

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

**June 6, 2022
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 Allen, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council May 16, 2022.
- b. Committee Reports
 1. Planning Commission May 9, 2022 and
 2. Community Service Advisory Board May 12, 2022.
- c. Agreement #A2022-25, American Rescue Plan Grant for South WWTP Project #2022-1 with DANR.
- d. Agreement #A2022-26, Consolidated Water Facility Construction Grant South WWTP Project #2022-1 with DANR.
- e. Volunteer Board Appointments
 1. Reappoint Mark Graham to the Golf & Cemetery Board for the term of July 2022-June 2025,
 2. Reappoint Lynette Shattuck to the Golf & Cemetery Board for the term of July 2022-June 2025,
 3. Reappoint Joe Schlingen to the Golf & Cemetery Board for the term of July 2022-June 2025,
 4. Reappoint Emma Devos to the Library Board of Trustees for the term of July 2022-June 2025,
 5. Reappoint Dianna Goldhammer to the Library Board of Trustees for the term of July 2022-June 2025,
 6. Reappoint Andy Jerke to the Parks & Recreation Board for the term of July 2022-June 2025,
 7. Reappoint Larry Jirsa to the Planning & Zoning Commission for the term of July 2022-June 2027,
 8. Appoint John Schmitz to the Planning & Zoning Commission for the term of July 2022-June 2027, and

9. Appoint Al Jacklin to the Community Services Advisory Board for the term of July 2022-June 2025.
- f. Change Order #3 for Concrete Bid Schedule A Project #2021-04 increasing the contract amount by \$38,185.62 to Top Grade Concrete, adjust contract amount to \$143,319.02.
- g. Set date of June 21, 2022 for hearing
1. On the application of Palace City Lions Club for a Special Event Liquor License located at The Horseman's Sports Arena for July 14, 15, 16, and 17, 2022 for the Corn Palace Stampede Rodeo and
 2. On the application of the Exchange Club of Mitchell for a Special Event Liquor License located at Cadwell Park for August 3-August 14, 2022 for the State Amateur Baseball Tournament.
- h. Pay Estimates June 6, 2022
- Pay Estimate #8 in the amount of \$427,899.06 for East Central Drainage Phase II #2019-39 contracted to First Rate Excavation,
- Pay Estimate #57 in the amount of \$507.50 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
- Pay Estimate #58 in the amount of \$3,752.15 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
- Pay Estimate #4 in the amount of \$522,472.73 for Dailey Drive Lift Station #2020-12 contracted to H&W Excavating,
- Pay Estimate #16 in the amount of \$11,330.35 for Dailey Drive Lift Station #2020-12 contracted to SPN & Associates,
- Pay Estimate #9 in the amount of \$1,366.35 for West Side Water Tower #2021-03 contracted to SPN & Associates,
- Pay Estimate #5 in the amount of \$60,725.40 for Concrete Bid Schedule A #2021-04 contracted to Top Grade Concrete,
- Pay Estimate #5 in the amount of \$9,099.00 for Paving & Overlay #2021-15 contracted to Commercial Asphalt,
- Pay Estimate #9 in the amount of \$2,662.50 for West Harmon Utility Improvements #2021-16 contracted to Brosz Engineering,
- Pay Estimate #9 in the amount of \$9,500.00 for Lake Mitchell Dredging #2021-20 contracted to Barr Engineering,
- Pay Estimate #1 in the amount of \$3,169.80 for Ohlman & 23rd Lift Station #2022-03 contracted to SPN & Associates, and
- Pay Estimate #1 in the amount of \$3,077.05 for Quince Street Design #2022-07 contracted to SPN & Associates.
- 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 MAY 1, 2022 – MAY 14, 2022: City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,686.92, Attorney \$4,601.23, Finance \$13,184.08, Human Resources \$3,703.81, Municipal Building \$3,139.61, Information Technology \$2,915.64, Police \$66,770.05, Traffic \$5,450.87, Fire \$33,860.63, Street \$29,501.95, Public Works \$18,016.27, Cemetery \$7,686.93, Animal Control \$1,630.08, Library \$15,026.16, Recreation & Aquatics \$5,810.90, Recreation

Center \$18,850.69, Sports Complexes \$12,926.27, Cadwell Concessions \$540.00, Parks \$18,458.55, Supervision \$5,666.66, E911 \$20,401.15, MVP \$760.87, Palace Transit \$24,262.44, JVCC \$1,041.57, Nutrition \$3,977.62, Water Distribution \$13,428.69, Sewer \$15,441.72, Airport \$2,672.73, Recycling Program \$6,483.48, Waste Collection \$5,862.64 Landfill \$9,217.21, Corn Palace \$17,005.13, Golf Course \$6,846.55, Campground \$2,056.20, Emergency Medical Services \$30,036.35.

