2023-23 contracted to Brosz Engineering

Pay Estimate #1 in the amount of \$3,750.00 for Lake Mitchell Tornado Shelter #2023-33 contracted to GeoTek

Pay Estimate #2 in the amount of \$9,618.00 for Lake Mitchell Tornado Shelter #2023-33 contracted to LL Jirsa, Architect

Pay Estimate #6 in the amount of \$414.75 for Water Distribution System Model #2024-37 contracted to AE2S

Pay Estimate #1 in the amount of \$24,054.65 for North Ohlman to Kemper #2025-01 contracted to SPN & Associates

Pay Estimate #2 in the amount of \$5,508.56 for 1st Avenue-Burr to Foster #2025-06 contracted to SPN & Associates

Pay Estimate #1 in the amount of \$4,032.99 for Cadwell Park Infield Improvements #2025-23 contracted to SPN & Associates

y. 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 MARCH 2, 2025 – MARCH 15, 2025: City Council \$3,735.28, Mayor \$1,614.57, City Administrator \$6,841.52, Administrative Boards \$2,442.65, Attorney \$5,601.88, Finance \$15,165.45, Human Resources \$4,601.43, Municipal Building \$5,874.32, Information Technology \$3,453.08, Police \$93,644.91, Traffic \$5,449.96, Fire \$43,252.01, Street \$35,238.54, Public Works \$26,452.19, Cemetery \$5,625.62, Library \$17,224.25, Recreation & Aquatics \$6,970.95, Recreation Center \$18,325.41, Sports Complexes \$10,711.94, Parks \$13,967.33, Supervision \$4,418.10, E911 \$24,312.11, Palace Transit \$32,859.38, JVCC \$2,125.86, Nutrition \$4,800.79, Airport \$2,669.37, Water Distribution \$16,535.87, Sewer \$15,142.78, Recycling Program \$7,249.07, Waste Collection

\$7,476.51, Landfill \$9,866.90, Corn Palace \$21,523.66, Golf Course \$5,514.45, Emergency Medical Services \$43,220.33

PAYROLL MARCH 16, 2025 – MARCH 29, 2025: City Council \$3,735.28, Mayor \$1,614.57, City Administrator \$6,691.52, Administrative Boards \$2,442.65, Attorney \$5,601.88, Finance \$14,756.46, Human Resources \$4,601.44, Municipal Building \$5,484.66, Information Technology \$3,453.08, Police \$89,965.50, Traffic \$4,918.85, Fire \$40,483.71, Street \$34,570.81, Public Works \$26,452.18, Cemetery \$5,806.17, Library \$17,136.29, Recreation & Aquatics \$7,397.10, Recreation Center \$18,963.01, Sports Complexes \$10,601.73, Parks \$13,961.23, Supervision \$4,418.10, E911 \$21,995.27, Palace Transit \$33,026.52, JVCC \$2,221.71, Nutrition \$4,804.66, Airport \$2,669.37, Water Distribution \$17,058.11, Sewer \$15,607.48, Recycling Program \$7,314.28, Waste Collection \$7,404.56, Landfill \$11,638.49, Corn Palace \$19,104.35, Golf Course \$5,309.60, Emergency Medical Services \$39,634.03

NEW HIRES:

CEMETERY: Abraham Gunnare-\$13.20

GOLF: Riley Hansen-\$12.70, Kenneth Skinner-\$20.00

LIBRARY: Quincy Salmen-\$23.615

PALACE TRANSIT: Tyson Sprinkel-\$22.04

POLICE: Shanden Reiners-\$29.636

RECREATION CENTER: Rachel Kelderman-\$11.50

SALARY ADJUSTMENTS:

EMS: Mason Bruns-\$24.937

FIRE: Matthew Geidel-\$23.505, Brandon Manchester-\$26.464

MVP: Amy Hurt-\$31.775

PALACE TRANSIT: Donald Trebil-\$24.330

PARKS: Lewis Bruske-\$25.060

POLICE: Sawyer Gibson-\$39.479

WASTE WATER: Eugene Wagaman-\$40.674

TERMINATIONS:

CORN PALACE: Jaylyn Sheesley, Addison Sprinkel

LANDFILL: Leo Paul Roy

WARRANTS: A-Ox Welding Supply, Supplies-\$1,830.47; Aaron Hieb, Reimbursement-\$45.00; Abigail Squier, Travel-\$124.12; Advanced Engineering and Environmental Services, 2024-37 P.E. #6-\$414.75; Advantage Auto Glass, Repair-\$50.00; AFLAC, Aflac Withholding-\$9,903.60; AFSCME Council 65, Union Dues-\$1,041.20; AIA, Supplies-\$229.22; Alex Dagen, Reimbursement-\$45.00; Amazon Capital Services, Supplies-\$2,783.33; American Garage Door, Repair-\$660.82; American Outlaws Wrestling, Sports Authority Promo-\$750.00; Andrew Schneider, Reimbursement-\$45.00; Andrew Shank, Training-\$126.00; Arctic Refrigeration, Repair-\$112.00; Area Community Theatre, 2025 Allocation-\$21,250.00; AT&T Mobility, Utilities-\$1,017.22; AT&T Mobility, Utilities-\$1,108.43; Austin Resick, Reimbursed-\$124.96; Avera Occupational Medicine, Screenings-\$1,166.00; Avera Occupational Medicine, Labs-\$109.80; Avera Queen of Peace, Supplies-\$523.77; Bailey Metal Fabricators, Supplies-\$601.08; Baker & Taylor, Books-\$112.57; Barco Municipal Products, Supplies-\$1,194.00; Barco Products, Supplies-\$1,844.32; Barr Engineering, 2021-20 P.E. #PH2-37-\$18,025.31; Beacon Athletics, Supplies-\$3,337.00; Big Daddy D's, Contract Services-\$9,101.10; Brad Gates, Reimbursement-\$45.00; Brady Andera, Reimbursement-\$45.00; Brian Daughters, Reimbursement-\$45.00; Brosz Engineering, 2023-23 P.E. #9-\$12,277.50; C&B Operations, Supplies-\$136.16; Carquest Auto Parts, Supplies-\$637.11; Central Electric, Utilities-\$1,763.03; Chad Cody, Reimbursement-\$45.00; CHR Solutions, Mailing Service-\$3,768.35; CHS Farmers Alliance, Supplies-\$4,753.85; City of Mitchell, Employee Banquet-\$830.20; City of Mitchell, Golf Course Deductions-\$1,662.42; City of Mitchell, Recreation Deductions-\$2,475.12; City of Mitchell, Supplies-\$2,000.00; CK Bicycles & Locks, Supplies-\$36.00; Cole Palmer, Reimbursed-\$88.00; Column Software, Advertising-\$914.07; Connor Davis, CDL-\$344.00; Core & Main, Supplies-\$15,307.66; Core-Mark, Supplies-\$4,850.29; Corn Palace, Corn Palace Games-\$4,759.70; Corsica Stickney School District, Corn Palace Games-\$4,382.22; County Fair, Gift Cards-\$576.34; Craig Stucky, Reimbursement-\$45.00; Creative Safety Supply, Supplies-\$651.36; Dakota Fluid Power, Supplies-\$825.63; Dakota Pump, Supplies-\$391.88; Dakota Supply Group, Supplies-\$1,579.84; Dan Hauser, Bid #3 Roof Repair-\$8,400.00; Dan London, Reimbursement-\$45.00; Dan Pollreisz, Reimbursement-\$45.00; Dave Sietsema, Reimbursement-\$45.00; Davison County Register of Deeds-\$13.00; Delta Dental Plan of South Dakota, Dental Insurance-\$17,132.40; Department of Agriculture, Solid Waste-\$3,887.55; Department of Social Services, Child Support-\$719.08; Dicks Towing, Maintenance-\$320.00; Doug Cunningham, Reimbursement-\$45.00; Dr. Matthew Schafer, Contract Service-\$1,500.00; Elfstrand's Ace Hardware, Supplies-\$546.95; Elliott Equipment, Supplies-\$1,847.55; Environmental Equipment & Service, Supplies-\$136.50; Eric Hieb, Contract Services-\$10,068.73; ETix, Ticketing Fees-\$60.55; Fastenal, Supplies-\$12.99; Federal Signal Corporation, Supplies-\$867.00; First National Bank Omaha, Loan Payment-\$11,342.68; Fisher Scientific, Supplies-\$819.45; Fleetpride, Supplies-\$2,078.74; Flowbird America, Service-\$69.00; Foreup Golf Software, Supplies-\$1,731.00; Frontier Precision, Supplies-\$543.60; Full Source, Supplies-\$657.25; Galls, Supplies-\$169.77; Geotek Engineering & Testing, 2023-33 P.E. #1-\$3,750.00; Grainger, Supplies-\$466.94; H&H Electric & Motor Repair, Supplies-\$1,300.00; Halme, 2022-3 P.E. #3-\$1,397,727.13; Hawkins, Supplies-

