

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

**July 6, 2020
6:00 P.M.**

PRESENT: Dan Allen, Marty Barington, John Doescher, Kevin McCardle, Steve Rice,
Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT:

PRESIDING: Mayor Bob Everson

OATHS OF OFFICE:

Mayor Bob Everson issued the Oath of Office to City Council members as follows: Ward-1 Steve Rice, Ward 2-John Doescher, Ward 3-Dan Allen, Ward 4-Susan Tjarks.

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF COUNCIL:

Mayor Everson called for nominations for President and Vice-President of the Mitchell City Council. Moved by Smith, seconded by Sabers, to nominate Kevin McCardle for President of the Mitchell City Council. Motion carried.

Moved by McCardle, seconded by Rice, to nominate Dan Allen for Vice-President of the Mitchell City Council. Motion carried.

AGENDA:

Moved by Tjarks, seconded by Barington, to approve the following items on the consent agenda.

- a. City Council Minutes
 1. City Council June 15, 2020, and
 2. Special City Council June 17, 2020.
- b. Committee Meeting Minutes
 1. Planning Commission June 8, 2020,
 2. Community Services Advisory Board (June),
 3. Park Board (May),
 4. Special Park Board (May),
 5. Library Board (May 11),
 6. Library Board (May 19), and
 7. Library Board (June 16).
- c. Approval of Council Committee & Liaison Assignments
 1. Chamber of Commerce Board: Steve Rice,

2. Community Services Board: John Doescher,
 3. Convention & Visitors Bureau: Susan Tjarks,
 4. Corn Palace Events & Entertainment Board: Jeff Smith,
 5. Golf Board: Dan Sabers,
 6. Housing & Redevelopment Commission: Kevin McCardle,
 7. Library Board of Trustees: Steve Rice,
 8. Mitchell Area Development Corporation: Jeff Smith,
 9. Mitchell Main Street & Beyond: Susan Tjarks,
 10. Parks & Recreation Board: Marty Barrington,
 11. Planning & Zoning Board: Dan Allen, and
 12. Sports & Events Authority: Jeff Smith.
- d. Approval of Volunteer Board Appointments
1. Appoint Luke Norden to the Park & Recreation Board for a term to run July 2020-June 2023.
- e. Set date of July 20, 2020 for hearings on the following alcohol license applications
1. Transfer RL-5771 Retail (On-Sale) Liquor License from Mitchell Area Development Corporation, 601 North Main Street, Mitchell to Mitchell Area Chamber of Commerce, Inc., 601 North Main Street, Mitchell. This license will be active,
 2. Mitchell Chamber of Commerce for a new Retail (On-Off Sale) Wine License and Cider, located at 601 North Main Street, Mitchell, South Dakota,
 3. Mitchell Chamber of Commerce for a new Retail (On-Off Sale) Malt Beverage & SD Farm Wine, located at 601 North Main Street, Mitchell, South Dakota, and
 4. Exchange Club of Mitchell for a Special Event Malt Beverage License from August 5th through August 16th for the State Amateur Baseball Tournament.
- f. Accept CARES Act Grant Offer No. 3-46-0037-029-2020 for Mitchell Municipal Airport Authorizing Mayor and City Attorney to sign the Grant Agreement.
- g. Parking space closure request on July 24th and 25th in front of Bonnie's DeKor on East 3rd Avenue.
- h. Change Order #5 for East Central Drainage Project #2018-39 increasing contract amount by \$17,885.55 for storm sewer improvements at Lawler Street and Cedar Avenue intersection contracted to Menning Backhoe LLC, adjust contract amount to \$3,687,049.13.
- i. Change Order #1 for Public Safety Reroof Schedule "A" Project #2020-16 no increase in contract amount for an extension of 60 days to August 30, 2020 for completion contracted to Weathercraft Roofing, no change in contract amount.
- j. Set date of July 22, 2020 at 1:30 p.m. for Mitchell Ice and Activity Center Roof Repairs Project #2020-36.
- k. Approval of Gas and Fuel Quotations

| <u>Howes Oil Company</u> | <u>Requested</u> | <u>Bid</u> | <u>Price per</u> | <u>Total Bid</u> |
|--------------------------|------------------|-------------------|------------------|------------------|
| | <u>Gallons</u> | <u>Gallons</u> | <u>Product</u> | |
| On Road Diesel-#2 | 1,800 | 1,800 | \$1.5525 | \$ 2,794.50* |
| Off Road Diesel -#2 | 5,700 | 5,700 | \$1.2775 | \$ 7,281.75* |
| | | Total Bid: | | \$ 10,076.25* |

