

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

**September 19, 2022
6:00 P.M.**

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

ABSENT: Jeffrey Smith

PRESIDING: Mayor Bob Everson

AGENDA:

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

- a. City Council Minutes
 1. Work Session September 6, 2022,
 2. City Council September 6, 2022, and
 3. Work Session September 12, 2022.
- b. Committee Reports
 1. Planning Commission August 22, 2022 and
 2. Community Services Board September 8, 2022.
- c. Department Reports
 1. Sales Tax Collections (August),
 2. Finance (August),
 3. Building Permits (August),
 4. Project List,
 5. Police (August),
 6. Fire/EMS (August),
 7. Code Enforcement (August),
 8. Palace Transit (July),
 9. Water (August), and
 10. Airport (August).
- d. Automatic Supplement to E911 from the State of South Dakota in the amount of \$127,707.73.
- e. Raffle Permits
 1. LB Williams School with the drawing to be held on November 5, 2022,
 2. MTC Mavericks Rodeo Team with the drawing to be held on November 19, 2022,
 3. Mitchell/Alexandria Pink Ladies with the drawing to be held on January 14, 2023, and
 4. VFW Dept of South Dakota with the drawings to be held on June 17-18, 2023.
- f. Special Event Permit for Palace City Kiwanis Half Marathon and Relay on October 2, 2022.
- g. Set date of October 3, 2022 for hearing on the application of the Corn Palace Shrine Club for a

Special Event Liquor License located at the Masonic Hall on October 28, 2022 for the Shrine Club Sportsman Classic.

h. Approval of Gas and Fuel Quotations

<u>Howes Oil Co</u>	<u>Requested Gallons</u>	<u>Bid Gallons</u>	<u>Price per Product</u>	<u>Total Bid</u>
On Road Diesel-#2	700	700	\$4.05	\$ 2,835.00
Unleaded-10% Ethanol	6,800	6,800	\$3.206	\$21,800.80
Total Bid:				\$24,635.80

i. Pay Estimates September 19, 2022

- Pay Estimate #10 in the amount of \$534.00 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
- Pay Estimate #11 in the amount of \$67,104.76 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
- Pay Estimate #14 in the amount of \$22,975.00 for Foster Street Bridge #2021-02 contracted to Brosz Engineering,
- Pay Estimate #15 in the amount of \$7,738.75 for 9th & 5th Reconstruction #2021-07 contracted to McLaury Engineering,
- Pay Estimate #4 in the amount of \$54,835.00 for 9th & 5th Reconstruction #2021-07 contracted to Brosz Engineering,
- Pay Estimate #18 in the amount of \$28,290.75 for Landfill Cell #4 #2021-08 contracted to Helms & Associates,
- Pay Estimate #11 in the amount of \$1,875.00 for West Harmon Utility Improvements #2021-16 contracted to Brosz Engineering,
- Pay Estimate #2-4 in the amount of \$24,995.24 for Lake Mitchell-Phase II #2021-20 contracted to Barr Engineering,
- Pay Estimate #3 in the amount of \$640.00 for Recycling Building #2021-30 contracted to Helms & Associates,
- Pay Estimate #2 in the amount of \$1,018,107.00 for North Wastewater Improvements #2021-31 contracted to PKG Contracting,
- Pay Estimate #3 in the amount of \$1,463,955.09 for North Wastewater Improvements #2021-31 contracted to PKG Contracting,
- Pay Estimate #18 in the amount of \$54,477.21 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,
- Pay Estimate #4-Final in the amount of \$24,290.60 for Ice Arena Refrigeration #2021-46 contracted to All American Arena Products,
- Pay Estimate #5-Final in the amount of \$18,847.70 for Drake Field Turf #2021-54 contracted to Mid-America Golf & Landscape,
- Pay Estimate #13 in the amount of \$1,178.06 for Rec Center Fitness Room-Phase II #2021-50 contracted to Schemmer Associates,
- Pay Estimate #1 in the amount of \$7,493.75 for Water/Wastewater Fee Analysis #2022-22 contracted to HDR Engineering,
- Pay Estimate #5 in the amount of \$6,375.00 for 223 N Main Window Repair #2022-24 contracted to Custom Carpentry,

Pay Estimate #6 in the amount of \$6,375.00 for 223 N Main Window Repair #2022-24 contracted to Custom Carpentry,
Pay Estimate #4 in the amount of \$696.00 for Old Landfill Monitoring #2022-28 contracted to GeoTek Engineering,
Pay Estimate #5 in the amount of \$986.00 for New Landfill Monitoring #2022-29 contracted to GeoTek Engineering, and
Pay Estimate #3-Final in the amount of \$99,490.23 for Dry Run Creek Lighting #2022-33 contracted to Builders Electric.