\$70.00; Henry Schein, Supplies-\$913.66; Hillyard/Sioux Falls, Supplies-\$135.36; Howes Oil, Supplies-\$17,266.66; HR Green, 2022-8 P.E. #21-\$3,075.00; Identisys, Supplies-\$375.00; Infrastructure Design Group, 2020-20 P.E. #54-\$12,492.75; Ingram Library Services, Books-\$869.43; Innovative Office Solution, Supplies-\$301.67; Interstate All Battery Center, Supplies-\$31.50; Interstate Office Products, Supplies-\$93.25; Iverson, Repair-\$1,228.64; Jamie Henkel, Reimbursement-\$45.00; Janice Peterson, Banquet-\$80.00; Jaylon Tollefson, Reimbursement-\$45.00; Jeff Hanson, Reimbursement-\$45.00; Jesse Schlingen, Reimbursement-\$45.00; Joe Dolezal, Reimbursement-\$45.00; Joe Galpin, Reimbursement-\$45.00; Joe Schroeder, Reimbursement-\$45.00; Joelle Dammann, Reimbursement-\$45.00; John Hegg, Reimbursement-\$56.24; John T Jones Construction, 2022-1 P.E. #8-\$1,156,249.76; Jon Thurman, Reimbursement-\$45.00; Jon Vermeulen, Reimbursement-\$45.00; Jones Supplies, Supplies-\$2,824.54; Jordon Sehnert, Reimbursement-\$30.00; 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 Roth, Reimbursement-\$45.00; Kevin Sibson, Reimbursement-\$45.00; Knights of Columbus, Special Olympics-\$1,500.00; Krohmer Plumbing, Repair-\$67.42; L.L. Jirsa, Architect, 2023-33 P.E. #2-\$9,618.00; Lakeview Veterinary Clinic, Management Fee-\$900.00; Larry's I-90 Service, Supplies-\$160.84; Lawson Products, Supplies-\$99.80; Leighton Family Farms, Supplies-\$700.00; Lewis Family Drug, Supplies-\$33.96; Liz Kitchens, Banquet Prize-\$394.00; M&T Fire and Safety, Supplies-\$1,344.25; Make it Mine Designs, Supplies-\$129.00; Mason Bruns, Trailing-\$88.00; McLeod's Printing, Supplies-\$760.50; Melissa Hobaugh, Reimbursement-\$45.00; Menard's, Supplies-\$1,794.52; Michael Leach, Reimbursement-\$45.00; Michelle Bathke, Reimbursement-\$45.00; Microsoft, Subscription-\$910.00; Mid States Audio, Supplies-\$55,497.38; Midcontinent Communication, Utilities-\$116.01; Midwest Turf & Irrigation, Supplies-\$369.57; Millennium Recycling, Contract-\$632.80; Minnesota Valley Testing, Lab Fees-\$2,147.00; Miscellaneous Vendor, Erickson, Olynn Refund-\$3.66; Mitchell Animal Rescue, Management Fee-\$350.00; Mitchell Iron & Supply, Supplies-\$119.32; Mitchell Local 4166, Training-\$2,700.00; Mitchell Plumbing & Heating, Maintenance-\$1,718.77; Mitchell Rotary Club, Dues-\$40.00; Mitchell School District, Corn Palace Games-\$9,215.05; Mitchell United Way, United Way-\$342.00; Motorola Solutions, Supplies-\$27,816.65; Mueller Lumber, Supplies-\$184.60; Muth Electric, Maintenance-\$3,791.78; NRPA, 2025 Dues-\$180.00; Napa Central, Supplies-\$460.43; Nate Hegg, Reimbursement-\$45.00; Newvision Security, Alarm Monitoring-\$227.00; Nolan Tegels, Reimbursement-\$45.00; Northwest Pipe Fittings, Supplies-\$4,120.95; Northwestern Energy, Utilities-\$55,067.36; Optilegra, Vision Plan Deductions-\$259.84; Panther, Supplies-\$555.00; Pepsi Cola, Supplies-\$976.35; Peterbilt of Sioux Falls, Supplies-\$1,308.99; Pfeifer Implement, Maintenance-\$3,065.92; Pioneer Designs, Professional Service-\$340.00; Pioneer Manufacturing, Supplies-\$1,176.85; Prairieland Awning Canvas, Repair-\$86.50; Premier Pest Control, Service-\$745.00; Prevention Magazine, Subscription-\$150.00; Qualified Presort Service, Postage-\$367.79; Rinker Materials, Supplies-\$615.21; Robert McCardle, Reimbursement-\$45.00; Roger Prewett II, Reimbursement-\$45.00; Ron's Saw Sales, Supplies-\$132.48; Runnings Supply, Supplies-\$1,297.61; Ryland Devries, Reimbursement-\$45.00; S&M Printing, Supplies-\$449.00; Sanitation Products, Supplies-\$574.19; Schoenfelder Construction, 2022-26 P.E. #8-\$141,619.11; Scholastic Library Publish, Books-\$423.56; South Dakota Federal Property Agency, Supplies-\$256.00; South Dakota Municipal League, Travel-\$60.00; South Dakota Public Assurance Alliance, Insurance-\$11,956.68; South Dakota Retirement System, Retirement Contributions-\$129,462.86; South Dakota-Supplemental Retirement, Supplemental Retirement-\$21,159.42; South Dakota-Supplemental Roth

457, Roth 457 Contributions-\$4,295.00; South Dakota Waste Water-Registration-\$180.00; Shawn Lachnit, Reimbursement-\$30.00; Sherwin-Williams, Supplies-\$686.54; Sign Solutions USA, Supplies-\$315.78; Soukup Construction, 2023-3 P.E. #6-\$384,979.96; SPN & Associates, 2022-3 P.E. #19-\$85,171.08; Stan Houston Equipment-\$147.80; Standard Insurance, Life Insurance-\$2,729.60; Standard Insurance, Life Insurance-\$436.07; Staples, Supplies-\$283.53; Stephanie Ellwein, Reimbursement-\$45.00; Steve Anderson, Reimbursement-\$45.00; Streicher's Minneapolis, Supplies-\$2,076.34; Sturdevants Auto Value, Supplies-\$1,089.67; Subway, Meals-\$26.97; Sun Gold Sports, Supplies-\$334.00; Teamsters Local No. 120, Union Dues-\$1,711.00; Teleflex, Supplies-\$1,100.00; Terry Johnson, Reimbursement-\$45.00; The Safe Place of Eastern South Dakota, Allocation-\$5,000.00; Thomas Gullede, Reimbursement-\$45.00; Thomas Holleman, Reimbursement-\$45.00; Thomas Schuman, Reimbursement-\$45.00; Thune True Value & Appliance, Supplies-\$601.41; Tiffany Boehmer, Reimbursement-\$37.50; Titan Machinery Mitchell, Supplies-\$112.00; TMA Stores, Supplies-\$671.83; Traffic Control, Maintenance-\$45,690.00; Transource, Supplies-\$1,670.93; Transwest Sioux Falls, Supplies-\$779.98; Travis Hohrman, Reimbursement-\$350.00; Tripp Delmont Armour Schools, Corn Palace Games-\$1,636.40; Tristian Johnson, Reimbursement-\$32.00; Turfwerks, Maintenance-\$945.77; Tyler Vetch, Reimbursement-\$45.00; Tylor Peterson, Reimbursement-\$45.00; Van Wall Equipment, Supplies-\$489.45; Verizon Wireless, Utilities-\$340.19; Vessco, Supplies-\$1,994.95; Vestis, Mat Cleaning-\$575.96; Walmart/Capital One, Supplies-\$323.13; Wanda Graves, Reimbursement-\$45.00; Watertown Wholesale, Supplies-\$187.01; WS Construction Management, 2021-30 P.E. #8-\$111,322.42; Zach Dalrymple, Reimbursement-\$45.00; Zimco Supply, Supplies-\$14,089.25; South Department of Revenue, Sales Tax Payment-\$19,212.06; Wage Works, Flex Spending-\$16,542.29; Wellmark of South Dakota, Administration, Prescription, Medical-\$248.824.12

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

CITIZENS INPUT:

Elizabeth Luczak of Mitchell Main Street & Beyond thanked the City Council for granting the Special Event Permits for 2025.