Howes Oil was the only bidder for items marked with an asterisk. They were awarded the bid.

1. Pay Estimates 07-06-2020

- Pay Estimate #1 in the amount of \$64,544.50 for West Spruce Street Reconstruction #2013-1 contracted to SDDOT,
- Pay Estimate #1 in the amount of \$230,729.60 for Burr Street Reconstruction #2016-26 contracted to SDDOT,
- Pay Estimate #10 in the amount of \$222,988.09 for E. Central Drainage-Phase I #2018-39 contracted to Menning Backhoe, LLC,
- Pay Estimate #72 in the amount of \$1,300.00 for E. Central Drainage-Phase I-WW #2018-39 contracted to SPN & Associates,
- Pay Estimate #73 in the amount of \$785.00 for E. Central Drainage-Phase I-Water #2018-39 contracted to SPN & Associates,
- Pay Estimate #74 in the amount of \$3,265.00 for E. Central Drainage-Phase I-Storm Sewer #2018-39 contracted to SPN & Associates,
- Pay Estimate #75 in the amount of \$1,599.80 for E. Central Drainage-Phase I-WW #2018-39 contracted to SPN & Associates,
- Pay Estimate #76 in the amount of \$13,782.25 for E. Central Drainage-Phase I-Water #2018-39 contracted to SPN & Associates,
- Pay Estimate #77 in the amount of \$14,509.55 for E. Central Drainage-Phase I-Storm Sewer #2018-39 contracted to SPN & Associates,
- Pay Estimate #1 in the amount of \$73,548.15 for Sidewalk Schedule "A" #2019-4 contracted to Rexwinkel Construction,
- Pay Estimate #4 in the amount of \$1,496.00 for Sidewalk Schedule "D" #2019-4 contracted to Top Grade Concrete,
- Pay Estimate #9 in the amount of \$11,168.20 for Sidewalk Schedule "E" #2019-4 contracted to Top Grade Concrete,
- Pay Estimate #2-Final in the amount of \$6,646.61 for James Valley Community Center Drive up Window #2019-7 contracted to Puetz Design & Build,
- Pay Estimate #50 in the amount of \$1,531.30 for Sanborn Phases II & III-Water #2019-22 contracted to SPN & Associates,
- Pay Estimate #51 in the amount of \$10,167.95 for Sanborn Phases II & III-WW #2019-22 contracted to SPN & Associates,
- Pay Estimate #52 in the amount of \$1,137.15 for Sanborn Phases II & III-WasteWater #2019-22 contracted to SPN & Associates,
- Pay Estimate #4 in the amount of \$5,850.00 for Sanborn Phases II & III-Water #2019-22 contracted to Brosz Engineering, Inc,
- Pay Estimate #5 in the amount of \$4,640.00 for Sanborn Phases II & III-WW #2019-22 contracted to Brosz Engineering, Inc,
- Pay Estimate #6 in the amount of \$32,415.00 for Sanborn Phases II & III-SS #2019-22 contracted to Brosz Engineering,
- Pay Estimate #12 in the amount of \$623,848.47 for Sanborn Phases II & III #2019-22 contracted to H&W Contracting, LLC,
- Pay Estimate #6 in the amount of \$7,447.75 for Dry Run Creek Analysis #2019-33 contracted to Infrastructure Design Group Inc,
- Pay Estimate #10 in the amount of \$3,806.37 for Corn Palace Plaza Phase II #2019-48 contracted to Confluence, Inc,