PAYROLL MAY 15, 2022 – MAY 28, 2022: City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,536.92, Attorney \$4,601.23, Finance \$12,931.98, Human Resources \$3,703.81, Municipal Building \$3,139.60, Information Technology \$2,809.77, Police \$67,198.59, Traffic \$5,128.05, Fire \$34,125.38, Street \$29,288.46, Public Works \$18,519.45, Cemetery \$8,381.28, Animal Control \$1,630.08, Library \$17,296.73, Recreation & Aquatics \$11,942.08, Recreation Center \$19,182.06, Sports Complexes \$15,920.73, Cadwell Concessions \$741.08, Parks \$21,588.41, Supervision \$5,666.66, E911 \$20,402.30, MVP \$683.71, Palace Transit \$23,579.72, JVCC \$908.93, Nutrition \$4,000.56, Water Distribution \$13,627.43, Sewer \$15,184.79, Airport \$2,672.73, Recycling Program \$6,481.43, Waste Collection \$5,310.26 Landfill \$9,496.41, Corn Palace \$16,422.38, Golf Course \$7,908.93, Campground \$2,217.60, Emergency Medical Services \$29,448.49.

NEW HIRES:

CADWELL CONCESSIONS: Logan Culhane-\$9.95, Kaylee Nygaard-\$11.95, Jayli Rients-\$9.95, Lara Widstrom-\$9.95

CAMPGROUND: William Karl-\$13.45, Yvonne Karl-\$13.45

CORN PALACE: Tayla Liedtke-\$9.95, Charles McCardle-\$25.00, Maya Voelzke-\$10.95

E-911: Megan White-\$20.124

FINANCE: Emily Moody-\$19.155

GOLF COURSE: Tyrel Haley-\$11.95, Kelly Kidwiler-\$13.45, Trevor Krugman-\$12.95, James Lynde-\$13.95, Michael Shearer-\$12.95, Patrick Starr-\$11.95

LIBRARY: Michele DeVries-\$27.771

PARKS: Chadwich Kendall-\$13.45, Sierra Mesman-\$11.45, Jarien Montgomery-\$11.45, Peyton Nelson-\$11.95, Phillip Schleich-\$7.60, Gabriel Schneider-\$7.60, Robert Shields-\$11.95, Gavin Styer-\$11.45, Julie Sveen-\$11.45, Julia Weber-\$11.45, Caden Ziehl-\$11.45

PUBLIC WORKS: Cooper Vermeulen-\$15.00

RECREATION & AQUATICS: Ciara Blake-\$9.95, Trayven Boellstorff-\$11.95, Estella Bullis-\$12.95, Hope Flippin-\$10.45, Hudson Haley-\$9.95, Olivia Huber-\$10.45, Javin Juracek-\$12.95,

Kennedy Kahler-\$12.95, Nancy Leach-\$13.95, Claire Lepke-\$12.95, Joan Lubben-\$11.95, Bruce Mastel-\$13.95, Robert McCardle-\$11.95, Adaya Plastow-\$12.95, Kayla Purinton-\$12.95, Maggie Reynen-\$12.95, Lori Schmidt-\$13.95, Morgan Schneider-\$11.45, Gavin Soukup-\$9.95, Claire Stoller-\$10.45, Carter Stucky-\$12.95, Lauren Van Overschelde-\$9.95, Annika Vermeulen-\$13.95, Emma Vermeulen-\$10.45, Lisa Vermeulen-\$10.45, Ashley Zimmer-\$13.95, Tristen Zimmer-\$9.95

RECREATION CENTER: Maryssa Gehrke-\$11.45, Kadence Halvorson-\$10.95, Bailey Henkel-\$10.45, Morgan Lambert-\$11.95, Macey Linke-\$10.45, Dawn Morgan-\$14.45, Treyson Schulz-\$10.95, Hannah Sebert-\$10.95, Kylie Swanson-\$11.45, Joseph Tegethoff-\$10.95, Jayda Walton-\$11.45

