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

November 3, 2025
6:00 P.M.

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

ABSENT:

PRESIDING: Mayor Jordan Hanson

AGENDA:

Council Member Smith removed Item E-Volunteer Board Appointments from the consent agenda.

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

a. City Council Minutes
   1. City Council October 20, 2025
b. Committee Reports
   1. Planning Commission October 14, 2025 (signed)
   2. Planning Commission October 27, 2025 (unsigned)
   3. Historic Preservation October 4, 2023 (signed)
   4. Historic Preservation October 28, 2025 (unsigned)
c. Automatic Supplements
   1. General Fund-Fire in the amount of $2,943.36 from grant funds
d. Raffle Permits
   1. Voiture 481 40et8 with the drawing to be held on March 21, 2026
   2. Mitchell Technical College Mavericks Rodeo Team with the drawing to be held on or about February 13, 2025
   3. American Legion Post 18 with the drawing to be held on April 29, 2026
f. Acknowledge acceptance of audit report for 2024
g. Change Order #2 for Pump Station and Ground Storage Reservoir Project #2020-20 decreasing the contract amount by $94,723.23 to H&W Contracting adjust contract amount to $2,211,718.07
h. Change Order #3 for Highway 37 Utilities Project #2021-45 increasing the contract amount by $393,389.40 to Michels Road & Stone adjust contract amount to $4,087,224.01
i. Change Order #3 for 23rd Avenue Lift Station Project #2022-03 decreasing the contract amount by $952.55 to Halme Inc adjust contract amount to $1,598,189.45
j. Change Order #2 for Lake Shore Development Sanitary Sewer Project #2025-42 increasing the contract amount by $10,004.79 to Siteworks, Inc adjust contract amount to $196,221.76

k. Set date November 17, 2025 for hearing and action on the following applications:
1. Transfer of RB-30207 Retail (on-off sale) Malt Beverage & SD Farm Wine License from Palace City Brewing Company, 227 West Railroad to Palace City Brewing Company, 227 West Railroad due to configuration of the boundary lines
2. Transfer of RW-30208 Retail (on-off sale) Wine and Cider License from Palace City Brewing Company, 227 West Railroad to Palace City Brewing Company, 227 West Railroad due to configuration of the boundary lines

l. Approval of Gas and Fuel Quotations

Howes Oil Company	**Requested Gallons**	**Bid Gallons**	**Price per Product**	**Total Bid**
Unleaded Gas-10% Ethanol	7,500	7,500	$2.2395	$16,796.25
	Total Bid:			$16,796.25

m. Pay Estimates November 3, 2025
Pay Estimate #6-Final in the amount of $415,132.48 for Above Ground Storage Tank #2020-20 contracted to H&W Contracting
Pay Estimate #63 in the amount of $701.50 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
Pay Estimate #64 in the amount of $1,609.00 for Above Ground Storage Tank #2020-20 contracted to Infrastructure Design Group
Pay Estimate #1 in the amount of $145,619.38 for Lake Mitchell-Phase III #2021-20 contracted to Barr Engineering
Pay Estimate #12 in the amount of $185,925.78 for Highway 37 Utility Improvements #2021-45 contracted to Michels Road & Stone
Pay Estimate #55 in the amount of $15,480.64 for Highway 37 Utility Improvements #2021-45 contracted to SPN & Associates
Pay Estimate #56 in the amount of $5,554.41 for Highway 37 Utility Improvements #2021-45 contracted to SPN & Associates
Pay Estimate #9 in the amount of $79,134.12 for 23rd & Ohlman Lift Station #2022-03 contracted to Halme Inc
Pay Estimate #25 in the amount of $1,414.82 for 23rd & Ohlman Lift Station #2022-03 contracted to SPN & Associates
Pay Estimate #27 in the amount of $1,936.00 for 1st/7th & Main Traffic Signals #2022-08 contracted to HR Green
Pay Estimate #27 in the amount of $3,484.82 for North Harmon Sanitary Sewer Outfall #2023-06 contracted to SPN & Associates
Pay Estimate #24 in the amount of $1,467.85 for Ohlman/South Harmon Lift Station #2023-16 contracted to SPN & Associates
Pay Estimate #6 in the amount of $65,321.89 for 2nd and 4th Construction Project #2023-21 contracted to Schoenfelder Construction
Pay Estimate #13 in the amount of $8,627.50 for West End Bridge Project #2023-23 contracted to Brosz Engineering