Pay Estimate #7 in the amount of \$24,038.23 for Corn Palace Plaza Phase II #2019-48 contracted to Puetz Corporation,

Pay Estimate #6 in the amount of \$5,464.24 for Water Model Design #2019-45 contracted to Infrastructure Design Group,

Pay Estimate #5 in the amount of \$13,000.00 for Mitchell Airport Snow #2019-53R2 contracted to Quality Cut Lawn & Snow Removal, and

Pay Estimate #2 in the amount of \$10,250.00 for MAC Ice Arena Roof Repairs #2020-36 contracted to MSH Architects.

- o. 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 MAY 31, 2020 – JUNE 13, 2020: City Council \$3,199.68, Mayor \$1,331.42, City Administrator \$5,216.46, Attorney \$4,210.23, Finance \$12,329.43, Human Resources \$3,389.09, Municipal Building \$2,901.09, Information Technology \$2,570.97, Police \$75,634.81, Traffic \$5,724.98, Fire \$31,292.21, Street \$30,501.14, Public Works \$22,321.64, Cemetery \$8,074.62, Animal Control \$1,510.24, Library \$11,905.69, Recreation & Aquatics \$13,637.89, Recreation Center \$14,677.78, Sports Complexes \$16,475.29, Ballpark Concessions \$804.71, Parks \$20,934.05, Supervision \$5,449.05, E911 \$22,443.01, MVP \$743.79, Palace Transit \$18,550.25, JVCC \$255.06, Nutrition \$3,134.48, Water Distribution \$13,566.57, Sewer \$13,835.82, Airport \$2,445.61, Recycling Program \$5,640.71, Waste Collection \$5,799.78, Landfill \$9,125.92, Corn Palace \$17,629.56, Golf Course \$9,197.92, Campground \$1,542.00, Emergency Medical Services \$29,608.94.

NEW HIRES:

CORN PALACE: Nancy Kogel-\$10.85.

CAMPGROUND: Lyle Morgan-\$10.85.

PARKS: Emily Becker-\$10.85, Joseph Feiner-\$10.85, Gracie Moschell-\$9.30, Keagen Schoenfelder-\$9.30, John Riggs-\$9.30, Sierra Mesman-\$13.35.

RECREATION: Jacey Linke-\$9.85, Patti Brewster-\$12.85, Maggie Reynen-\$9.85, Maryssa Gehrke-\$9.85, Lauren Anderson-\$9.85.

WASTEWATER: Connor Muehler-\$14.35.

RECREATION AND AQUATICS: Christian Fossum-\$13.35, Lauren Larson-\$11.35, Chelsea Brewster-\$11.35, Grace Phinney-\$10.35, Ashlin DeBoer-\$11.35, Morgan Schneider-\$9.85, Kadence Halvorson-\$9.35.

SALARY ADJUSTMENTS:

EMS: McKenzy Young-\$17.796.

POLICE: Nick Jongeling-\$32.519, Bradley Buysse-\$32.519.

FIRE: Luke Ruml-\$20.656.

E911: Kathy Brink-\$25.121.