SPORTS COMPLEXES: Austin Kerr-\$11.95, Carter Miller-\$11.45, Jared Miller-\$12.45, Seth Muth-\$11.45, Peyton Nash-\$11.95, Sean Pinkerton-\$11.45, Peyton Smith-\$13.45

WATER DISTRIBUTION: Conner Gerlach-\$14.45

SALARY ADJUSTMENTS:

FIRE: Cole Palmer-\$18.737

PARKS: Tyler Vetch-\$23.064

POLICE: Patrick Marler-\$31.818

RECREATION CENTER: Christina Cranny-\$23.659

TRAFFIC: Jonathan Horton-\$21.407

WASTE COLLECTION: Michael Dufek-\$27.780, Travis Hohrman-\$23.345

WATER: Kevin Sibson-\$26.755

TERMINATIONS:

CORN PALACE: Jaylyn Sheesley

GOLF COURSE: Rave Uhlich

LIBRARY: Cindy Meinen

RECREATION & AQUATICS: Corbin Kramer, Julia Platt

WARRANTS: A&B Business Solutions, Contract-\$4,394.11; AAA Collections, Refunds-\$80.83; Accounts Management, Garnishment-\$380.67; Advanced Engineering and

Environmental Services, Study and Report-\$88.50; AFLAC, Aflac Withholding-\$10,933.68; AFLAC Group, Aflac Critical Care-\$551.70; AFSCME, Union Dues-\$1,023.02; Amazon Capital Services, Supplies-\$1,449.74; AMG Radiology Mitchell, Claim-\$20.00; Anchor Industries, Supplies-\$550.00; Aramark Uniform Services, Supplies-\$403.68; Arctic Refrigeration, Maintenance-\$93.22; AT&T Mobility Police Department, Utilities-\$1,362.10; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-\$87.67; Avera Occupational Medicine, Contract Services-\$2,592.44; B&B Upholstery, Maintenance-\$140.00; Bailey Metal Fabricators, Repair-\$50.01; Baker & Taylor, Books-\$1,047.45; Baker Bros Electric, Maintenance-\$209.43; Barr Engineering, 2021-20 P.E. #9-\$9,500.00; Big Daddy D's, Contract Services-\$8,800.66; Blackburn Manufacturing, Supplies-\$120.71; Blackstone Publishing, Audio Book-\$36.00; Boyer Ford Trucks, Supplies-\$22.08; Brosz Engineering, 2021-16 P.E. #9-\$2,662.50; C & B Operations, Supplies-\$5,902.02; Central Electric, Utilities-\$205.44; Century Link, Utilities-\$13.51; CHR Solutions, Postage-\$3,186.40; Chris Reterath, Supplies-\$100.00; City of Mitchell, Golf Course Deductions-\$1,673.02; City of Mitchell, Recreation Deductions-\$2,051.27; Civicplus, Annual Fee-\$6,772.11; CK Bicycles and Locks, Supplies-\$116.00; Coca Cola Bottling, Supplies-\$1,145.96; Commercial Asphalt, 2021-15 P.E. #5-\$9,099.00; Core-Mark Midcontinent, Supplies-\$8,487.30; Corn Palace, Supplies-\$1,192.47; Corporate Translation Service, Translation Services-\$30.90; Cortrust Bank, Hohn-TIF #21-\$9,158.70; Daily Republic, Renewal-\$236.55; Dakota Fluid Power, Supplies-\$612.45; Dakota Pump, Repair-\$28,065.71; Dakota Supply Group, Maintenance-\$643.84; David Sarne, Training-\$102.00; Davison County Auditor, Davison County Fee-\$55,499.04; Davison County Sherrif's Office, Alcohol Compliance-\$83.26; Davison Rural Water Systems, Utilities-\$52.00; Delta Dental Plan of South Dakota, Dental Insurance-\$14,113.70; Demco, Supplies-\$124.02; Department of Agriculture, 2004-Rla-303-Loan2-\$27,939.28; Department of Motor Vehicle, Title Plate Mail-\$48.40; Department of Social Services, Child Support-\$2,208.82; Dick's Body Shop, Maintenance-\$95.00; Dick's Towing, Police Tow-\$175.00; Dimock Dairy, Supplies-\$262.50; Dustin's Repair & Auto Sales, 2020 Ford F550-\$38,500.00; Etix, Box Office Fee-\$2,714.70; Farmers Alliance, Repairs-\$75.60; Fedex, Shipping-\$36.16; Ferguson Waterworks #2516, Supplies-\$1,920.90; First Dakota National Bank, TID #20 Morris-\$384,566.79; First National Bank Omaha, Loan Payment-\$12,379.10; First Rate Excavate, 2019-39 P.E. #8-\$427,899.06; Galls, Shipping-\$1.52; Gaylen's Homegrown Popcorn, Supplies-\$1,375.20; Grainger, Supplies-\$52.55; Great Western Tire, Supplies-\$1,407.39; H&W Contracting, 2020-12 P.E. #4-\$522,472.73; Harve's Pro Prints, Supplies-\$29.00; Hawkins, Supplies-\$50.00; Heartland Ag Systems, Supplies-\$10.91; Henry Schein, Supplies-\$745.99; Hieb, Eric, Contract Services-\$8,704.41; Honda of Mitchell, Supplies-\$15.49; Ingram Library Services, Books-\$1,376.08; Innovative Office Solution, Supplies-\$125.21; Insurance Benefits, Renewal-\$2,350.00; Intellipro Security, Supplies-\$3,198.00; International Code Council, Travel-\$145.00; Interstate Glass and Door, Maintenance-\$1,960.00; Interstate Office Products, Supplies-\$129.07; Iverson Chrysler Center, Rental-\$69.95; J J Keller and Associates, Supplies-\$245.29; JCL Solutions, Supplies-\$73.23; Johnson Controls, Repairs-\$903.33; Jon Horton, Training-\$60.00; Jones Lang Lasalle Brokerage, Contract Fees-\$4,966.00; Jones Supplies, Supplies-\$1,315.96; Justin Young Construction, Supplies-\$380.00; K Log, Supplies-\$781.85; Karl's, Supplies-\$3,999.99; Kathy Kaye Foods, Supplies-\$3,648.00; Kone Chicago, Repair-\$862.80; Krohmer Plumbing, Repair-\$1,768.10; Larry's I-90 Service, Supplies-\$2,332.16; Lawson Products, Maintenance-\$58.44; Leighton Family Farms, Supplies-\$729.00; Lodge at Deadwood, Training-\$408.00; M&T Fire and Safety, Supplies-\$394.76; Make It Mine

