

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

**February 1, 2021
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

AGENDA:

Moved by Rice, seconded by Tjarks, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council January 19, 2021.
- b. Committee Meeting Minutes
 1. Community Services Advisory Board January 14, 2021 and
 2. Planning Commission January 11, 2021.
- c. Approval of Property Tax Abatements for 2020 Taxes Payable in 2021.

The property tax abatements will be on file for review in the Finance Office at City Hall.
- d. Approval of Volunteer Board Appointments
 1. Annessa Klumb to the Housing & Redevelopment Commission for a term to run January 2021-June 30, 2026 and
 2. Jon Schmitz to the Housing & Redevelopment Commission for a term to run January 2021-June 30, 2026.
- e. Set date 1:30 p.m., February 17, 2021 for bid opening for Golf Carts Project #2021-22.
- f. Raffle Permits
 1. Palace City All-Stars with the drawing to be held on March 28, 2021,
 2. American Legion Post 18 with the drawing to be held on April 30, 2021 or when all tickets are sold,
 3. Davison County Democrats with the drawing to be held on May 19, 2021, and
 4. Pheasants Forever with the drawing to be held on October 16, 2021.
- g. Approval of Gas and Fuel Quotes

<u>Howes Oil Company</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel-#2	700	700	\$2.045	\$ 1,431.50*
On Road Diesel-#1	700	700	\$2.195	\$ 1,536.50*
Off Road Diesel-#2	3,050	3,050	\$1.770	\$5,398.50*

Off Road Diesel-#1	3,050	3,050	\$1.920	\$5,856.00*
		Total Bid:		\$14,222.50*

h. Pay Estimates February 1, 2021

- Pay Estimate #21 in the amount of \$1,135.00 for Sanborn Phases II & III-Storm Sewer #2019-22 contracted to Brosz Engineering Inc.,
- Pay Estimate #33 in the amount of \$786.25 for East Central Drainage Phase II-Storm Sewer #2019-39 contracted to SPN & Associates,
- Pay Estimate #34 in the amount of \$6,445.00 for East Central Drainage Phase II-Storm Sewer #2019-39 contracted to SPN & Associates,
- Pay Estimate #35 in the amount of \$508.75 for East Central Drainage Phase II-Waste Water #2019-39 contracted to SPN & Associates,
- Pay Estimate #36 in the amount of \$18.75 for East Central Drainage Phase II-Storm Sewer #2019-39 contracted to SPN & Associates,
- Pay Estimate #4-2020 in the amount of \$8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,
- Pay Estimate #1 in the amount of \$58,952.23 for West Ash CIPP Liner #2020-11 contracted to Hydro Klean LLC,
- Pay Estimate #1 in the amount of \$1,450.00 for Dailey Drive Lift Station #2020-12 contracted to Geotek Engineering & Testing,
- Pay Estimate #3-Final in the amount of \$5,000.00 for Public Safety Building Roof #2020-16 contracted to Weathercraft Companies,
- Pay Estimate #20 in the amount of \$1,058.25 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
- Pay Estimate #21 in the amount of \$1,309.18 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
- Pay Estimate #1 in the amount of \$3,071.25 for West Harmon Shoreline Stabilization #2020-40 contracted to Lund Engineering& Environmental and
- Pay Estimate #1 in the amount of \$3,065.25 for West Harmon Utilities Extension #2021-16 Contracted to Lund Engineering & Environmental.

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

PAYROLL JANUARY 10, 2021 – JANUARY 23, 2021: City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,446.46, Attorney \$4,401.38, Finance \$12,524.22, Human Resources \$3,542.93, Municipal Building \$1,638.24, Information Technology \$2,788.90, Police \$72,429.64, Traffic \$1,854.97, Fire \$32,827.95, Street \$28,392.11, Public Works \$23,285.63, Cemetery \$4,297.55, Library \$13,558.17, Recreation & Aquatics \$5,552.11, Recreation Center \$19,222.43, Sports Complexes \$10,232.21, Parks \$9,704.42, Supervision \$5,696.47, E911 \$21,489.89, MVP \$770.15, Palace Transit \$23,666.18, JVCC \$1,074.76, Nutrition \$3,273.16, Water Distribution \$13,154.58, Sewer \$13,230.83, Airport \$3,360.13, Recycling Program \$6,297.39, Waste Collection \$6,027.71, Landfill \$9,714.54, Corn Palace \$18,987.75, Golf Course \$3,065.68, Emergency Medical Services \$30,642.44.