Pay Estimate #3 in the amount of $52,443.78 for West End Bridge Project #2023-23 contracted to SFC Civil Constructors
Pay Estimate #9 in the amount of $18,590.75 for North Ohlman-23rd to Kemper Project #2025-01 contracted to SPN & Associates
Pay Estimate #3 in the amount of $9,315.00 for Corn Palace Seating #2025-18 contracted to Bailey Metal Fabricators
Pay Estimate #4 in the amount of $4,403.61 for Corn Palace Expansion #2025-19 contracted to Schemmer
Pay Estimate #1 in the amount of $223,644.60 for Cadwell Park Infield Improvements #2025-23 contracted to LT Companies
Pay Estimate #7 in the amount of $16,724.01 for Cadwell Park Infield Improvements #2025-23 contracted to SPN & Associates
Pay Estimate #1 in the amount of $16,048.01 for Corn Palace Mural Project #2025-40 contracted to Pro Contracting
Pay Estimate #1 in the amount of $181,227.47 for Lake Shore Development (TIF) #2025-42 contracted to Siteworks

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

PAYROLL OCTOBER 12, 2025 – OCTOBER 25, 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 $14,971.93, Human Resources $4,614.98, Municipal Building $5,357.45, Information Technology $3,453.08, Police $92,924.71, Traffic $5,500.08, Fire $41,219.68, Street $34,738.20 Public Works $26,824.18, Cemetery $6,299.04, Library $17,488.94, Recreation & Aquatics $6,810.91, Recreation Center $18,915.85 Sports Complexes $13,449.90, Parks $15,970.11, Supervision $4,418.10, E911 $24,833.75, Palace Transit $32,328.98, JVCC $2,250.59, Nutrition $4,383.38, Airport $2,669.37, Water Distribution $17,518.09, Sewer $18,130.23, Recycling Program $8,445.00, Waste Collection $7,348.53, Landfill $12,688.35, Corn Palace $21,428.90 Golf Course $5,529.12, Emergency Medical Services $40,883.20

NEW HIRES:

E-911: Elizabeth Adema-$24.087

LANDFILL: Porter Geppert-$15.20, Tate Hegg-$15.20

SPORTS COMPLEXES: Taryn Bultje-$12.70, Megyn Estrada-$12.70, Makayla Feldhaus-$11.50, Sydney Love-$12.20, Clara Schroeder-$12.20, Taryn Thomas-$12.70, Kaelyn Wellnitz-$11.50, Jordyn Wilson-$12.70

SALARY ADJUSTMENTS:

POLICE: John Badker-$39.104, David Sarne-$38.705

RECREATION CENTER: Shawn Lachnit-$24.087

STREET: Dale Star-$28.779

WATER DISTRIBUTION: Ryland DeVries-$23.157

TERMINATION:

TRAFFIC: Greyson Peterson

WARRANTS: A&B Business Solutions, Supplies-$4,694.51; Accounts Management, Garnishment-$561.52; Adamo Italian Restaurant, Project Improvements-$700.00; Amazon Capital Services, Supplies-$2,814.63; AMG-Avera Occupational Medicine, Labs-$37.70; Arctic Refrigeration, Repair-$140.00; Armstrong Journal, Supplies-$80.00; AT&T Mobility, Utilities-$1,154.94; Automatic Building Control, Maintenance-$855.00; Avera Occupational Medicine, Supplies-$4,483.00; Avera Queen of Peace Hospital, Supplies-$167.45; Bailey Metal Fabricators, Corn Palace Seating 2025-18A P.E. #3-$9,315.00; Barr Engineering, 2021-20 P.E. #PH3-1-$145,619.38; Bender Sewer & Drain, Maintenance-$6,162.10; Big Daddy D's, Senior Meals-$1,492.50; Blackstone Publishing, Audiobook-$203.88; Blackstrap, Supplies-$17,154.83; Brosz Engineering, 2023-23 P.E. #13-$8,627.50; Builders First Source, Supplies-$819.15; C&B Operations, Supplies-$129.60; Carquest Auto Parts, Supplies-$264.18; CDW Government, Supplies-$393.26; Center Point Large Print, Books-$298.44; Central Electric, Utilities-$24,183.61; Chesterman, Supplies-$955.90; CHR Solutions, Mailing Billing-$4,210.51; CHS, Maintenance-$7,245.45; City of Mitchell, Golf Course Deductions-$852.74; City of Mitchell, Recreation Deductions-$1,134.56; CK Bicycles & Locks, Supplies-$542.00; Colours 59, Supplies-$21.85; Column Software, Advertising-$600.79; Commercial Asphalt, Supplies-$8,989.95; Core & Main, Supplies-$40,306.64; Core-Mark US, Supplies-$2,509.75; Corn Palace, Corn Palace Games Revenue-$8,725.37; County Fair, Supplies-$198.16; Custom Plus Collision Center, Maintenance-$414.90; Dakota Pump, Repair-$1,543.55; Dakota Riptide, Sports Authority-$5,000.00; Dakota Supply Group, Supplies-$139.50; Davison County Treasurer, Titles and Registration-$28.70; Demco, Supplies-$143.44; Department of Social Services, Child Support-$359.54; Diamond Mowers, Repair-$152.64; Echo Group, Supplies-$73.00; Elfstrand's Ace Hardware, Supplies-$45.96; Engineering Unlimited, Supplies-$167.01; Eric Hieb, Contract Services-$7,731.72; Fedex, Mailing-$21.29; First National Bank Omaha, Supplies-$8,496.90; Fisher Scientific, Supplies-$410.01; Fleetpride, Repair-$608.68; Flowbird America, Supplies-$71.00; Gaylen's Gourmet Popcorn, Supplies-$741.60; General Traffic Controls, Maintenance-$505.00; Governors Inn Travelodge, Travel-$218.00; Grainger, Supplies-$116.92; H&H Electric & Motor Repair, Supplies-$116.00; H&W Contracting, Pay Estimate-$417,132.48; Halme, 2022-3 P.E. #9-$79,134.12; Henry Schein, Supplies-$562.56; Howes Oil, Supplies-$16,789.91; HR Green, 2022-8 P.E. #27-$1,936.00; Infrastructure Design Group, 2020-20 P.E. #63-$2,310.50; Ingram Library Services, Books-$1,689.25; James Valley Landscape Solutions, Supplies-$191.01; Jean Patrick, Travel-$228.18; Johnson Bros of South Dakota, Supplies-$3,238.29; Johnson Controls, Supplies-$4,324.80; Jones Supplies, Supplies-$7,599.53; Joseph Doyle, Supplies-$300.00; Justin Stoltenburg, Reimbursement-$100.00; Kathy Hanks, Reimbursed-$109.92; Kathy Raymond, Service-$189.00; Kimball Midwest, Supplies-$524.60; Krohmer Plumbing, Hydrant Deposit Refund-$2,210.97; Leighton Family Farms, Supplies-$997.60; Locators and Supplies, Supplies-