WARRANTS: A-OX Welding Supply, Supplies-\$131.49; AAA Collections, Collection Letters-\$25.00; Abilene Machine, Supplies-\$1,660.85; AFLAC, Aflac Withholding-\$11,377.22; AFLAC Group, Critical Care-\$927.16; AFSCME Council 65, Union Dues-\$1,062.00; Al's Engraving, Supplies-\$31.80; Alex Young, Reimbursement-\$45.00; Amazon Capital Services, Supplies-\$650.18; American Garage Door, Repairs-\$369.44; Ameripride Services, Supplies-\$205.40; Amy Hurt, Reimbursement-\$45.00; Andrew Becker, Travel-\$40.99; Andrew Schneider, Reimbursement-\$45.00; Aqua-Pure, Supplies-\$1,650.00; AT&T Mobility, Utilities-\$2,160.56; Automatic Building Control, Contract Services-\$1,634.00; Avera Occupational Medicine, Contract Services-\$1,362.15; B & L Communications, Maintenance-\$44.85; Bailey Metal Fabricators, Repairs-\$2,400.61; Baker & Taylor, Books-\$75.89; Baker Bros Electric, Repairs-\$484.68; BBBB's of South Dakota, Repairs-\$432.50; Beacon Athletics, Supplies-\$37.00; Bender's Sewer Cleaning, Repairs-\$315.00; Big Daddy D's, Contract Services-\$6,651.18; Brad Gates, Reimbursement-\$45.00; Brett Lowrie, Contract Services-\$20,000.00; Brian Andersen, Reimbursement-\$45.00; Brosz Engineering, Project Payments-\$42,905.00; C & B Operations, Supplies-\$2,528.22; Carquest Auto Parts, Supplies-\$6.99; Century Link, Utilities-\$67.96; Certified Laboratories, Supplies-\$364.61; CHR Solutions, May Billing-\$2,886.51; City of Mitchell, Utilities-\$8,829.36; City of South Sioux City, Travel-\$859.30; Coca Cola Bottling, Supplies-\$33.60; Cody Pohlen, Reimbursement-\$45.00; Commercial Asphalt/Spencer Quarries, Supplies-\$4,958.90; Confluence, 2019-48 P.E. #10-\$3,806.37; Core & Main, Supplies-\$19,292.83; Core-Mark Midcontinent, Supplies-\$8,007.39; Corn Palace Concessions, Supplies-\$12.00; County Fair, Supplies-\$165.89; Daily Republic, Renewal-\$223.08; Dakota Counseling, 3rd 1/4 2020 Allocation-\$8,750.00; Dakota Fluid Power, Supplies-\$592.46; Dakota Supply Group, Supplies-\$685.70; Delta Dental Plan of South Dakota, Dental Insurance-\$15,125.36; Dennis Geidel, Reimbursement-\$45.00; Dennis Timmerman, Refund-\$1,500.00; Department of Social Services, Child Support-\$2,253.92; Detco, Supplies-\$2,840.92; Dick's Towing, Tow-\$380.00; Direct Digital Control, Repairs-\$315.00; Doug Greenway, Reimbursement-\$45.00; Dusty Warnke, Re-Tree Program-\$95.00; Elliott Equipment, Supplies-\$642.73; Eric Hieb, Contract Services-\$6,133.20; Eugene Wagaman, Reissue Check-\$17.00; Evident, Supplies-\$257.40; Farmers Alliance, Repairs-\$483.78; Fastenal, Supplies-\$140.04; Fedex, Express Service-\$13.32; Ferguson Waterworks, Supplies-\$334.57; First Dakota National Bank, Loan Payments-\$290,543.55; First National Bank Omaha, Supplies-\$6,320.83; Forum Communications, Advertising-\$3,164.65; Fox Paint & Blinds, Supplies-\$3.99; Gary Walton, Reimbursement-\$45.00; Gaylen's Homegrown Popcorn, Supplies-\$2,650.40; Geocomm, Service Contract-\$6,832.76; Glenn Grohman, Reimbursement-\$26.25; Golden West Technologies, Repairs-\$62.50; Graham Tire, Repair-\$789.61; Grainger, Supplies-\$161.30; Great Western Tire, Supplies-\$2,055.68; H