- j. 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 AUGUST 21, 2022 – SEPTEMBER 3, 2022: City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,536.92, Administrative Boards \$1,030.44, Attorney \$4,601.23, Finance \$11,959.79, Human Resources \$3,703.81, Municipal Building \$3,297.98, Information Technology \$2,844.80, Police \$70,866.64, Traffic \$5,514.61, Fire \$35,671.18, Street \$33,558.41, Public Works \$17,594.13, Cemetery \$5,890.56, Animal Control \$1,630.08, Library \$15,710.85, Recreation & Aquatics \$6,226.39, Recreation Center \$15,341.33, Sports Complexes \$8,955.99, Cadwell Concessions \$266.76, Parks \$15,050.50, Supervision \$5,666.66, E911 \$21,948.80, MVP \$499.67, Palace Transit \$23,793.54, JVCC \$907.68, Nutrition \$3,977.06, Water Distribution \$12,141.86, Sewer \$15,395.59, Airport \$2,672.72, Recycling Program \$6,376.18, Waste Collection \$6,433.68, Landfill \$9,324.07, Corn Palace \$25,537.07, Golf Course \$5,675.90, Campground \$2,217.60, Emergency Medical Services \$31,620.32.

NEW HIRES:

ADMINISTRATIVE BOARDS: Aaron Hieb-\$25.761

CORN PALACE: Keith Gerlach-\$15.00, Carter Stucky-\$15.00, Rahni Vaughn-\$15.00

E-911: Noah Blair-\$20.124

FINANCE: Erika Miller-\$21.143

LIBRARY: Rachel Soulek-\$23.338

RECREATION & AQUATICS: Wyatt Baldauf-\$15.00, Cody Cavanaugh-\$15.00, Isaiah Glanzer-\$25.00, Timothy Moon-\$20.00, Caleb Sayler-\$15.00, Steven Schoenfelder-\$25.00, Hunter Shanks-\$15.00, Justin Sorensen-\$15.00

RECREATION CENTER: Doreen Nelson-\$15.00

SALARY ADJUSTMENTS:

FIRE: Shannon Sandoval-\$32.986

POLICE: Cole Albaugh-Edgecomb-\$26.083, Justin Stoltenburg-\$26.739

STREET: Steven Anderson-\$33.409

WASTE COLLECTION: Walter Davis-\$20.631

WARRANTS: A-Ox Welding Supply, Supplies-\$285.68; AAA Collections, Pre Collection-\$135.00; AAA Lawn Care and Maintenance, Mowing-\$2,125.00; Advance Auto Parts, Supplies-\$34.29; AFSCME Council 65, Union Dues-\$560.37; All American Arena Product, 2021-46 P.E. #4-Final-\$24,290.60; Amazon Capital Services, Equipment-\$763.65; Aqua-Pure, Supplies-\$3,225.00; Aramark Uniform Services, Professional Service-\$285.65; Arctic Refrigeration, Repair-\$48.98; AT&T Mobility, Utilities-\$597.35; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,720.69; Avera Occupational Medicine, Physicals-\$372.00; B-Y Water District, Utilities-\$118,458.95; Bailey Metal Fabricators, Repair-\$337.75; Baker & Taylor, Books-\$60.27; Barr Engineering, 2021-20 P.E. #PH2-4-\$24,995.24; Bear Billboards, Rental-\$950.00; Bender's Sewer Cleaning, Maintenance-\$4,739.10; Big Daddy D's, Contract Services-\$3,851.20; Blades Group, Supplies-\$1,178.00; Brosz Engineering, #2021-16 P.E. #11-\$79,685.00; Buhl's Drycleaning, Professional Service-\$77.50; Builders Electric, #2022-33 P.E. #3-Final-\$99,490.23; C&B Operations, Supplies-\$2,522.94; Cadwell Sanford Deibert & Garry LLP, Professional Service-\$3,192.00; Carquest Auto Parts, Supplies-\$4.29; Cengage Learning Inc/Gale, Books-\$84.78; Center Point Large Print, Books-\$94.08; Central Electric, Monthly Service-\$11,639.03; Century Link, Monthly Service-\$58.34; City of Mitchell, Utilities-\$53,941.15; City of Mitchell, BID #2 Tax-\$711.00; Claims Associates, Liability-\$3,282.64; Clark Equipment, Supplies-\$4,505.52; Coborns, Contract Service-\$488.25; Core & Main, Supplies-\$16,351.48; Core-Mark Midcontinent, Concessions-\$239.05; Corn Palace, Supplies-\$29.16; Corporate Translation Service, Translation Service-\$20.36; County Fair, Contract Services-\$1,008.00; Culligan Water, Rental-\$50.00; Dakota Pro Striping, Supplies-\$2,250.00; Dakota Wesleyan University, Street Expenses-\$1,500.00; Daniel Fechner, Supplies-\$12.00; Darrington Water Conditioning, Cooler Rent-\$146.60; Davison Rural Water Systems, Rental-\$1,175.30; Del Favero Jeff, Refund-\$50.00; Department of Agriculture, Solid Waste Surcharge-\$3,600.51; Department of Social Services, Child Support-\$1,008.46; Detco, Supplies-\$1,269.26; Diamond Mowers, Supplies-\$30,841.55; Dice Benefits Consulting, Consulting-\$492.00; Dick's Towing, Tow-\$270.00; Doug L Driggs, #2022-24 P. E. #5-\$12,750.00; Dug Out, Contract Services-\$1,062.00; Dustin's Repair & Auto Sales, Repair-\$150.00; Envisionware, Renewal-\$1,517.25; Farmers Alliance, Maintenance-\$574.05; Forum Communications, Advertising-\$1,259.87; Galls, Supplies-\$230.00; Geotek Engineering, #2022-28 P. E. #4-\$1,682.00; Grainger, Supplies-\$87.40; Great Western Tire, Supplies-\$1,877.32; Guardian Alliance Technologies, Background Checks-\$50.00; HDR Engineering, #2021-31 P. E. #18-\$61,970.96; Heartland Ag Systems, Supplies-\$209.48; Helms and Associates, #2021-30 P. E. #3-\$28,930.75; Henry Schein, Supplies-\$1,081.17; Ican, Advertising-\$750.00; Identisys, Supplies-\$391.40; Infrastructure Design Group, #2020-20 P.E.#10-\$67,638.76; Ingram Library Services, Books-\$1,200.11; Innovative Office Solution, Supplies-\$182.21; Interstate Glass & Door, Maintenance-\$2,311.15; Interstate Office Products, Supplies-\$151.93; Interstate Power Systems, Supplies-\$4,537.21; Jacki Larson, Reimbursement-\$118.00; Jebro, Supplies-\$56,297.72; Joanne Shaw, Refund-\$500.00; Jones Supplies, Supplies-\$106.35; Kansas Pro Sound, Production Services-\$27,000.00; Kimball-Midwest, Supplies-