Designs, Supplies-\$416.16; Mark Zard, Supplies-\$228.50; McLeod's Printing, Supplies-\$430.64; Menard's, Supplies-\$2,333.74; Mettler Implement, Supplies-\$19.99; Meyers Oil, Supplies-\$2,526.31; Mid States Audio, Repairs-\$133.13; Midcontinent Communication, Utilities-\$251.29; Midwest Alarm. Maintenance-\$105.00; Midwest Mini Melts, Supplies-\$2,992.00; Midwest Turf & Irrigation, Supplies-\$645.52; Millennium Recycling, Single Stream Fee-\$2,251.20; Mitchell Concrete Product, Supplies-\$236.00; Mitchell Plumbing & Heating, Repairs-\$150.00; Mitchell United Way, Deductions-\$399.32; Mount Vernon School District, Contract Services-\$69.00; Mueller Lumber, Supplies-\$62.87; Napa Central, Supplies-\$98.18; National Pen, Supplies-\$89.34; Northern State University, Travel-\$121.45; Northwestern Energy, Gas line-\$3,041.24; Northwestern Energy & Communications, Utilities-\$39,578.08; Orville Stevenson, Supplies-\$2,750.00; Pepsi Cola, Supplies-\$2,405.29; Peterbilt of Sioux Falls, Supplies-\$1,030.75; Porter Distributing, Supplies-\$146.30; Powerphone, Training-\$927.00; Premier Pest Control, Contract Services-\$460.00; Public Health Laboratory, Lab-\$90.00; Qualified Presort, Postage-\$361.49; Quick Med Claims, Contract Services-\$5,699.21; R Place Kennel, Service-\$132.00; Riverside Technologies, Supplies-\$52,233.28; Runnings Supply, Supplies-\$1,262.06; Rusty Rierson, Contract Services-\$225.00; S&M Printing, Supplies-\$3.00; Santel Communications, Utilities-\$106.16; SPN & Associates, 2019-39 P.E. #57-\$23,203.20; Schoenfelder Portables, Rental-\$350.00; Schumacher Elevator, Maintenance-\$94.83; South Dakota Newspaper Services, Advertising-\$382.40; South Dakota Public Assurance Alliance, Insurance Coverage-\$149.78; South Dakota Retirement System, Retirement Contributions-\$104,431.16; South Dakota Supplemental Retirement, Supplemental Retirement-\$14,092.64; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$2,707.00; Sherwin-Williams, Supplies-\$1,649.13; Sign Pro, Supplies-\$37.10; Sodexo, Travel-\$128.41; Southeast South Dakota Tourism, Membership Dues-\$265.00; Standard Insurance, Life Insurance-\$2,369.30; Standard Insurance, Life Insurance-\$424.75; Staples, Supplies-\$740.87; Stitchtogether, Supplies-\$84.00; Sturdevants Mitchell, Supplies-\$2,201.85; Subway, Meals-\$29.96; Sun Gold Sports, Supplies-\$125.00; Teamsters Local No. 120, Union Dues-\$1,402.00; Tessier's, Repair-\$146.00; Thune True Value Hardware, Supplies-\$312.05; Tim's Towing & Recovery, Towing-\$320.00; TMA Stores, Repair-\$66.91; Top Grade Concrete, 2021-4 P.E. #5-\$60,725.40; Tractor Supply Credit Plan, Supplies-\$16.99; Traditions Prepared Meals, Contract Services-\$2,951.28; Traffic Control, Supplies-\$17,130.00; Tri M Tunes, Supplies-\$86.25; United Rentals (North America), Travel-\$2,231.68; USA Blue Book, Supplies-\$2,443.73; Van Diest Supply, Supplies-\$2,264.00; Verizon Wireless, Utilities-\$352.47; Walmart, Supplies-\$298.97; Watertown Wholesale, Supplies-\$193.82; Wells Fargo Bank, Pepsi-TID #14-\$24,961.42; Wheelco Brake & Supply, Supplies-\$947.00; Yamaha Golf & Utility, 2022 Yamaha Golf Cars-\$102,104.00; Zach Dalrymple, Supplies-\$200.00; South Dakota State Treasurer, Sales Tax Payment-\$21,343.24; Ellwein Brothers, Supplies-\$1,164.40; US Bank, Bond Payment-\$200,547.61; US Bank, Bond Payments-\$62,243.75; US Bank, Bond Payments-\$98,978.75.