& W Contracting, 2019-22 P.E. #12-\$623,848.47; Haleigh Riggs, Refund-\$116.00; Hannah Willis, Reimbursement-\$49.99; Hawkins, Supplies-\$13,622.82; Heiman Fire Equipment, Repair-\$682.35; Henry Schein, Supplies-\$1,219.50; Heritage Roofing, Repairs-\$248.80; Honda of Mitchell, Supplies-\$85.70; Houchen Bindery, Supplies-\$111.00; Howes Oil, Supplies-\$10,078.81; Hydro Tech Service, Supplies-\$739.50; ICAN, Contract-\$750.00; Infrastructure Design Group, Project Payments-\$12,911.99; Innovative Office Solution, Supplies-\$167.54; Integrity Transcription, Transcribing Service-\$273.90; Interstate Glass & Door, Repair-\$137.75; Interstate Office Products, Supplies-\$30.58; Jacki Larson, Reimbursement-\$45.00; James Valley Garden Center, Supplies-\$1,469.49; Jamie Henkel, Reimbursement-\$45.00; Jaylon Tollefson, Reimbursement-\$45.00; JCL Solutions, Supplies-\$418.00; Jeff Hanson, Reimbursement-\$45.00; Joe Galpin, Reimbursement-\$45.00; Joe Haiar, Reimbursement-\$45.00; Joe Schroeder, Reimbursement-\$45.00; John Hegg, Reimbursement-\$45.00; Johnson Controls, Contract Services-\$3,989.48; Jolynn Hanson, Reimbursement-\$45.00; Jon Rehfeldt, Meals-\$17.00; Jon Vermeulen, Reimbursement-\$45.00; Jones Supplies, Supplies-\$1,649.32; Josh's Tools, Supplies-\$408.25; Kathy Hanks, Reimbursement-\$45.00; Kevin Devries, Reimbursement-\$45.00; Kevin Dykes, Reimbursement-\$45.00; Kevin Roth, Reimbursement-\$45.00; Krohmer Plumbing, Repair-\$420.35; Kyle Croce, Reimbursement-\$45.00; Lakeview Golf Course, Supplies-\$192.00; Larry's I-90 Service, Repair-\$772.52; Lawson Products, Supplies-\$497.80; Lewis Family Drug, Supplies-\$9.99; Liz Kitchens, Reimbursement-\$45.00; LSC Environmental Products, Supplies-\$20,415.50; Lynn Peavey, Supplies-\$162.45; M & L Repair, Repair-\$52.50; M & T Fire and Safety, Supplies-\$60.00; Make It Mine Designs, Supplies-\$440.00; Malloy Electric Bearing, Supplies-\$123.46; Maximum Promotions, Repair-\$68.16; McFarland Supply, Supplies-\$562.34; McLeod's Printing, Supplies-\$694.81; Mebius Nursery & Landscaping, Repair-\$435.00; Menard's, Supplies-\$852.59; Menning Backhoe, 2018-39 P.E. #10-\$222,988.09; Mettler Implement, Repairs-\$170.56; Meyers Oil, Supplies-\$5,856.34; Michael Dufek, Reimbursement-\$134.99; Michelle Bathke, Reimbursement-\$45.00; Microsoft, Supplies-\$910.00; Mid-America Pump & Supply, Supplies-\$27,533.75; Midcontinent Communications, Utilities-\$109.80; Midwest Fire & Safety, Maintenance-\$954.50; Midwest Laboratories, Supplies-\$39.00; Midwest Mini Melts, Supplies-\$1,968.00; Midwest Turf & Irrigation, Supplies-\$283.24; Millennium Recycling, Contract-\$2,077.95; Mitchell Animal Rescue, July Payment-\$350.00; Mitchell Concrete Product, Supplies-\$54.74; Mitchell Plumbing & Heating, Repairs-\$150.00; Mitchell Power Equipment, Supplies-\$75.80; Mitchell Telecom, Utilities-\$250.37; Mitchell United Way, United Way Deductions-\$467.38; Mobotrex, Supplies-\$39.00; MSH Architects, 2020-36 P.E. #2-\$10,250.00; Mueller Lumber, Supplies-\$131.32; Muth Electric, Supplies-\$1,015.03; Nancy Conzemius, Refund-\$42.00; Naomi J Nutter, Refund-\$55.00; Nate Hegg, Reimbursement-\$45.00; Nathan Powell, Reimbursement-\$45.00; New Tec, Repairs-\$2,431.80; Nick Bakhtiari, Reimbursement-\$30.00; North Central Seed, Supplies-\$283.00; Northern Lake Service, Lab-\$1,239.00; Northwestern Energy & Communications, Utilities-\$42,683.85; O'Connor, Repairs-\$5,970.40; On Sight, Rental-\$900.00; Paul/Becky Dagen, Retree Program-\$100.00; Pepsi Cola, Supplies-\$6,325.18; Peter Arnold, Travel-\$11.00; Porta Pros, Rental-\$226.00; Powerphone, Training-\$258.00; Premier Equipment, Supplies-\$239.27; Premier Pest

