

City Council Agenda

City Council Chambers, City Hall, 612 N. Main Street

April 29, 2019

Committee Meetings (if any) will be first; immediately followed by the City Council Meeting.

1. 6:00 P.m. Call To Order

2. Pledge Of Allegiance

3. Roll Call

4. Citizens Input

If you need to address the Mayor and members of the City Council on an item that was not on the agenda, excluding personnel items, please come forward to the podium and state your name and your concern. Presentations are limited to three minutes. Items will be considered but no action will be taken at this time.

5. Action To Approve A Special Warranty Deed

Documents:

[STAFF REPORT- SPECIAL WARRANTY DEED.PDF](#)
[701 N MAIN WARRANTY DEED.PDF](#)

6. Adjourn

7. FOR COUNCIL INFORMATION: City Council April 29, 2019 Work Session Agenda To Be Held Immediately Following The Special Meeting

Documents:

[CITY COUNCIL 4-29-19 WORK SESSION AGENDA.PDF](#)

Individuals with disabilities who require special assistance to take part in this meeting may contact one of the following at City Hall (605) 995-8420 at least 24 hours prior to the meeting with requests for assistance: Human Resources Officer, Finance Officer, Public Works Director, or City Administrator.

CITY OF MITCHELL

City Council Meeting
Agenda Item Request



The deadline for agenda items is Wednesday at noon, prior to the City Council Meeting

Meeting Date Requested: Requested By:

Desired Action of City Council: Authorization Approval Resolution
 Ordinance Citizen Request Discussion

Amount Budgeted in current fiscal year for this item (if applicable):

Agenda Item:

Explanation/Background of Agenda Item Requested:

Prepared by:
Justin M. Johnson
City Attorney
612 North Main Street
Mitchell, SD 57301
(605) 990-7940

SPECIAL WARRANTY DEED

The City of Mitchell, a South Dakota municipal corporation, "Grantor", of 612 N Main St, Mitchell, SD 57301, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTS, CONVEYS, AND WARRANTS, **subject to the Fee Simple Determinable and Recurring Right of First Refusal terms below**, to the Mitchell Area Development Corporation, a South Dakota non-profit corporation, "Grantee", of 601 N Main St, Mitchell, SD 57301, the following described real estate in the County of Davison, in the State of South Dakota, "Property", legally described as:

East Seventy Five Feet (E. 75') of Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Four (4), M.H. Rowley's Addition to the town, now city, of Mitchell, Davison County, South Dakota.

Grantee, by acceptance hereof and by agreement with Grantor, hereby expressly assumes and agrees to be bound by and to comply with all the covenants, terms, provisions, and conditions of record, to the extent the same may apply.

Fee Simple Determinable:

It is the intention of the Grantor that this grant be subject to a number of conditions and that the Property is to automatically revert back to Grantor upon the occurrence of any of these conditions. As such, the grant herein is to be interpreted to create a Fee Simple Determinable interest in favor of Grantee and a Possibility of Reverter in favor of Grantor. The Possibility of Reverter interest will not serve to automatically divest Grantee and vest Grantor with a Fee Simple Absolute interest so long as:

1. The Property is not encumbered beyond its appraised fair market value. However, in the event of an improvement, the Property may be encumbered up to its expected appraised fair market value.
2. Grantee, its successors, heirs and assigns, do not lease the Property unless such lease includes a provision that, if Grantor exercises its Recurring Right of First Refusal, the lease terminates at the time Grantor reacquires its Fee Simple Absolute interest in the Property.
3. In conjunction with the Recurring Right of First Refusal, Grantee, its successors, heirs and assigns, provide a written notice to Grantor at least 30 days before transferring title to the Property to any third party and allow Grantor to exercise its Recurring Right of First Refusal. If Grantor does not exercise its Recurring Right of First Refusal as to a given transfer, the above stated duty to provide written notice to Grantor shall continue in full force and effect as to all future successors in interest.

4. The Recurring Right of First Refusal has not been declared invalid, unconstitutional, or otherwise unenforceable by a court of competent jurisdiction.

Recurring Right of First Refusal:

In conjunction with the Fee Simple Determinable conditions, Grantor maintains a Recurring Right of First Refusal in respect to the Property which gives Grantor the right to purchase the Property from Grantee, or any future successor in interest of Grantee, for either i) the appraised fair market value or ii) the intended sale price.

In the event of any proposed transfer of the Property by Grantee, its successors, heirs, and assigns, to any third party, the transferor must provide a written notice to Grantor containing the date of the proposed transfer, the agreed upon sale price, and contact information for the proposed transferee.