SALARY ADJUSTMENTS:

CORN PALACE: Diane Mutziger-\$21.018

FIRE: Scott Tschetter -\$19.310, Benjamin VandenHoek-\$26.630

SUPERVISION: Angel DeWaard-\$23.186

TERMINATIONS:

MUNICIPAL BUILDINGS: Austin Kleinsasser

PARKS: Cody Pohlen

PALACE TRANSIT: Cheryl Buenning

RECREATION & AQUATICS: Bruce Mastel

RECREATION CENTER: Madisyn Steinkraus

TRAFFIC: Lincoln Erickson

WARRANTS:

A & B Business Solutions, Contract-\$4,261.41; A-Ox Welding Supply, Supplies-256.11; AAA Collections, Service-\$3,505.38; AAA Lawn Care and Maintenance, Service-\$650.00; Advance Auto Parts, Supplies-\$12.63; AFLAC, Aflac Withholding-\$10,496.32; AFLAC Group, Critical Care-\$714.04; AFSCME Council 65, Union Dues-\$479.00; AIA, Supplies-\$74.12; Alignment X-Perts, Supplies-\$944.00; Amazon Capital Services, Supplies-\$591.36; American Garage Door, Repairs-\$421.07; Aramark, Supplies-\$68.86; AT&T Mobility, Utilities-\$856.00; ATV Holdings, Utilities-\$170.40; Avera Medical Group, Testing-\$8.28; Avera Occupational Medicine, Testing-\$1,153.75; Avera Patient Financial Services, Testing-\$1,888.00; Avera Queen of Peace Hospital, Supplies-\$195.82; Bailey Metal Fabricators, Supplies-\$93.92; Baker & Taylor, Books-\$59.87; Big Daddy D's, Contract Services-\$3,533.37; Blackstone Publishing, Supplies-\$34.95; Blackstrap, Supplies-\$9,590.65; Boyer Trucks Sioux Falls, Supplies-\$1,233.79; Bridgewater/Emery Husky Basketball, Corn Palace Classic-\$8,318.50; Brosz Engineering, 2019-22 P.E. #21-\$1,135.00; C & B Operations, Supplies-\$84.03; CDW Government, Supplies-\$98.33; Cengage Learning Inc/Gale, Books-\$551.79; Center Point Large Print, Books-\$89.28; Central Electric, Utilities-\$4,536.40; Century Link, Utilities-\$13.61; CHR Solutions, Billing-\$2,896.22; City of Mitchell, Reimbursement-\$4,194.40; Civicplus, Annual Fee-\$19,399.06; Coca Cola Bottling, Supplies-\$16.80; Continental Research, Supplies-\$318.62; Converge One, Maintenance-\$3,870.00; Core & Main, Supplies-\$510.00; Core-Mark Midcontinent, Supplies-\$2,203.55; Dakota Fluid Power, Repair-\$1,519.47; Dakota Pump, Maintenance-\$1,229.59; Davison County Register of Deeds, Copies-\$31.00; Delta Dental Plan of South Dakota, Dental Insurance-\$14,091.44; Department of Social Services, Child Support-\$1,126.96; Dick's Towing, Tow-\$90.00; Doug Greenway, Supplies-\$10.93; Doug L Driggs, 2020-24 P.E. #20-\$2,367.43;