Fire Chief Dan Pollreisz invited City Council to Joe Dolezal's retirement party on Friday, April 18th at the department. Pollreisz also stated the ATV project is complete and will be at Iverson's on Wednesday.

UPDATE:

Mike Lauritsen and Johanna Allen of the Mitchell Area Development Corporation gave an update on Mitchell's 2025 Community of the Year Award.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Michael Larson for a conditional use permit for two family dwellings on his parcel located at 408 North Foster Street, legally described as Lot 9 except the South 7' of the East 86', Block 1, Bridle Acres Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application. Moved by Sabers, seconded by Smith, to approve said application. McCardle opposed. Motion carried.

Moved by Bathke, seconded by Tjarks, to set date for April 21, 2025 on the application of Jensen Capital & Development LLC for a conditional use permit for multi-family dwellings located at the SE corner of East Spruce Street and Urbana Drive, legally described as Lot 23 of Starlite Estates in the NW ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. Motion carried.

Moved by McCardle, seconded by Barington, to set date for April 21, 2025 on the application of Doug and Heidi Gehrke for a variance for an attached accessory building of 4,600 square feet vs 2,000 square feet located at 304 North Mattie Street, legally described as Lot 4 of D. and D. Long's First Addition, a subdivision of Irregular Tract No. 3 in the NE ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., 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.

UPDATE:

Fire Chief Dan Pollreis and Amy Storm updated the City Council on the proposed Ambulance District for Davison and Hanson counties. The election is scheduled for April 22nd.

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer RB-25873 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Kareem Inc dba IMart Stores USA, 512 South Sanborn Blvd to 727 Inc dba FREEDOM Mitchell, 512 South Sanborn Blvd. (The license will be inactive and video lottery is not included.) Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

AWARD BID:

Bids were opened and read on Revenue Producing Hangar AIG #3-46-037-033-2025 on the 19th day of March, 2025. Moved by McCardle, seconded by Bathke, to award contingent upon receipt of an FAA grant offer, as follows:

REVENUE PRODUCING HANGAR AIG #3-46-037-033-2025

Pro Contracting, PO Box 673, Mitchell, SD 57301

Bid Schedule A	\$105,371.19
Bid Schedule B	\$829,442.60
Bid Schedule A1	\$53,163.30
Bid Schedule B1	\$231,517.52
Bid Schedule B2	\$37,469.46
Bid Schedule B3	\$14,363.29
Total Bid	\$1,271,327.36

Motion carried.

CONSIDER APPROVAL:

Moved by Sabers, seconded by Bathke, to approve the Special Event Permit Application for Your Town Tour featuring Neil McCoy on Friday, April 25, 2025. Motion carried.

Moved by Smith, seconded by Barington, to postpone the City Pilot Program for School Age Students for Summer of 2025. Motion carried.

Agreement #A2025-23, Purchase Agreement for 301 North Main Property has been withdrawn by the seller.

Moved by McCardle, seconded by Sabers, to approve Agreement #A2025-25, Corn Palace Railings and ADA Seating Project #2025-18 with Ciavarella Design in an amount not to exceed \$3,700.00. Motion carried.

Moved by Barington, seconded by Smith, to approve Agreement #A2025-26, Purchase Agreement for Joramo Property in the East 1100 and 1200 blocks of 1st Avenue in the amount of \$1,000,000.00. Motion carried.

Moved by McCardle, seconded by Barington, to approve Agreement #A2025-27, AIP Grant Application with FAA for Revenue Producing Hangar. Motion carried.

Moved by Sabers, seconded by Barington, to approve Agreement #A2025-29, Purchase Agreement with Toyne for a Fire Engine in the amount of \$758,624.48 made in 3 payments over 3 years. Motion carried.

RESOLUTION:

Moved by Tjarks, seconded by Smith, to approve Resolution #R2025-19, Plat of Lots 2 and 3 of Block 2 of Maui Farms Second Addition, as follows:

RESOLUTION #R2025-19

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 24th day of March, 2025; and

WHEREAS, it appears from an examination of the PLAT OF LOTS 2 AND 3 OF BLOCK 2 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 4 IN THE EAST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF LOTS 2 AND 3 OF BLOCK 2 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 4 IN THE EAST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 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 Sabers, seconded by McCardle, to approve Resolution #R2025-20, Plat of Lot 1 of Tract M, Wild Oak Golf Club Addition in the Southeast ¼ of Section 23, Township 103 North, Range 60 West of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2025-20

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 24th day of March, 2025; and

WHEREAS, it appears from an examination of the PLAT OF LOT 1 OF TRACT M, WILD OAK GOLF CLUB ADDITION IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Robert D. Kummer, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF LOT 1 OF TRACT M, WILD OAK GOLF CLUB ADDITION IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY,

SOUTH DAKOTA, as prepared by Robert D. Kummer, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Sabers, to approve Resolution #R2025-21, Plat of Lots 1, 2, & 3 of Tract 3, Backlund Addition in the Northwest ¼ and Southwest ¼ of Section 24, Township 103 North, Range 60 West of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2025-21

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 24th day of March, 2025; and