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

CITIZENS INPUT:

Dan Beukelman of Mitchell Main Street & Beyond updated the public and City Council on the

status of the Director position and the upcoming summer events.

Council Member Doescher stated he spoke with visitors over Memorial Day weekend and they were very impressed with the condition of the cemetery.

Council Member McCardle asked Corn Palace Director Greenway how the visitor numbers were at the Corn Palace. Greenway stated the Corn Palace has seen a 20%-30% decrease and expects this to continue with the price of gas.

Mitchell resident, Reed Bender, commented on the Uvalde tragedy, as well as mental health and gun issues.

BOARD OF ADJUSTMENT:

Moved by Barington, seconded by Rice, 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 Tara Volesky for a front yard variance of 19' vs 25' for a front porch addition located at 409 East 7th Avenue, legally described as Lot 4, Block 4, Burr's Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application. Moved by Allen, seconded by McCardle, to approve said application. Motion carried.

Moved by Rice, seconded by Tjarks, to set date for June 21, 2022 on the application of Jason Bates for a variance for maximum lot coverage of 50% vs 45% to construct a detached garage located at 1112 North Rowley, legally described as Lot 16, Block 4, DA Scott's Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Allen, seconded by McCardle, to set date for June 21, 2022 on the application of DAK Properties LLC for a side yard corner variance of 12' vs 20' to construct an unattached 24' x 24' garage on a 43' wide lot located at 1001 East 4th Avenue, legally described as the W 7 ½' of Lot 9 and all of Lot 10, Block 9, Gleeson's Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by McCardle, seconded by Rice, to set date for June 21, 2022 on the application of Thiesse Chiropractic for a conditional use permit for a parking facility located at 317 West 13th Avenue, legally described as the Lot 5, Block 27, Capital Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Tjarks, seconded by Rice, to set date for June 21, 2022 on the application of Maxwell Rysdon of Watchfire Signs on behalf of Krall Eye Clinic for a conditional use permit to install and operate an electric message center in a residential district located at 1415 North Sanborn Boulevard, legally described as Lots 1-6 and E ½ of Vacated Edmunds Street, Block 12, Capital Addition, City of Mitchell, Davison County, South Dakota. 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.