Eric Hieb, Contract Services-\$4,525.52; Evident, Supplies-\$101.00; Farmers Alliance, Supplies-\$198.00; Fastenal, Supplies-\$18.57; First National Bank Omaha, Loan Payment-\$7,140.20; Fisher Scientific, Supplies-\$1,541.14; Galls, Supplies-\$291.90; Geotek Engineering, 2020-12 P.E. #1-\$1,450.00; Golden West Technologies, Utilities-\$89.97; Graham Tire, Repair-\$351.14; Great Western Tire, Repair-\$1,023.55; Hanson School District, Sports Authority Promotion-\$16,400.00; Henry Schein, Supplies-\$640.93; Howes Oil, supplies-\$14,229.88; Hydro-Klean, 2020-11 P.E. #1-\$58,952.23; Imagetrend Annual Fee-\$3,825.00; Independent Viking Glass, Maintenance-\$979.91; Innovative Office Solution, Supplies-\$291.51; Interstate Office Products, Supplies-\$89.57; Jamie Zacher, Maintenance-\$2,495.00; Jason Tuttle, Supplies-\$50.10; JCL Solutions, Supplies-\$685.54; Jones Supplies, Supplies-\$1,183.58; Knowbe4, Subscription Fee-\$2,808.97; Krohmer Plumbing, Repair-\$162.25; Krumvieda Upholstery, Repair-\$2,491.00; Lawson Products, Supplies-\$1,028.63; Leighton Family Farms, Supplies-\$500.00; Leisure Design Systems, Annual Support-\$995.00; Lewis Family Drug, Supplies-\$168.28; Lund Engineering & Environment, 2020-40 P.E. #1-\$6,136.50; Make It Mine Designs, Supplies-\$5.00; Matt Geidel, Reimbursement-\$140.00; Menard's, Supplies-\$1,248.09; Mettler Implement, Supplies-\$195.75; Meyers Oil, Supplies-\$85.80; Midwest Fire & Safety, Annual Maintenance-\$981.00; Midwest Turf & Irrigation, Supplies-\$72.82; Millennium Recycling, Single Stream Fee-\$1,932.35; Miscellaneous Vendor, Peterson Dee & Ron refund-\$30.63; Mitchell Iron & Supply, Supplies-\$140.22; Mitchell Park & Recreation, Youth Wrestling Revenue-\$453.10; Mitchell United Way, United Way Deductions-\$237.40; Mitchell Wrestling, Youth Wrestling-\$1,400.00; Mitchell/Alex Pink Ladies, Sports Authority Promotion-\$600.00; Mueller Lumber, Supplies-\$46.35; Muth Electric, Repair-\$2,183.57; Napa Auto Parts, Supplies-\$360.52; North Central Heart Institute, Testing-\$1,303.84; Northern Truck Equipment, Supplies-\$864.46; Northwestern Energy & Communications, Utilities-\$24,317.97; O'Reilly Automotive, Supplies-\$87.85; Omnigraphics, Book-\$442.98; Optical Xperts, Deposit Refund-\$1,500.00; Pepsi Cola, Supplies-\$296.30; Puetz, Repair-\$500.00; Qualified Presort, Mailing Service-\$401.44; Quality Cut Lawn & Tree Service, 2019-53R2 P.E. #4-2020-\$8,666.66; Quick Med Claims, Contract Services-\$7,447.21; Rink-Tec International, Maintenance Agreement 2021-\$7,424.10; Runnings Supply, Supplies-\$927.08; S & M Printing, Supplies-\$65.00; Sacred Hoops Basketball, Corn Palace Games-\$6,970.25; Schmucker Paul & Nohr, 2019-39 P.E. #33-\$7,758.75; Schumacher Elevator, Maintenance-\$212.16; South Dakota Department of Labor and Regulations, Unemployment-\$70.50; South Dakota Magazine, Renewal-\$25.00; South Dakota Retirement System, Retirement Contributions-\$51,830.31; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,034.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,025.00; Shane Taylor, Supplies-\$169.99; Sherwin-Williams, Supplies-\$4.58; Spencer Quarries, Supplies-\$53,858.00; Standard Insurance, Life Insurance-\$2,066.02; Staples, Supplies-\$1,280.87; Sturdevant's Auto Parts, Parts-\$821.92; Sun Gold Sports, Supplies-\$505.50; Tessier's, Hvac Upgrading - Kelley Home-\$350.00; Thomas L Price, Professional Service-\$350.00; Thune True Value Hardware, Supplies-\$40.07; TMA Stores, Repair-\$23.47; Toter, Supplies-\$239.63; Tractor Supply Credit Plan, Supplies-\$24.99; Transource, Supplies-\$824.63; Trizetto Provider Solution, Professional Service-\$71.70; Troy Kokesh, Reimbursement-\$35.00; Two Way Solutions, Supplies-\$164.97; Uline, Supplies-\$180.91; Walmart, Supplies-\$55.68; Weathercraft, 2020-16 P.E. #3-Fina-\$5,000.00; Wheelco Brake & Supply, Supplies-\$949.37; Whispering Creek Golf Club, Equipment-\$30,000.00; Wholesale Electronics, Supplies-\$23.60.