Control, Rodent Control-\$75.00; Public Health Laboratory, Lab-\$692.00; Puetz, Project Payments-\$30,684.84; Qualified Presort, Mailing Service-\$452.47; Quality Cut Lawn & Tree Service, 2019-53R2 P.E. #5-\$13,000.00; Quick Med Claims, Contract-\$1,502.31; Rexwinkel Concrete, 2019-4 P.E. #1-\$73,548.15; Roger Prewett II, Reimbursement-\$45.00; Ron's Bicycle and Locksmith, Supplies-\$179.50; Runnings Supply, Supplies-\$1,758.10; S & M Printing, Supplies-\$76.00; Saga Communications of South Dakota, Advertising-\$762.00; Santel Communications, Utilities-\$106.16; Sawyer Gibson, Travel-\$44.00; Schmucker Paul & Nohr, Project Payments-\$48,078.00; Schurz Irrigation, Repairs-\$510.21; Scott Supply, Repairs-\$285.93; South Dakota Department of Transportation, Project Payments-\$296,082.50; South Dakota Federal Property Agency, Supplies-\$44.00; South Dakota Newspaper Services, Advertising-\$1,505.73; South Dakota One Call, Professional Service-\$259.35; South Dakota Retirement System, Retirement Contributions-\$102,082.47; South Dakota Supplemental Retirement, Supplemental Retirement-\$43,694.05; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,050.00; Secretary of State, Notary Filing Fee-\$30.00; Shannon Sandoval, Reimbursement-\$129.99; Sherwin-Williams, Supplies-\$723.54; Solarwinds, May Usage-\$201.19; Stacy Schuman, Refund-\$75.25; Standard Insurance, Life Insurance-\$2,031.52; Standard Insurance, Insurance Premium-\$433.30; Staples, Supplies-\$363.73; State Disbursement Unit, Child Support-\$1,093.54; Stephanie Ellwein, Reimbursement-\$45.00; Steve Anderson, Reimbursement-\$45.00; Sturdevant's Auto Parts, Supplies-\$1,414.71; Subway, Meals-\$31.45; Sun Gold Sports, Supplies-\$1,600.19; Swiftel Communications, Supplies-\$440.00; Teamsters Local No. 120, Union Dues-\$1,048.00; Terry Johnson, Reimbursement-\$45.00; Tessier's, Repairs-\$87.91; Test America Laboratories, Lab-\$2,191.62; Thomas Buffington, Reimbursement-\$45.00; Thomas L Price, Professional Service-\$350.00; Three-D Specialties, Supplies-\$511.56; Thune True Value Hardware, Supplies-\$544.34; Tim's Towing & Recovery, Police Tow-\$425.00; TK Electric, Repairs-\$2,110.90; TMA Stores, Repair-\$178.06; Todd Cavanaugh, Reimbursement-\$45.00; Top Grade Concrete, Project Payments-\$12,664.20; Tractor Supply Credit Plan, Supplies-\$80.96; Traffic Control, Maintenance-\$148.00; Trizetto Provider Solution, June Claims-\$73.20; Turfwerks, Supplies-\$338.78; Tyler Technologies, Fixed Assets-\$750.00; Tyler Vetch, Reimbursement-\$45.00; USA Blue Book, Supplies-\$1,152.82; Van Diest Supply, Supplies-\$2,147.00; Verizon Wireless, Utilities-\$321.07; Vern Eide Chevrolet Buick, Supplies-\$293.52; Vern Eide Ford Lincoln, Repairs-\$121.00; Wade London, Reimbursement-\$45.00; Walmart, Supplies-\$1,002.41; Wells Fargo Bank, Loan Payments-\$125,694.24; Wheelco Brake & Supply, Supplies-\$949.92; Wholesale Electronics, Supplies-\$317.85; Wolf Bronzem, Capital Improvement-\$3,375.00; Zach Dalrymple, Reimbursement-\$49.99; Zimco Supply, Supplies-\$3,670.00.