HEARINGS:

It was advised that this is the date and time set for hearing on the application of 2nd & Lawler dba Main Street Mercantile, 615 North Main for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License (does not include video lottery) effective July 1, 2022. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Rice, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of 2nd & Lawler dba Main Street Mercantile, 615 North Main for a new Retail (on-off sale) Wine & Cider License (does not include video lottery) effective July 1, 2022. Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by Allen, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Rice, to approve the applications for renewal of Retail (on-off sale) Malt Beverage Licenses. Motion carried.

Moved by Rice, seconded by Sabers, to approve the Noise Permit for Brian and Chris Hildebrandt on June 17, 2022. Motion carried.

RESOLUTION:

Moved by Rice, seconded by Sabers, to approve Resolution #R2022-35, Fees and Charges, Increasing Smart Meter Penalty from \$200.00 to \$400.00 per Month, as follows:

**RESOLUTION #R2022-35
FEES AND CHARGES**

PREAMBLE: The City Council, having re-codified the Municipal Code, and having provided therein for the establishment of fees and costs charged by the City by resolution.

THEREFORE, BE IT RESOLVED that the following fees and costs shall be adopted and that any fees and costs not changed by this resolution or any other fee resolutions passed since the date of re-codification and in effect as of June 6, 2022 shall remain in full force and effect.

**General
Public Works**

Smart Meter Penalty \$400.00

All Fees will go into effect on July 1, 2022.

The complete list of fees is available in the City Finance Office.

There are currently 4 meters that have not been switched to Smart Meters. Motion carried.

CONSIDER APPROVAL:

Moved by Smith, seconded by Tjarks, to approve an application for a DANR Local Freight Truck Rebate Program. Motion carried.

Moved by Allen, seconded by Rice, to approve Stormwater Discharge and Pipeline License with BNSF. Motion carried.

Moved by Tjarks, seconded by Barington, to authorize the purchase of a 2020 Dodge Durango Pursuit from the Kansas Highway Patrol with light/siren package in the amount of \$29,350.00. Motion carried.

Moved by Rice, seconded by Smith, to approve the quote for Rowley Watermain Project #2022-14 with Menning Excavating in the amount of \$29,150.00. Motion carried.

AWARD BID:

Bids were opened and read on Paving & Overlay Project #2022-15 on the 26th day of May, 2022. Moved by Rice, seconded by Barington, to award, as follows:

**PAVING & OVERLAY
PROJECT #2022-15**

Commercial Asphalt, 25254 413th Avenue, Mitchell, SD 57301

Total Bid Schedule A	\$149,610.00
Total Bid Schedule B	\$68.00 per ton

Motion carried.

Bids were opened and read on Nuisance Mowing Project #2022-43 on the 19th day of May, 2022. Moved by Allen, seconded by Rice, to award, as follows:

**NUISANCE MOWING
PROJECT #2022-43**

AAA Lawn Care, 24994 406th Avenue, Mitchell, SD 57301

Hourly Rate \$130.00/hour

Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Allen, to approve Amendment #2 for Dailey Drive Lift Station Design Agreement #A2019-51 with SPN & Associates increasing the contract amount by \$3,645.35 for construction phase services. Motion carried.

Moved by Rice, seconded by Tjarks, to approve Agreement #A2022-21, NAWCA Grant Coop Agreement with Matthew and Michaela Doerr in the amount of \$3,531.94. Motion carried.

Moved by Allen, seconded by Sabers, to approve Agreement #A2022-24, Tax Increment District #27 Developer’s Agreement with Groeneweg Construction, LLC. Motion carried.

RESOLUTIONS:

Moved by Barington, seconded by McCardle, to approve Resolution #R2022-28, Amending the 2022 Compensation Plan for the City of Mitchell, as follows:

**RESOLUTION #R2022-28
A RESOLUTION AMENDING THE 2022 COMPENSATION PLAN FOR THE CITY
OF MITCHELL**

BE IT RESOLVED, THAT THE FOLLOWING CHANGES TO THE 2022 COMPENSATION PLAN FOR THE CITY OF MITCHELL BE APPROVED EFFECTIVE MAY 29, 2022.