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

CITIZENS INPUT:

Community member, Reed Bender, encouraged local leaders to influence school boards to allow more fans in seats at youth sporting events.

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Firesteel Capital LLC, owner Fredericksen Motels, LLC, for a conditional use permit to convert the buildings (Corn Palace Inn) to multi-family dwellings located at 1001 South Burr Street, legally described as Weavers Square Addition (NW ¼ 27), Squares 11 & 14 & vacated Ivy Avenue and W 25 feet of vacated Burr St and Lot AB1, City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Oriented Business District. Notice of hearing has been given and affidavit of publication is on file. Moved by Allen, seconded by McCardle, to table said application until the next meeting. Motion carried.

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

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer RB-25873 Retail (On-Off-Sale) Malt Beverage & SD Farm Wine License from I Mart Stores LLC dba I Mart Stores USA, 512 Sanborn Blvd, Mitchell to IYS Ventures LLC dba I Mart Stores, 512 South Sanborn Blvd, Mitchell. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Barington, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Allen, seconded by Rice, to approve First Amendment to Revenue Obligation Loan Agreement #R2018-60 and was amended to #R2019-15 for Sanborn Boulevard Phases II and III Drinking Water C462129-03, as follows:

**FIRST AMENDMENT TO
REVENUE OBLIGATION LOAN AGREEMENT**

THIS FIRST AMENDMENT TO REVENUE OBLIGATION LOAN AGREEMENT made and entered into this 1st day of February, 2021, by and between the **SOUTH DAKOTA CONSERVANCY DISTRICT** (the "District"), a governmental agency,

body politic and corporate of the State of South Dakota (the "State"), and the **CITY OF MITCHELL, SOUTH DAKOTA** (the "Borrower").

RECITALS

WHEREAS, the parties entered into a Revenue Obligation Loan Agreement dated the 9th day of August 2019 (the "Loan Agreement") pursuant to which the District agreed to loan the Borrower the sum of \$1,028,000 (the "Loan") for the purposes specified in Appendix A to the Loan Agreement; and

WHEREAS, the Environmental Protection Agency (EPA") has directed that effective August 13, 2020, recipients and sub-recipients of EPA funded assistance agreements, including borrowers under EPA funded state revolving loan funds, must comply with regulations at 2 CFR 200.216, Prohibition on certain telecommunication and video surveillance services or equipment, implementing section 889 of Public Law 115-232; and

WHEREAS, The regulation prohibits the use of Federal funds to procure (enter into, extend, or renew contracts) or obtain equipment, systems, or services that use "covered telecommunications equipment or services" identified in the regulation as a substantial or essential component of any system, or as critical technology as part of any system; and

WHEREAS, Prohibitions extend to the use of Federal funds by recipients and sub-recipients to enter into a contract with an entity that "uses any equipment, system, or service that uses covered telecommunications equipment or services" as a substantial or essential component of any system, or as critical technology as part of any system. Certain equipment, systems, or services, including equipment, systems, or services produced or provided by entities subject to the prohibition are recorded in the System for Award Management exclusion list.

WHEREAS, the parties desire to amend the Loan Agreement to comply with the EPA requirements as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to amend the Loan Agreement as follows:

1. Definitions. Definitions, capitalized words and phrases used herein shall have the same meaning as that provided for such words and phrases in the Original Loan Agreement.
2. A new Section 1.3 is added to read as follows:
Section 1.3 Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.

As required by 2 CFR 200.216, EPA recipients and sub-recipients, including borrowers under EPA funded revolving loan fund programs, are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain

equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Recipients, sub-recipients, and borrowers also may not use EPA funds to purchase:

a. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

b. Telecommunications or video surveillance services provided by such entities or using such equipment.

c. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country. Consistent with 2 CFR 200.471, costs incurred for telecommunications and video surveillance services or equipment such as phones, internet, video surveillance, and cloud servers are allowable except for the following circumstances: Obligating or expending EPA funds for covered telecommunications and video surveillance services or equipment or services as described in 2 CFR 200.216 to:

- (1) Procure or obtain, extend or renew a contract to procure or obtain;
- (2) Enter into a contract (or extend or renew a contract) to procure; or
- (3) Obtain the equipment, services, or systems. Certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the System for Award Management exclusion list.