$379.95; LT Companies, 2025-23R P.E. #1-$223,644.60; M&T Fire and Safety, Supplies-$11,300.81; Make it Mine Designs, Supplies-$80.00; Mark Hinker, Supplies-$700.00; Matt Stroot, Travel-$3,960.00; McLeod's Printing, Supplies-$645.90; Menard's, Supplies-$1,330.28; Messerli & Kramer, Garnishment-$355.77; Michael Todd Industrial, Supplies-$161.60; Michels Road & Stone, 2021-45 P.E. #12-$185,925.78; Mid-American Research Chemical, Maintenance-$6,025.68; Midway Service dba Vollan Oil, Supplies-$482.78; Midwest Fire & Safety, Professional Service-$48.50; Midwest Miracles, Sports Authority Promo-$5,000.00; Midwest Oil, Supplies-$227.38; Midwest Turf & Irrigation, Supplies-$93.38; Midwestern's Baete Forseth, Maintenance-$2,337.17; Mitchell Pickleball, Sports Authority-$2,500.00; Mitchell Prehistoric Indigenous Archaeological, 2025 4th Quarter Allocation-$4,750.00; Mitchell School District, Utilities-$2,274.78; Mitchell United Way, United Way Deductions-$161.00; MN Farm Bureau, Refund Hydrant Deposit-$2,000.00; Mobotrex, Maintenance-$1,088.00; Muth Electric, Maintenance-$7,441.26; N-Able Technologies. Supplies-$105.60; Napa Central, Supplies-$142.69; North Central Seed, Supplies-$902.50; Northwest Pipe Fittings, Supplies-$1,865.78; Northwestern Energy, Utilities-$39,683.89; Outsound Productions, Rental-$42,210.50; Overdrive, Ebooks-$900.41; Penny Press Machine, Supplies-$496.00; Pepsi Cola, Supplies-$352.60; Pheasants Forever Chapter, Sports Authority Promo-$2,500.00; Pioneer Designs, Maintenance-$40.00; Premier Pest Control, Maintenance-$720.00; Premier Specialty Vehicles, Maintenance-$2,071.80; Pro Contracting, 2025-40 P.E. #1-$16,048.01; Public Health Laboratory, Lab Testing-$172.00; Qualified Presort Service, Postage-$557.06; Raise Em Rank, Corn Palace Games-$2,367.76; Rockmount Research & Alloy, Supplies-$770.24; Runnings, Supplies-$1,589.26; Ryan Gengerke, Spray Deposit-$10,000.00; Schemmer, 2025-19 P.E. #4-$4,403.61; Schoenfelder Construction, 2023-21 P.E. #6-$65,321.89; Schumacher Elevator, Maintenance-$242.73; South Dakota Department of Transportation, Maintenance-$10,946.80; South Dakota Public Assurance Alliance, Liability-$1,054.71; South Dakota Retirement System, Retirement Contributions-$65,742.18; South Dakota-Supplemental, Supplemental Retirement Contributions-$5,350.00; South Dakota-Supplemental Roth 457, Roth 457 Contributions-$2,197.50; SFC Civil Constructors, Supplies-$55,921.28; Shawn Kenworthy, Repair-$3,720.00; Sign Pro, Supplies-$47.20; Signe Sather-Blair, Book-$10.00; Siteworks, 2025-42 P.E. #1-$181,227.47; SPN and Associates, 2021-45 P.E. #55-$62,717.30; Sports Network, Sports Authority Promo-$12,500.00; Staples, Supplies-$147.32; Sturdevants Auto Value, Supplies-$1,917.06; Subway, Planning Commission Meals-$62.93; Sun Gold Sports, Supplies-$953.00; Thune True Value & Appliance, Supplies-$19.49; Transource, Maintenance-$4,181.69; Transwest, Supplies-$874.99; Two Way Solutions, Supplies-$859.52; US Bank, Revenue Refunding Bonds Fee-$600.00; USA Bluebook, Supplies-$46.10; Van Diest Supply, Supplies-$11,649.10; Verizon Wireless, Utilities-$340.19; Vestis. Supplies-$316.72; Walmart/Capital One, Supplies-$134.24; Williams Masonry, Capital Improvements-$40,000.00; South Dakota Department of Revenue, Sales Tax-$25,033.74; US Bank, Loan Payment-$76,416.85; Ellwein Brothers, Supplies-$1933.55; Microsoft, Online Subscription-$910.00

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

Moved by Tjarks, seconded by Smith, to deny Item E-the volunteer board appointment of Jesse Stroud to the Corn Palace Events & Entertainment Board to fill an unexpired term of November 2025-September 2026. Bathke voted nay. Motion carried.

BOARD OF ADJUSTMENT:

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

Moved by Goldammer, seconded by Tjarks, to set date for November 17 2025 on the application of Habitat for Humanity for a variance for east side yard setback of 0' vs 3' on Lot 8, Block 13; west side yard setback of 0' vs 3' on Lot 9, Block 13 to build a twin home across property lines located at 1204 and 1208 East 1st Avenue, legally described as Lot 8 & 9, Block 13, Gleeson's Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

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

PRESENTATION:

Roger Musick presented and discussed a proposed recruitment and growth strategy. Musick believes the focus should be to recruit more people to move and stay in Mitchell, and refocus funds from being spent on tourism.

HEARING:

It was advised that this is the date and time set for hearing on the application of Cody Foreman dba Bullseyes and Birdies, 1307 North Main Street for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License. (Video lottery is not included.) Notice of hearing has been given and affidavit of publication is on file. Moved by Goldammer, seconded by Barington, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Sabers, seconded by Goldammer, to approve the application for modification and renewal of 2026 Medical Cannabis Dispensary License for The Flower Shop, LLC. Motion carried.

Moved by Goldammer, seconded by Tjarks, to approve the application for renewal of 2026 Medical Cannabis Dispensary License for Raftis Enterprise Mitchell dba Superior Buds. Motion carried.

Moved by McCardle, seconded by Goldammer, to approve the applications for renewal of 2026 Liquor and Wine Licenses. Motion carried.

Moved by Goldammer, seconded by Bathke, to approve the request for a 4-way stop sign at the 1st Avenue and Foster Street intersection. Motion carried.