Grantor, within 30 days of receiving the written notice, may declare Grantor's intention to exercise its right to re-purchase the Property and thereafter proceed expediently in good faith to so re-purchase. If after 30 days Grantor has not declared its intention to exercise its Recurring Right of First Refusal, then the proposed transfer to the third party may proceed but the third party takes the Property subject to all terms of the Fee Simple Determinable and Recurring Right of First Refusal stated herein.

This Recurring Right of First Refusal shall survive in perpetuity and shall continue in full force and effect against all future successors in interest as if such successor in interest was the original grantee of the Grantor's grant until either i) Grantor exercises its Recurring Right of First Refusal or ii) Grantor permanently waives its Recurring Right of First Refusal by filing an appropriate document with the Davison County Register of Deeds which, upon filing, shall serve to vest the record title owner at that time with a Fee Simple Absolute interest in the Property. In the event the Property is ever subject to foreclosure, Grantor's Recurring Right of First Refusal shall survive the foreclosure and be binding upon those who acquire title by such foreclosure.

EXEMPT FROM TRANSFER FEE UNDER SDCL 43-4-22(2)

Dated this _____ day of May, 2019.

[signature page to follow]

CITY OF MITCHELL

By: _____
Robert B. Everson, Jr., Mayor

Michelle Bathke, Finance Officer

(seal)

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF DAVISON)

On this _____ day of May, 2019, before me, the undersigned officer, personally appeared Robert B. Everson, Jr. and Michelle Bathke, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the City of Mitchell, a South Dakota municipal corporation, and that in their official capacities, being authorized to do so, executed the foregoing instrument for the purposes stated therein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public – South Dakota
My Commission Expires: _____

(seal)



City Council Work Session Agenda
City Council Chambers, City Hall, 612 N. Main
Monday, April 29, 2019
Immediately following the Special Meeting at 6:00 PM

1. Recycling Update

Documents:

[MITCHELL PPT RECYCLING PRESENTATION APRIL 2019 \[READ-ONLY\].PDF](#)

2. Other Items

Work sessions are designed to allow the City Council to have further discussion on topics outside of the regular meeting format; no action will be taken during a work session.

The meeting will adjourn no later than 8pm.



Recycling Update

April 29, 2019



CITY COUNCIL WORK
SESSION

Recycling Update

Outline

- Brief History
- Definition (Common Terms)
- Pros & Cons of Recycling
- Public Opinion
- Current Issues Market Impact
- Examples of Different Recycling Programs
(Various Towns in South Dakota/Midwest)
- Goals – Short Term and Long Term
(Where Does Mitchel Go From Here)

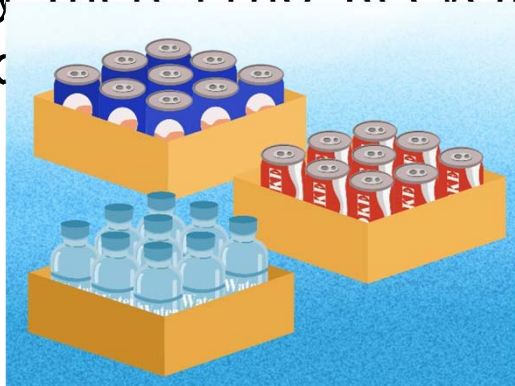
City Council Work Session



Recycling Update

Brief History of Recycling

- Culture & Human Nature
- 1970's EPA and Legislation Clear Air, Clean Water & Endangered Species
- Noteworthy there is no 'Recycling Police' . SDDENR does not regulate rec



Recycling Update

Definitions

- Recycling Facts (Did you Know?) Terms Phrases
- Description of the Recycling Process (Municipal Recycling Program & its waste management)
- Collection types, Curbside, Drop off centers, Buy Back Centers
- Sorting process
- Recycling Loops
- Recycling Codes (e.g. plastics only certain ones a



Recycling Update

Pros & Cons of Recycling

- Myths of Recycling
- Advantages: reduce pollution, protect environment & natural resources, reduce energy, save landfill space, jobs, may be profitable if done properly, don't need to be closed loop, creates education opportunities
- Disadvantages: high up-front costs & costly to operate, sites may be unsightly, product durability question
- Mandatory Recycling Laws findings



Recycling Update

Pros & Cons for the Types of Recycling

- Findings, 53% of US has recycling automatically, participation rate is 44%
- Common trends of curbside
- Suggest a performance indicator
- Findings: correlation to private or public collection, frequency of collection, subscription or opt-in vs automatic, impact of glass, cart vs bin, level of public action, Key point: You cannot manage what do not measure. Suggestion to collect data,