3. Effect of Amendment. Except as specifically modified herein, the Loan Agreement shall remain in full force and effect in accordance with its original terms and conditions.

Motion carried.

Moved by Smith, seconded by Barington, to approve First Amendment to Revenue Obligation Loan Agreement #R2019-13 for East Central Phase I Drinking Water C462129-04, as follows:

**FIRST AMENDMENT TO
REVENUE OBLIGATION LOAN AGREEMENT**

THIS FIRST AMENDMENT TO REVENUE OBLIGATION LOAN AGREEMENT made and entered into this 1st day of February, 2021, by and between the **SOUTH DAKOTA CONSERVANCY DISTRICT** (the "District"), a governmental agency, body politic and corporate of the State of South Dakota (the "State"), and the **CITY OF MITCHELL, SOUTH DAKOTA** (the "Borrower").

RECITALS

WHEREAS, the parties entered into a Revenue Obligation Loan Agreement dated the 9th day of August 2019 (the "Loan Agreement") pursuant to which the District agreed to loan the Borrower the sum of \$690,000 (the "Loan") for the purposes specified in Appendix A to the Loan Agreement; and

WHEREAS, the Environmental Protection Agency (EPA") has directed that effective August 13, 2020, recipients and sub-recipients of EPA funded assistance agreements, including borrowers under EPA funded state revolving loan funds, must comply with regulations at 2 CFR 200.216, Prohibition on certain telecommunication and video surveillance services or equipment, implementing section 889 of Public Law 115-232; and

WHEREAS, The regulation prohibits the use of Federal funds to procure (enter into, extend, or renew contracts) or obtain equipment, systems, or services that use "covered telecommunications equipment or services" identified in the regulation as a substantial or essential component of any system, or as critical technology as part of any system; and

WHEREAS, Prohibitions extend to the use of Federal funds by recipients and sub-recipients to enter into a contract with an entity that "uses any equipment, system, or service that uses covered telecommunications equipment or services" as a substantial or essential component of any system, or as critical technology as part of any system. Certain equipment, systems, or services, including equipment, systems, or services produced or provided by entities subject to the prohibition are recorded in the System for Award Management exclusion list.

WHEREAS, the parties desire to amend the Loan Agreement to comply with the EPA requirements as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to amend the Loan Agreement as follows:

4. Definitions. Definitions, capitalized words and phrases used herein shall have the same meaning as that provided for such words and phrases in the Original Loan Agreement.

5. A new Section 1.3 is added to read as follows:
Section 1.3 Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.

As required by 2 CFR 200.216, EPA recipients and sub-recipients, including borrowers under EPA funded revolving loan fund programs, are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Recipients, sub-recipients, and borrowers also may not use EPA funds to purchase:

a. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

b. Telecommunications or video surveillance services provided by such entities or using such equipment.

c. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country. Consistent with 2 CFR 200.471, costs incurred for telecommunications and video surveillance services or equipment such as phones, internet, video surveillance, and cloud servers are allowable except for the following circumstances: Obligating or expending EPA funds for covered telecommunications and video surveillance services or equipment or services as described in 2 CFR 200.216 to:

- (1) Procure or obtain, extend or renew a contract to procure or obtain;
- (2) Enter into a contract (or extend or renew a contract) to procure; or
- (3) Obtain the equipment, services, or systems. Certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the System for Award Management exclusion list.

6. Effect of Amendment. Except as specifically modified herein, the Loan Agreement shall remain in full force and effect in accordance with its original terms and conditions.

Motion carried.

Moved by Rice, seconded by Tjarks, to approve Dailey Drive Lift Station Amendment No. 1 to Agreement #A2019-51 with SPN & Associates Project #2020-12 for bidding and construction services in an amount not to exceed \$71,000.00. Motion carried.