AWARD BID:

Bids were opened and read on Tornado Saferoom at City of Mitchell Campground Project #2023-33 on the 9th day of October, 2025. If awarded, additional funds of $390,000.00 would need to be added to the project to cover the shortfall and provide project contingency. Moved by McCardle, seconded by Tjarks, to deny awarding the bid for Tornado Safe Room at City of Mitchell Campground, Project #2023-33. Motion carried.

CONSIDER APPROVAL:

Moved by Goldammer, seconded by Barington, to approve Agreement #A2025-65, Transfer Agreement with Mueller Lumber Company. Motion carried.

Moved by Tjarks, seconded by Sabers, to approve Agreement #A2025-66, Tax Increment District #44 Developer Agreement-Commerce Marketing Group II LLC. Motion carried.

Moved by McCardle, seconded by Goldammer, to approve Agreement #A2025-67, Agreement for Rotational Towing Services. Motion carried.

Moved by Tjarks, seconded by Goldammer, to approve Agreement #A2025-68, Tier 2 Non-Methane Organic Compound Emissions Testing with GeoTek Engineering & Testing Services, Inc in the estimated amount of $8,185.00. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Goldammer, to approve Resolution #R2025-74, Plat of Tract A of Julie's Addition, in the NE ¼ of the NE ¼ of Section 30, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2025-74

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 27th day of October, 2025; and

WHEREAS, it appears from an examination of the PLAT OF TRACT A OF JULIE'S ADDITION, IN THE NE 1/4 OF THE NE 1/4 OF SECTION 30, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas Lynn Week, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF TRACT A OF JULIE'S ADDITION, IN THE NE 1/4 OF THE NE 1/4 OF SECTION 30, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Thomas

Lynn Week, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Sabers, seconded by Goldammer, to approve Resolution #R2025-75, Plat of Tract 1 of Verna Hofer's Addition, in the W ½ of the NW ¼ of Section 13, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2025-75

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 27th day of October, 2025; and

WHEREAS, it appears from an examination of the PLAT OF TRACT 1 OF VERNA HOFER'S ADDITION, IN THE W 1/2 OF THE NW 1/4 OF SECTION 13, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY SOUTH DAKOTA, as prepared by Thomas Lynn Week, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF TRACT 1 OF VERNA HOFER'S ADDITION, IN THE W 1/2 OF THE NW 1/4 OF SECTION 13, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY SOUTH DAKOTA, as prepared by Thomas Lynn Week, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Bathke, to approve Resolution #R2025-76, Plat of Lot 14C, Block 14, Morningview Addition, as follows:

RESOLUTION #R2025-76

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 27th day of October, 2025; and

WHEREAS, it appears from an examination of the PLAT OF LOT 14C, BLOCK 14, MORNINGVIEW ADDITION TO THE CITY OF MITCHELL IN THE SE 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City

Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the PLAT OF LOT 14C, BLOCK 14, MORNINGVIEW ADDITION TO THE CITY OF MITCHELL IN THE SE 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Bathke, to approve Resolution #R2025-77, Plat of Lot 1 of Brunsen's Addition in the South ½ of the SE ¼ of Section 21 and the North ½ of the NE ¼ of Section 28, All in T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2025-77

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 27th day of October, 2025; and

WHEREAS, it appears from an examination of the PLAT OF LOT 1 OF BRUNSEN'S ADDITION IN THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 21 AND THE NORTH 1/2 OF THE NE 1/4 OF SECTION 28, ALL IN 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 LOT 1 OF BRUNSEN'S ADDITION IN THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 21 AND THE NORTH 1/2 OF THE NE 1/4 OF SECTION 28, ALL IN 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.

ORDINANCES:

Moved by Goldammer, seconded by Bathke, to place Ordinance #O2025-12, Rezoning Lot 5, Block 1, CJM Second Addition in the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from CJM Second Addition Planned Unit Development to Urban Development on second reading. Motion carried. Moved by McCardle, seconded by Goldammer, to adopt Ordinance #O2025-12, Rezoning Lot 5, Block 1, CJM Second Addition in the

NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from CJM Second Addition Planned Unit Development to Urban Development, as follows:

ORDINANCE NO. O2025-12

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 5, Block 1, CJM Second Addition in the NW 1/4 of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; be changed from CJM Second Addition Planned Unit Development to Urban Development District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 5, Block 1, CJM Second Addition in the NW 1/4 of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; be changed from CJM Second Addition Planned Unit Development to Urban Development District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

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

Moved by Goldammer, seconded by Barington, to place Ordinance #O2025-13, Amending CJM Second Addition Planned Unit Development District on second reading. Motion carried. Moved by Tjarks, seconded by Goldammer, to adopt Ordinance #O2025-13, Amending CJM Second Addition Planned Unit Development District, as follows:

ORDINANCE #O2025-13

An Ordinance amending 10-9C-1 Legal Description, CJM Second Addition Planned Development District, Title 10 Zoning Regulations, City of Mitchell Municipal Code

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

Section 1.