<u>APPOINTED/ HIRED FULL TIME POSITIONS</u>			
Dept	Job Title	Wage Grade	FLSA Status
PW	Engineering Technician (2 FTE vs 1-FTE)	16	N
PW	Administrative Secretary (1 FTE vs 2-FTE)	10	N

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Allen, to postpone Resolution #R2022-29, Transfer of Lot 1, Block 1, Fullerton Properties 2nd Addition. Motion carried.

Moved by Barington, seconded by McCardle, to approve Resolution #R2022-31, Plat of NCBC Tract 2 in the SW ¼ of Section 13, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2022-31

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 23rd day of May, 2022; and

WHEREAS, it appears from an examination of the plat of NCBC TRACT 2 IN THE SW ¼ OF SECTION 13, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Thomas Lynn Week, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of NCBC TRACT 2 IN THE SW ¼ OF SECTION 13, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Thomas Lynn Week, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by Sabers, to approve Resolution #R2022-34, Historic Preservation Findings in relation to the Property at 1200 W University Avenue with the condition of a HABS survey, as follows:

RESOLUTION #R2022-34

A RESOLUTION REGARDING SDCL SECTION 1-19A-11.1 FINDINGS IN RELATION TO THE PROPERTY AT 1200 W UNIVERSITY AVE

WHEREAS, the Dakota Wesleyan University is the owner of certain real property at 1200 W University Ave which is legally described as:

**Lots A-B-C-E-F and RH 1 of University Addition, City of
Mitchell, Davison County, South Dakota.**

WHEREAS the above described property is listed on the National Register of Historic Places.

WHEREAS the Dakota Wesleyan University sought a demolition permit for their Science Hall and Music Hall on the property on September 20, 2021.

WHEREAS state law puts certain processes in place which must be followed prior to any governmental action that may damage, destroy, or encroach upon any historic property.

WHEREAS, in consideration of such laws, the City of Mitchell did provide notice of the status of the property, reports of its condition, and eventually the DWU's demolition plan to the State Historic Preservation Office (SHPO) on April 28, 2022 at which point SHPO issued its determination that the proposed demolition plan would "encroach upon damage, or destroy a historic property . . .also note SHPO agreed with MHPC's recommendation to complete a National Parks Service's Historic American Buildings Survey prior to demolition of the Science Hall and Music Hall

WHEREAS SDCL 11.1 requires in this case that the City make a written determination that "based upon the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property, resulting from such use."

WHEREAS such a hearing by the City Council was scheduled, noticed, and held on June 6, 2022 during regular session and that at such hearing interested parties were afforded an opportunity to comment on the matter and the City Council did consider and discuss relevant facts relating to such demolition plan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City Council does hereby make the following findings of fact and conclusions:

1. The above described property is listed on the National Register of Historic Places.
2. The City of Mitchell, did submit a notice, abbreviated case report, and supplemental materials as required by state law and as requested by the State Historic Preservation Office.
3. The City Council, in its capacity as the governing body designated to make a final determination of project acceptability under SDCL 1-19A-11.1, must determine that, "based on the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property."
4. The City Council has taken into consideration all relevant factors including all testimony provided at the above described hearing, all documentation provided at or for use in such hearing, and specifically, the following materials:

DWU Case Report 9-27-2021
DWU-Letter/Photos
MHPC Unsigned Minutes
11.1 Case Report Form-DWU-Signed
DWU Case Report 5-13-2022

5. That in recognition of these findings and conclusions, the State Office of History shall be provided with notice of this determination by certified mail, to include a complete record of factors considered.
6. That after ten days from sending such notice, compliance with SDCL 1-19A-11.1 shall no longer serve as an impediment to carrying out the proposed demolition plan.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Rice, seconded by Barington, to place Ordinance #O2022-08, Amending Mitchell City Code Section 6-1-1 Regarding Animals at Large on first reading. Motion carried.

Moved by Allen, seconded by Rice, to place Ordinance #O2022-09, Amending Mitchell City Code Chapter 6-1A Regarding Vicious Animals on first reading. Motion carried.

EXECUTIVE SESSION:

Moved by Tjarks, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters and SDCL 1-25-2(4) Employee Negotiations. Motion carried.

Mayor Everson declared the board out of executive session at 8:23 p.m. and the City Council to reconvene in regular session at 8:24 p.m.

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 _____.