WHEREAS, it appears from an examination of the PLAT OF LOTS 1, 2 & 3 OF TRACT 3, BACKLUND ADDITION IN THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Robert D. Kummer, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF LOTS 1, 2 & 3 OF TRACT 3, BACKLUND ADDITION IN THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Robert D. Kummer, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Barington, seconded by McCardle, to approve Resolution #R2025-23, Authorizing Mayor as Signatory for Lifequest Grant Documents, as follows:

**AUTHORIZING GOVERNMENTAL RESOLUTION for
PROJECT AUTHORIZED OFFICIAL
Resolution #R2025-23**

WHEREAS, the City of Mitchell is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

WHEREAS, the City of Mitchell is required to designate an authorized official for the purpose of signing required documents pertaining to this grant;

NOW THEREFORE, BE IT RESOLVED, that Jordan Hanson, Mayor, for the City of Mitchell be hereby designated as the City's official for the purpose of signing Grant Agreements and Contracts. AND BE IT FURTHER RESOLVED, that Jordan Hanson, Mayor, for the City of Mitchell be hereby designated as the City's authorized official for the purpose of signing correspondence, pay requests, and other required documents.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Smith, to approve Resolution #R2025-24, Authorizing Mayor as Environmental Certifying Officer-Lifequest Grant, as follows:

**ENVIRONMENTAL CERTIFYING OFFICER
Resolution #R2025-24**

WHEREAS, the City of Mitchell is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

WHEREAS, the City of Mitchell is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant,

NOW THEREFORE, BE IT RESOLVED, that the Mayor for the City of Mitchell be hereby designated as the City's environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by McCardle, seconded by Barington, to place Ordinance #O2025-02, Supplemental Appropriations on second reading. Motion carried. Moved by Smith, seconded by Tjarks, to adopt Ordinance #O2025-02, Supplemental Appropriations, as follows:

**ORDINANCE NO. O2025-02
SUPPLEMENTAL APPROPRIATION ORDINANCE
CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**

BE IT ORDAINED, BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, that the following sums be appropriated to authorize certain expenditures and to meet certain obligations for the year 2025 according to statute. All appropriations will come from cash balance and financing in the listed funds.

GENERAL FUND**FINANCE**

101-41420-42200	Professional Services	\$ 15,000
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HUMAN RESOURCES

101-41440-42231	Employee Physicals, Drug Tests	\$ 6,700
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101-41440-42600	Supplies & Materials	\$ 2,000
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INSURANCE & BONDS

101-41460-42110	Liability & Property Insurance	\$ 19,000
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INFORMATION TECHNOLOGY

101-41935-42250	Managed Print Services	\$ 7,000
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101-41935-42645	Computer Hardware	\$ 14,500
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101-41935-43510	Computer Hardware (Capital)	\$ 8,000
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POLICE

101-42110-43400	Machinery & Equipment	\$ 32,000
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TRAFFIC

101-42130-42835	Utilities- Street Lights	\$ 45,000
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101-42130-42570	Repairs – Traffic Accident	\$ 80,000
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101-42130-43320	Upgrade Signal Lights	\$ 19,977
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101-42130-43343	7 th & 1 st Intersection Signal Lights	\$ 880,095
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FIRE

101-42200-41700	Compensated Absences	\$ 13,050
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101-42200-42641	Protective Clothing	\$ 19,000
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101-42200-43400	Machinery & Equipment	\$ 95,000
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101-42200-43300	Improvements Other Than Buildings	\$ 7,000
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STREET

101-43100-42630	Gravel-Base	\$ 25,560
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101-43100-43419	Dump Truck	\$ 97,928
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STREET & SIDEWALK CONSTRUCTION

101-43120-42200	Professional Services-Design	\$ 79,000
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101-43120-43300	Street Overlay Maintenance	\$ 886,000
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101-43120-43305	Bike Path Construction	\$ 155,000
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101-43120-43310	Parking Lot/ Alley Paving	\$ 12,000
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101-43120-43312	West End Bridge	\$ 294,229
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101-43120-43324	Rowley St I-90	\$ 250,000
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101-43120-43325	Norway/Rowley Sidewalk	\$ 377,300
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STORM DRAINAGE

101-43150-43307	3rd & Main	\$ 20,000
101-43150-43309	Lake Storm Sewer	\$ 50,000
101-43150-43317	Livesay Utility Improvements	\$ 100,000
101-43150-43343	2 nd , 4 th , & Railroad	\$ 425,034

CEMETERY

101-43700-43200	Capital Buildings	\$ 27,000
101-43700-43400	Machinery & Equipment	\$ 16,950

LIBRARY

101-45500-41120	Part Time Wages	\$ 5,000
101-45500-43300	Building	\$15,000
101-45500-43400	Furniture & Equipment	\$ 35,000

ECONOMIC DEVELOPMENT

101-46500-43100	Property Acquisition	\$ 1,000,000
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TRANSFERS OUT

101-49000-51104	Transfer out to Airport	\$ 100,000
101-49000-51105	Transfer out to Corn Palace Fund	\$ 550,000

PARK FUND

SPORTS COMPLEX

201-45160-42600	Supplies & Materials	\$ 4,900
201-45160-43300	Capital Improvements-Other	\$ 198,287
201-45160-43320	Capital Improvements- Press Box	\$ 13,242

REC CENTER

201-45140-43300	Capital Improvements- Other	\$6,048
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PARKS

201-45210-42200	Professional Services	\$ 65,000
201-45210-43300	Capital Improvements	\$550,000
201-45210-43400	Capital Equipment	\$ 85,000

LAKE MITCHEL FUND

203-45220-43300	Lake Improvements	\$ 5,060,360
203-45220-43310	Watershed Improvements	\$ 100,000