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

CITIZENS INPUT:

President of Wild Oak Home Owners Association, Tim Smith, asked City Council to consider completion of Mattie Street as a dedicated street through to Highway 38.

Mayor Everson informed the public that Park and Recreation Director Nathan Powell will be acting interim department head for the Golf and Cemetery department.

City Engineer Joe Schroeder stated that the Sanborn Street project is four weeks behind schedule at the intersections of 7th Street and 15th Street but the overall project is on schedule.

Council Member Rice announced Kevin Kenkel as the new Library Director.

BOARD OF ADJUSTMENT:

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

Moved by Allen, seconded by Rice, to set date for July 20, 2020 on the application of Michael Miller for a back yard variance of 13 feet vs 16 feet as required for replacing a detached garage that was destroyed by a fire located at 412 N Burr St, legally described as Lots 6A & 7A, Block 31, Cooley and Guernsey Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Motion carried.

Moved by Tjarks, seconded by Barington, to set date for July 20, 2020 on the application of Adam and Katie Koch for a side yard variance of 3 feet vs 8 feet as required for construction of a garage located at 2212 Kelly Drive, legally described as Lot 1 Ex W 150 feet, Country Living Estates, NE 1/4, Section 14, T 103 N, R 60 W, Davison County, South Dakota. The property is zoned UD Urban Development District. Motion carried.

Moved by Barington, seconded by Allen, to set date for July 20, 2020 on the application of Logan and Chelsey Smith for a conditional use permit to operate a family residential childcare center in their home located at 1008 E. 7th Ave, legally described as Lot 13, Block 13, Wilkinson's Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District. Motion carried.

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

CONSIDER APPROVAL:

Moved by Tjarks, seconded by Sabers, to approve 2nd and Lawler Parking Space Closure. Motion carried.

Moved by Allen, seconded by McCardle, to approve the request for Corn Palace Tribute to Essential Workers Plaza Party on July 18, 2020. Motion carried.

Moved by Barington, seconded by Sabers, to deny the approval for a sidewalk waiver for new residential construction at the Northwest Corner of Fiala Road and Jo Gene Court. Motion carried with Rice voting nay.

AWARD BID:

Bids were opened and read on the Public Safety Building Reroofing Project #2020-16 on the 31st day of March, 2020 in the Council Chambers of City Hall. However, no bids were received for Schedule “B”. Quotes were then requested for Schedule “B” from multiple contractors. Moved by Tjarks, seconded by McCardle, to award the quote for the project, as follows:

**PUBLIC SAFETY BUILDING REROOFING
PROJECT #2020-16**

Krogman Construction LLC, 621 East 3rd Avenue, Mitchell, SD 57301.

| | |
|---|-------------|
| Schedule “B” Wood Plastic Composite Decking | \$19,384.42 |
|---|-------------|

Motion carried.

CONSIDER APPROVAL:

Moved by Allen, seconded by Smith, to approve the purchase of a Street Sweeper Project #2020-38 off of Sourcewell contract in the amount of 253,839.00. Motion carried.

Moved by Rice, seconded by McCardle, to reject the bids for surplus Corn Palace Dome/Turrets Project #2020-34. Motion carried.

Moved by Allen, seconded by Tjarks, to set date of July 22, 2020 at 1:30 p.m. for the bid opening on the rebid of sale for Surplus Corn Palace Dome/Turrets Project #2020-34R. Motion carried.

Moved by Rice, seconded by Sabers, to appoint Larry Jirsa, Brad Ciavarella, and Aaron Moller as real property owners to appraise value of surplus property-Corn Palace Dome/Turrets. Motion carried.