That 10-9C-1: Legal Description, be amended by changing "Block 1, Block 2, Block 8 and Block 9 of CJM Second Addition and a portion of Anthony Avenue and a portion of Livesay Lane, A Subdivision of the NW ¼ of Section 32, T 104 N, R 60 W, of the 5th P.M., City of

Mitchell, Davison County, South Dakota." to "Block 1, Block 2, Block 8 and Block 9 of CJM Second Addition and a portion of Anthony Avenue and a portion of Livesay Lane, A Subdivision of the NW ¼ of Section 32, T 104 N, R 60 W, of the 5th P.M., City of Mitchell, Davison County, South Dakota except Lot 5, Block 1, CJM Second Addition in the NW 1/4 of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota": so to be read as follows:

10-9C-1: LEGAL DESCRIPTION:
Block 1, Block 2, Block 8 and Block 9 of CJM Second Addition and a portion of Anthony Avenue and a portion of Livesay Lane, A Subdivision of the NW ¼ of Section 32, T 104 N, R 60 W, of the 5th P.M., City of Mitchell, Davison County, South Dakota except Lot 5, Block 1, CJM Second Addition in the NW 1/4 of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

Section 2.

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

Moved by Barington, seconded by Tjarks, to place Ordinance #O2025-14, Fireworks for New Years on second reading. Motion carried. Moved by Goldammer, seconded by Barington, to adopt Ordinance #O2025-14, Fireworks for New Years, as follows:

ORDINANCE #O2025-14

AN ORDINANCE ADDING A SECTION TO MITCHELL CITY CODE
CHAPTER 5-6 FIREWORKS AND EXPLOSIVES
IN REGARDS TO FIREWORKS AROUND NEW YEAR'S EVE

WHEREAS the City of Mitchell has an existing fireworks ordinance with an exception allowing fireworks around the 4th of July; and

WHEREAS the City of Mitchell desires to add an additional exception allowing fireworks around New Year's Eve; now therefore

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

Section 1.

That a new section be ADDED to the Mitchell City Code to read as follows:

"5-6-8: EXCEPTIONS FOR NEW YEAR'S EVE:

A. General Fireworks Permitted In Lake Area: A person may use, explode, or otherwise discharge fireworks consistent with manufacturer directions between the hours of twelve o'clock (12:00) noon and eleven fifty nine o'clock (11:59) P.M. on December 30th, December 31st, and January 1st so long as such person douses and safely disposes of all waste resulting from such activity. Such activity may only occur on property lying between the shoreline of Lake Mitchell and the boundary of the nearest public right-of-way except that the Park and Recreation Board may prohibit fireworks at the Lake Mitchell Campground.

B. Ground And Handheld Fireworks In All City Limits: A person may use, explode, or otherwise discharge ground and handheld fireworks consistent with manufacturer directions between the hours of twelve o'clock (12:00) noon and eleven fifty nine o'clock (11:59) P.M. on December 30th, December 31st, and January 1st so long as such person douses and safely disposes of all waste resulting from such activity. Such ground and handheld fireworks may be used within all City limits but only on private property with the express knowledge and permission of the property owner."

Section 2.

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

Section 3.

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

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

Moved by Tjarks, seconded by Barington, to place Ordinance #O2025-11, Revising Mitchell City Code Section 5-3-4(I) in Regards to Nuisance Vegetation on first reading. Motion carried.

Moved by McCardle, seconded by Barington, to place Ordinance #O2025-15, 2026 Annual Appropriation Ordinance on first reading. Motion carried.
Moved by Goldammer, seconded by McCardle, to place Ordinance #O2025-16, Franchise Agreement with Northwestern Energy on first reading. Motion carried.

REVIEW:

City Attorney Justin Johnson reviewed the South Dakota Attorney General's information on open meeting laws as required by state statute to be reviewed annually by the city council and certain other city boards.

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 _____.