BUSINESS IMPROVEMENT DISTRICT #4 FUND

209-46530-42920	Sports Authority Promotion	\$ 44,640
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<u>ENTERTAINMENT TAX FUND</u>		
211-46311-42963	Community Projects	\$ 391,185
<u>E911 FUND</u>		
214-43500-43400	Equipment	\$58,430
<u>AIRPORT FUND</u>		
230-43500-43205	Hangar	\$ 207,229
230-43500-43320	AIP- Reconstruct Runway	\$ 104,600
<u>WATER FUND</u>		
<u>DISTRIBUTION</u>		
602-43340-42225	Professional Services	\$ 345,000
602-43340-43333	Highway 37 Utilities	\$ 1,013,372
602-43340-43338	2 nd , 4 th , & Railroad	\$ 250,000
602-43340-43343	B-Y Water Main	\$ 600,000
602-43340-43355	Above Ground Storage	\$ 2,319,688
<u>SEWER FUND</u>		
<u>TREATMENT</u>		
604-43200-43300	North Plant Improvements	\$ 2,430,601
604-43200-43310	South Plant Improvements	\$ 23,130,800
<u>COLLECTION</u>		
604-43250-42200	Professional Services	\$ 300,000
604-43250-43317	CIPP	\$ 450,000
604-43250-43336	Livesay Utilities	\$ 100,000
604-43250-43343	2 nd , 4 th & Railroad	\$ 278,782
604-43250-43347	23 rd & Ohlman Lift Station	\$ 1,665,149
604-43250-43348	Highway 37 Utilities	\$ 1,440,936
604-43250-43349	N. Harmon/ Airport Lift Station	\$ 2,100,000
604-43250-43350	S. Harmon/ Ohlman Lift Station	\$ 1,284,850
<u>SANITATION FUND</u>		
<u>RECYCLING</u>		
612-43220-43200	Buildings	\$ 675,428
<u>CORN PALACE FUND</u>		
613-45650-43460	Seating Replacement	\$ 650,000
<u>GOLF FUND</u>		
614-45250-43400	Capital Machinery & Equipment	\$ 16,500
614-45250-43300	Improvements	\$ 20,000

619-45220-43200

CAMPGROUND FUND

Buildings

\$ 790,202

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

Moved by Smith, seconded by Tjarks, to place Ordinance #O2025-03, Repealing and Replacing Title 12-Food Control on second reading. Motion carried. Moved by McCardle, seconded by Bathke, to adopt Ordinance #O2025-03, Repealing and Replacing Title 12-Food Control, as follows:

ORDINANCE #O2025-03

WHEREAS, the Federal Emergency Management Agency (FEMA) has completed The Flood Insurance Study for Davison County, South Dakota and Incorporated Areas and as part of such project, the City of Mitchell must update its ordinances for flood control; therefore

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

Section 1.

That Mitchell City Code Title 12 FLOOD CONTROL, and all chapters, sections, and subsections thereof, is hereby REPEALED and shall be REPLACED with the provisions of Section 2 of this ordinance.

Section 2.

**TITLE 12
FLOOD CONTROL**

**CHAPTER 1
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

- 12-1-1: Statutory Authorization**
- 12-1-2: Findings Of Facts**
- 12-1-3: Statement Of Purpose**
- 12-1-4: Methods Of Reducing Flood Loss**

12-1-1: STATUTORY AUTHORIZATION

The Legislature of the State of South Dakota has in SDCL 11-2-13 and 11-4-1 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Council of the City of Mitchell, South Dakota, does ordain as follows:

The City of Mitchell elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the City of Mitchell's community officials have elected

to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the City of Mitchell having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the City of Mitchell may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

12-1-2: FINDINGS OF FACT

The flood hazard areas of the City of Mitchell are subject to periodic inundation by flood waters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief; all of which adversely affect the public health, safety and general welfare of the inhabitants of the City of Mitchell.

These potential flood losses are caused by:

1. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
2. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

12-1-3: STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding;
3. Minimize prolonged business interruptions caused by flooding;
4. Minimize public expenditures on flood control projects;
5. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the public;
6. Protect and safeguard the welfare and safety of first responders should an emergency response is needed;
7. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
8. Promote that potential buyers are notified if properties are in a flood area.

12-1-4 METHODS OF REDUCING FLOOD LOSSES

To accomplish the purposes outlined in **12-1-3 STATEMENT OF PURPOSE**, this ordinance applies the following methods:

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controls filling, grading, dredging and other developments that may increase flood damage; and
5. Prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

CHAPTER 2

DEFINITIONS

12-2-1: Definitions

12-2-1: DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

100-YEAR FLOOD: flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

100-YEAR FLOODPLAIN: area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.

500-YEAR FLOOD: flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

500-YEAR FLOODPLAIN: area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.

ACCESSORY STRUCTURE: structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure the ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

ADDITION: any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

ALLUVIAL FAN FLOODING: flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX: point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE: see definition of Accessory Structure.

AREA OF FUTURE-CONDITIONS FLOOD HAZARD: land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

AREA OF SHALLOW FLOODING: designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD: land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

AREA OF SPECIAL FLOOD HAZARD: land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

BASE FLOOD: flood having a 1-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

BASEMENT: any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

BEST AVAILABLE DATA: existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, FHBM and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

BREAKAWAY WALL: wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

BUILDING: see definition of Structure.

CHANNELIZATION: artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

CODE OF FEDERAL REGULATIONS (CFR): codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

CONDITIONAL LETTER OF MAP REVISION (CLOMR): FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLOMR-F): FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

CRAWLSPACE: under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist to the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Reference: **12-5-2-4: CRAWLSPACE**

CRITICAL FACILITY: facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.