Moved by Tjarks, seconded by Rice, to approve and authorize the Mayor to sign Agreement #A2020-27, EDA Grant Award in the amount of \$3,098,400.00. Motion carried. Eligible costs for the grant were \$3,873,000.00, the City is responsible for 20% of the eligible costs or \$744,600.00. The total costs to the City will be approximately \$979,050.00 based on the engineer’s estimate.

RESOLUTIONS:

Moved by Rice, seconded by Barington, to approve Resolution #R2020-40, Approval of the Issuance and Sale of Revenue Bonds to Finance Certain Sewer Facility Improvements as follows:

RESOLUTION #R2020-40

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF REVENUE BONDS, IN ONE OR MORE SERIES, TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BONDS AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BONDS AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED by the City as follows:

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

“**Act**” means South Dakota Codified Laws Chapter 9-40.

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

“**Project**” means the City of Mitchell Phase II East Central Drainage Basin Storm Water and Sanitary Sewer Improvements.

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

“**System**” means the City’s system of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 2. Declaration of Necessity and Findings.

2.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to its System and undertake non-point source projects described as the Project.

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

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

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

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

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

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$4,511,700 of the costs of the Project through the issuance of

bonds, in two series designated Series 2020A and NPS Series 2020, payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

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

3.3. Approval of Revenue Bond. The issuance of Revenue Bonds Series 2020A and NPS Series 2020, on a parity basis and in aggregate principal amount not to exceed \$4,511,700 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (collectively the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become

due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Special Charge or Surcharge for Revenue Bond.

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

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

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

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

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

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

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

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

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

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

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

If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

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

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:
- (c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- (d) To be used for any other authorized municipal purpose designated by the Common Council.
- (e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

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

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

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

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

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

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

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

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

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

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver

pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

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

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

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

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

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by McCardle, to approve Resolution #R2020-41, A Plat of Lot 14, Block 10 of the Woods First Addition, A Subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota as follows:

RESOLUTION #R2020-41

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 22nd day of June, 2020; and

WHEREAS, it appears from an examination of the plat LOT 14, BLOCK 10 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, 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 14, BLOCK 10 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST ½ OF THE SW ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA prepared by Paul J. Reiland, 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.

Council Member Allen excused himself from the meeting.

Moved by McCardle, seconded by Smith, to approve Resolution #R2020-42, A Plat of Lots 5 and 7, Block 4A of Westwood First Addition, A Subdivision of Block 4 of Westwood First Addition in the NW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota as follows:

RESOLUTION #R2020-42

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 22nd day of June, 2020; and

WHEREAS, it appears from an examination of the plat LOTS 5 AND 7, BLOCK 4A OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, 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 5 AND 7, BLOCK 4A OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA prepared by Paul J. Reiland, 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.

HEARING:

It was advised that this is the date and time set for hearing on the Dailey Lift Station Replacement Project and Implementing Non-Point Source Measures for funding from SDDENR. City Engineer Joe Schroeder spoke to City Council regarding the proposed project and the proposed financing in an amount not to exceed \$1,500,000.00. No one spoke for or in opposition of the project.

RESOLUTION:

Moved by Rice, seconded by McCardle, to approve Resolution #R2020-43, Dailey Lift Station, Authorizing an Application for Financial Assistance, Execution and Submittal of the Application and Designating an Authorized Representative to Certify and Sign Payment Requests as follows:

RESOLUTION #R2020-43

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the **City of Mitchell** (the "City") has determined it is necessary to proceed with improvements to the City's wastewater system, including but not limited to the Dailey Sewage Lift Station Replacement Project, and the implementation of Non-Point Source Measures (the "Projects"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Projects and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") is being prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Projects,

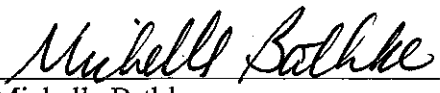
NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed **\$1,500,000** for the Dailey Sewage Lift Station Replacement Project, and **\$163,000** for Non-Point Source Measures to the South Dakota Board of Water and Natural Resources for the Projects.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Projects.

Motion carried and resolution declared duly adopted.

ADJOURN:

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


Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.