RESOLUTION:

City Engineer Joe Schroeder reviewed the grant along with engineers from the SD Department of Transportation. The grant is in the amount of \$150,000.00 with the city's share not to exceed \$50,000.00. Moved by Rice, seconded by Barington, to approve Resolution #R2021-02, Transportation Planning Grant with the city's share to come from contingency funds, as follows:

RESOLUTION #R2021-02

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE FUNDING AND COMPLETION OF A TRANSPORTATION PLANNING STUDY AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE AND SIGN ALL DOCUMENTS AND PAY REQUESTS.

WHEREAS, the City of Mitchell (the "City") has determined it is in the City's best interest to proceed with a Transportation Planning Study in conjunction with the South Dakota Department of Transportation; and

WHEREAS, the Study will be a comprehensive analysis and report of the transportation systems organization, resources, and plans within the city planning jurisdiction; and

WHEREAS, the study will provided findings, recommendations, and proposals that addresses the needs of all modes of transportation serving the community's citizens and visitors; and

WHEREAS, the final document is intended to be a planning guide for decision makers considering maintenance, replacement, enhancement, and installation projects or policies affecting transportation services; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit applications on behalf of the City and to certify and sign payment requests,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the study which the City will reimburse the State of South Dakota the required federal funding match in the amount of twenty-five percent (25%) of the final cost but not to exceed \$50,000.
2. The Mayor of the City of Mitchell is hereby authorized to execute and deliver such

documents and perform all acts necessary to effectuate the proposed work.

3. The Mayor of the City of Mitchell is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests for the Project.

Motion carried and resolution declared duly adopted with Sabers voting nay.

CONSIDER APPROVAL:

Moved by Rice, seconded by Allen, to approve Agreement #A2021-02, Transportation Planning Grant with the SD Department of Transportation. Motion carried.

Moved by Tjarks, seconded by Allen, to approve Agreement #A2021-06, Solid Waste Management Program Grant in the amount of \$324,000.00 with SDDENR for Landfill Cell #4 construction. Motion carried.

Moved by Smith, seconded by Tjarks, to approve Agreement #A2021-07, Livesay Lane Utility Improvements Design and Bidding Services with Infrastructure Design Group in an amount not to exceed \$59,242.00. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing for funding from South Dakota Department of Environment and Natural Resources for the West Water Tower Rehabilitation project which will extend the tower's useful life. City Engineer Joe Schroeder reviewed the project. The financial assistance is in an amount not to exceed \$1,175,000 for a period of 30 years at a rate of 2.125%. There was no public input at the hearing.

RESOLUTION:

Moved by Rice, seconded by Barington, to approve Resolution #R2021-05, Authorizing an Application for Financial Assistance for West Water Tower Rehabilitation, as follows:

RESOLUTION NO. R2021-05

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 drinking water system, including but not limited to the West Water Tower Rehabilitation project (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project 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 Project,

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 **\$1,175,000** to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor of Mitchell 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 Project.

Motion carried and resolution declared duly adopted..

Moved by Tjarks, seconded by Allen, to approve Resolution #R2021-06, A Plat of Lot 1-A, a Subdivision of Lot 1 of JA Spaans Addition in the West ½ of the NE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-06

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 25th day of January, 2021; and

WHEREAS, it appears from an examination of the plat LOT 1-A, A SUBDIVISION OF LOT 1 OF J.A. SPAANS ADDITION IN THE WEST ½ OF THE NE ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat LOT 1-A, A SUBDIVISION OF LOT 1 OF J.A. SPAANS ADDITION IN THE WEST ½ OF THE NE

¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA prepared by Jeremy A. Wolbrink, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Sabers, seconded by McCardle, to approve Resolution #R2021-07, A Plat of Tract 1-BB, a Subdivision of Tract 1-B of Starlite Estates in the NE ¼ of the NW ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2021-07

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 25th day of January, 2021; and


WHEREAS, it appears from an examination of the plat TRACT 1-BB, A SUBDIVISION OF TRACT 1-B OF STARLITE ESTATES IN THE NE ¼ OF THE NW ¼ OF SECTION 34, 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 TRACT 1-BB, A SUBDIVISION OF TRACT 1-B OF STARLITE ESTATES IN THE NE ¼ OF THE NW ¼ OF SECTION 34, 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.

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 _____.