DEED RESTRICTION: clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

DESIGNATED OFFICIAL: City Planner, or other employee designated by the director of public works.

DETACHED GARAGE: building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

DEVELOPMENT: any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

ELEVATED BUILDING: non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

ENCLOSURE: enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

EROSION: process of the gradual wearing away of land masses by wind, water, or other natural agents.

EXISTING CONSTRUCTION: structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as Existing Structures.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXISTING STRUCTURES: see definition of Existing Construction.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency.

FILL: placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

FLOOD OR FLOODING:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

FLOOD INSURANCE MANUAL: document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.

FLOOD INSURANCE RATE MAP (FIRM): official map of a community, on which the Administrator has delineated both the SFHAs and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) OR FLOOD ELEVATION STUDY: an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOODPLAIN DEVELOPMENT PERMIT: community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

FLOODPLAIN OR FLOOD-PRONE AREA: any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of Flooding).

FLOODPLAIN MANAGEMENT: operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

FLOOD OPENING: an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

FLOOD PROTECTION SYSTEM: physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

FLOODPROOFING: any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

FLOODWAY: see definition of Regulatory Floodway.

FLOODWAY ENCROACHMENT LINES: lines marking the limits of floodways on federal, state, and local flood plain maps.

FREEBOARD: factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE (HAG): highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

HISTORIC STRUCTURE: any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP AMENDMENT (LOMA): official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

LETTER OF MAP REVISION (LOMR): FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F): FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

LEVEE: man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEEVE SYSTEM: flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST ADJACENT GRADE (LAG): lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

LOWEST FLOOR: lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3.

MANUFACTURED HOME: structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; however, a manufactured home may be used for both residential and non-residential use.

MANUFACTURED HOME PARK OR SUBDIVISION: parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP: FHBM or FIRM for a community issued by FEMA.

MEAN SEA LEVEL: for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

MIXED USE STRUCTURES: structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.

NEW CONSTRUCTION: structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATIONS: formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

PHYSICAL MAP REVISION (PMR): FEMA's action whereby one or more map panels are physically revised and republished.

RECREATIONAL VEHICLE: vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY: channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE: relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

SECTION 1316: refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

SPECIAL FLOOD HAZARD AREA: see definition of Area of Special Flood Hazard.

START OF CONSTRUCTION: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE: damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", if the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE: grant of relief by a community from the terms of a flood plain management regulation. Reference: **12-4-5: VARIANCE AND APPEAL PROCEDURES**

VIOLATION: failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

WATERCOURSE: channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

CHAPTER 3

GENERAL PROVISIONS

12-3-1: Lands To Which This Ordinance Applies

12-3-2: Basis For Establishing The Areas Of Special Flood Hazard

12-3-3: Establishment Of Floodplain Development Permit

12-3-4: Abrogation And Greater Restrictions

12-3-5: Interpretation

12-3-6: Warning And Disclaimer Or Liability

12-3-7: Severability

12-3-8: Compliance

12-3-9: Stop Work Order

12-3-10: Penalties For Noncompliance

12-3-1: LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard identified by FEMA within the jurisdiction of the City of Mitchell.

12-3-2: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Davison County, South Dakota and Incorporated Areas" dated May 6, 2025, accompanying FIRMs, and any Letters of Map Change including Letters of Map Amendment, Letters of Map Revision based on Fill, and Letters of Map Revision, thereto are hereby automatically adopted by reference and declared to be a part of this ordinance.

12-3-3: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

12-3-4: ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

12-3-5: INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

12-3-6: WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by human-made or natural causes.

This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

12-3-7: SEVERABILITY

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

12-3-8: COMPLIANCE

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the City of Mitchell Council from taking such lawful action as is necessary to prevent or remedy any violations.

12-3-9: STOP WORK ORDER

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in **12-3-10: PENALTIES FOR NONCOMPLIANCE**.

12-3-10: PENALTIES FOR NONCOMPLIANCE

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes."

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations

of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not to exceed the current maximum penalty for conviction of a class 2 misdemeanor from time to time in effect under South Dakota code or imprisoned for not more than 30 days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Mitchell from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 4 ADMINISTRATION

12-4-1: Designation Of The Floodplain Administrator

12-4-2: Duties And Responsibilities Of The Floodplain Administrator

12-4-3: Requirement To Submit New Technical Data

12-4-4: Permit Procedures

12-4-5: Variance And Appeal Procedures

12-4-1: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City of Mitchell Designated Official is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

12-4-2: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Uphold the goals of the community and the NFIP to reduce risk when possible and increase the community's resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
4. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
5. Review, approve, or deny all applications for development permits required by adoption of this ordinance.
6. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the South Dakota Office of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
10. When BFE data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1.00 foot at any point within the community.
 - A. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 1.00 foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process.
12. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.

12-4-3: REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

1. The property owner or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant had obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

12-4-4: PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to:

1. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
2. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
3. Location of the foregoing in relation to SFHAs.
4. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
5. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.
6. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this ordinance and the NFIP Regulations.
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
8. At the community's discretion, the community may charge a fee for issuance of floodplain development permits.
9. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The danger that materials may be swept onto other lands to the injury of others.
4. The compatibility of the proposed use with existing and anticipated development.
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
8. The necessity to the facility of a waterfront location, where applicable.
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
10. The relationship of the proposed use to the comprehensive plan for that area.

12-4-5: VARIANCE AND APPEAL PROCEDURES

1. VARIANCE

- A. An application for a variance must be submitted to the Designated Official on the form provided by the City of Mitchell and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.