Waste Audit

- Also messaging important, consistency, varies from community to community, Hub & Spoke partnership with other communities
- Location of a MRF is a factor in costs
- Multi-Family is not consistent and varies greatly from community to community. (Mitchell contract)

Suggested BMP

Recycling Update

Pros & Cons for the Types of Recycling (Continued)

- Pros of S.S.: easy for customers, increase diversion & participation, efficient collection, MRF process more materials, decrease garbage collection costs
- Cons of S.S: increase contamination at MRF, lower quality, manual or equipment sorting, difficulty in sorting (glass), increase costs
- Education to Recycle Right.
- Multi-Stream system (Source Separation): reduced loss of plastics, minimized contamination, improved quality, cost effective, however less convenient
- Drop off Center
- Suggested questions to ask, perhaps suggest a community survey or some type of solicitation of the opinions of the citizens

Recycling Update

Public Opinion

- Pew research
- Harris Poll & industry findings
- Suggestion the city conduct a public input of some form



Recycling Update

Contract Tips

- Industry suggestion
- Obtaining feedback
- Account for continuing change in the market



Market Conditions & Current Issues

- Impact of China's new policy about taking recycles, demands high quality standards which are nearly impossible to meet
- The market of recyclables dramatically less than a few years ago
- Some places not even taking glass and some plastics
- Changes in industry or manufacturing, some are finding it cheaper to produce from raw

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Recycling Update

Summary of Cities & Towns in South Dakota

- Contractors, drop off sites
- Subscription service
- Cities that incorporate into their garbage service
- Rates & process comparison

- Aberdeen
- Huron
- Pierre
- Rapid City
- Sioux Falls
- Spearfish
- Watertown
- Yankton



Recycling Update

Summary of Mitchell's Recycling Program

- Residential Collection Started in 2005
- Contracted with Dependable Sanitation since then, Contract Expires 12/31/2019
- City Pays Dependable Monthly - \$23,800
- City Residents pay \$4.00/month (voluntary participation)
- City retains earnings from the fees collected and the monthly remittance to Dependable (Varies up to \$20,000/year)
- Dependable rents a City building for \$10,000/year (Drop off site)
- Participation is around 30% - 40%
- Collection is weekly, same day as garbage pick up
- No information available on non-residential properties

Recycling

Recycling Program: Fees \$4.00 per month per residential unit

Aluminum & Steel Cans

Aluminum and steel food and beverage containers should be empty and rinsed.

Plastic Bottles & Containers

• All plastics No. 1 through No. 7 may be recycled except for the items listed. Prior to recycling please remove all caps and trigger sprays and place in trash. You may flatten plastic to save space in your recycling bin.

Unacceptable:

- Anti-freeze
- Chemical
- Fertilizer
- Oil or Paint Containers

Glass (Clear & Brown)

• **Acceptable:** Any glass container containing food or beverage.

Unacceptable:

- Dishes
- Drinking Glasses
- Light bulbs
- Mirrors
- Perfume and Aftershave Bottles

These items should be rinsed and drained thoroughly, Labels do not need to be removed, Remove caps or lids. Please do not break glass.

Newspapers

• **Note:** If possible we request these items to be placed in a separate grocery sack:

- Coupons
- Flyers
- Glossy Inserts
- Newsprint

Please place these items a grocery bag preferably paper, and place on top of our other recyclables.

Magazines, Office Paper, Phone Books, Junk Mail

Place your magazines, catalogs, office paper, and phone books in a grocery bag, preferably paper, and place next to your newspaper on top of your other recyclables.

Corrugated Cardboard

Remove all contents from boxes, flatten. Place the bundles beside or under your recycling bin. **Note:** Cardboard should be flattened and placed under your recycling bin.

Chipboard

Boxes and cartons that are manufactured from chipboard are now acceptable. Packaging boxes

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Recycling Update

Suggestions “The Way Forward”

- Waste Audit
- Public input, survey, and gauge public awareness
- Decide on the City’s involvement, role in promoting, monitoring, or regulating recycling in the city.
(Ordinance, exclusive contracts, expenditures, equipment etc.) **(Ownership)**
- Participation in recycling ourselves
- Procurement policies
- Visit neighboring communities
- **Short Term and Long Term Goals (RFP – Future Municipal Involvement/Operation)**

Recycling Update

Questions