- B. Upon receipt of a completed application for a variance, the variance request will be set for public hearing at the next City Council meeting in which time is available for the matter.
- C. Prior to the public hearing, Notice of the hearing will be published in the official newspaper of the City at least 15 days prior to the hearing. In addition to the newspaper publication, written notice shall be provided to all adjoining property owners.
- D. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.

2. CRITERIA FOR VARIANCES

- A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- B. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances may be issued upon;
 - i. A showing by the applicant of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances.
- E. Variances pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

3. VARIANCE DECISION

The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval or denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

4. APPEALS

The City Council shall hear and decide appeals from the interpretations of the Administrator.

- A. An appeal must be filed with the Designated Official within fourteen (14) days of the date of any permit denial or interpretation of the Administrator. Failure to timely file an appeal shall be considered a failure to exhaust the administrative remedies. The appeal must set out the interpretation of the Administrator and a narrative setting

forth the facts relied upon by the appellant and the appellants claim regarding the error in the interpretation.

B. Upon receipt of a completed appeal, the appeal will be scheduled for the next available City Council meeting to be heard. In ruling on an appeal, the City Council shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, including:

- i. The danger that materials may be swept onto other lands to the injury of others;
- ii. The danger to life and property due to flooding or erosion damage;
- iii. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual landowner;
- iv. The importance of the services provided by the proposed facility to the community;
- v. The necessity of the facility to a waterfront location, where applicable;
- vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- vii. The compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ix. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- xi. The cost of providing government services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. DECISION

The City Council's decision on appeal shall be in writing and set out the facts, technical information, and the legal basis for the decision.

CHAPTER 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

12-5-1: General Standards

12-5-2: Specific Standards

12-5-3: Standards For Subdivision Proposals

12-5-4: Floodways

12-5-1: GENERAL STANDARDS

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

12-5-1-1: SUBSTANTIAL IMPROVEMENT

Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds 50 percent of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to **12-5-1-2: SUBSTANTIAL DAMAGE**. The term does not, however, include either:

- A. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

12-5-1-2: SUBSTANTIAL DAMAGE

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure only before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

12-5-1-3: SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATION

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:

- A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the **12-5-1-1: SUBSTANTIAL IMPROVEMENT**.
- D. Utilize FEMA's Substantial Improvement/Substantial Damage Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
- E. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
- F. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, that compliance with the floodplain management ordinance is required.

12-5-2: SPECIFIC STANDARDS

In all SFHAs the following provisions are required:

12-5-2-1: RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the BFE, unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.

In AO/AH Zones, new and substantially improved residential structures must have their lowest floor (including basement) above the highest adjacent grade at least one foot above the FIRM's depth number (at least three feet if no depth number is specified). In AO/AH Zones, adequate drainage paths around structures on slopes are required to guide flood waters away from proposed structures.

12-5-2-1-A: RESIDENTIAL CONSTRUCTION FREEBOARD

The City of Mitchell has elected to adopt a freeboard option for new construction and substantial improvement of any residential structure. The freeboard option requires that lowest floor elevation to

be built above the BFE by the height selected. The City of Mitchell has elected a 1 foot of freeboard meaning the lowest floor must be built 1 foot above the BFE.

12-5-2-2: NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level, unless a freeboard option is noted below, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, **12-5-1-1 RESIDENTIAL CONSTRUCTION** and **12-5-2-1-A: RESIDENTIAL CONSTRUCTION FREEBOARD**. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

In AO/AH Zones, new and substantially improved non-residential structures must have their lowest floor (including basement) above the highest adjacent grade at least one foot above the FIRM's depth number (at least three feet if no depth number is specified). In AO/AH Zones, adequate drainage paths around structures on slopes are required to guide flood waters away from proposed structures.

12-5-2-2-A: NONRESIDENTIAL CONSTRUCTION FREEBOARD

The City of Mitchell has elected to adopt a freeboard option for new construction and substantial improvement of any nonresidential structure. The freeboard option requires that lowest floor elevation to be built above the BFE by the height selected. The City of Mitchell has elected a 1 foot of freeboard meaning the lowest floor must be built 1 foot above the BFE.

12-5-2-3: ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

- A. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
- B. The bottom of all openings shall be no higher than 1 foot above grade.

- C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

12-5-2-4: CRAWLSPACE

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

- A. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
- B. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.
- C. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
- D. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- E. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- F. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
- G. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.
- H. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- I. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

12-5-2-5: MANUFACTURED HOMES

- A. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- B. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least 1 foot above the BFE, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- C. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at least 1 foot above the BFE; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

12-5-2-6: RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- A. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use;
 - i. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- B. Or meet the permit requirements of **12-4-4: PERMIT PROCEDURES**, and the elevation and anchoring requirements for "manufactured homes" of this section.

12-5-3: STANDARDS FOR SUBDIVISION PROPOSALS

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance.
- 2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- 3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance.
- 4. BFE data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, or whichever is lesser.
- 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall minimize flood damage.
- 6. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

12-5-4: FLOODWAYS

Floodways located within SFHAs are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood level more than 1 foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the community during the occurrence of the base flood discharge.
3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V in this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for a conditional LOMR and floodway revision through FEMA.

Section 3

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

Section 4.

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

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

DISCUSSION:

Mayor Hanson discussed with City Council members the possibility of goal setting for subsidy recipients.

EXECUTIVE SESSION:

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

Mayor Hanson declared the board out of executive session at 9:29 p.m. and the City Council to reconvene in regular session at 9:30 p.m.

ADJOURN:

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


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.