\$79.80; Kyle Mclaughlin, Reimbursement-\$69.99; Lakeview Veterinary Clinic, Supplies-\$1,076.44; Larry's I-90 Service, Supplies-\$75.00; Lawson Products, Supplies-\$608.46; Loren Vanoverscheld, Improvements-\$6,185.00; Maega-Sound, Entertainment-\$225.00; McLaury Engineering, #2021-7 P.E. #15-\$7,738.75; McLeod's Printing, Supplies-\$4,010.59; Menard's, Supplies-\$391.59; Mettler Implement, Supplies-\$16.99; Meyers Oil, Supplies-\$2,932.55; Mid-America Golf & Landscaping, #2021-54 P.E.#5-Final-\$18,847.70; Midcontinent Communication, Advertising-\$1,649.00; Midwest Fire & Safety, Inspection-\$1,749.50; Midwest Laboratories, Lab-\$1,096.56; Midwest Oil, Supplies-\$252.20; Midwest Turf & Irrigation, Repair-\$864.78; Mitchell Animal Rescue, Agreement-\$350.00; Mitchell Baseball, Sports Authority Promotion-\$5,000.00; Mitchell Community Scholarships, Round-up-\$1,147.98; Mitchell Concrete Product, Supplies-\$171.75; Mitchell Iron & Supply, Maintenance-\$133.00; Mitchell School District, Utilities-\$1,900.35; Mitchell Show Choir, Contract Services-\$5,076.00; Mitchell United Way, United Way Deductions-\$197.66; Mr. Golf Car, Repair-\$179.80; Mueller Lumber, Supplies-\$161.42; Muth Electric, Supplies-\$7,901.96; N-Able Solutions, Supplies-\$567.07; Napa Central, Supplies-\$146.91; Northern Balance & Scale, Repairs-\$30.00; Northwestern Energy & Communications, Utilities-\$34,745.80; Online Computer Library Center, Cataloging-\$378.90; One Source the Background, Background Checks-\$528.05; Overdrive, Ebook-\$152.00; Overtime Steak House and Sports bar, Contract Services-\$2,272.00; Parkeon, Service Fee-\$65.00; Peterbilt of Sioux Falls, Supplies-\$1,714.67; Pioneer Manufacturing, Supplies-\$1,925.00; PKG Contracting, #2021-31 P. E. #2-\$2,482,062.09; Postal Solutions, Mailing Service-\$2,276.42; Premier Equipment, Supplies-\$496.77; Public Health Laboratory, Lab-\$279.00; Qualified Presort, Mailing Service-\$303.11; RDO Equipment, Supplies-\$847.33; Rink-Tec International, Maintenance-\$9,211.88; Robert B Everson Jr, Reimbursement-\$65.94; Ron's Saw Sales, Supplies-\$41.48; Runnings, Supplies-\$881.96; S&M Printing, Supplies-\$50.00; Saga Communications of South Dakota, Advertising-\$866.00; Santel Communications, Utilities-\$106.16; Schemmer Associates, #2021-50 P. E. #13-\$1,178.06; Schoenfelder Portables, Rental-\$300.00; Scott Supply, Supplies-\$138.75; South Dakota Department of Public Safety, Teletype Service-\$1,608.00; South Dakota Department of Transportation, DOT-\$856.00; South Dakota Retirement System, Retirement Contributions-\$53,906.96; South Dakota Supplemental Retirement, Supplemental Retirement-\$3,569.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,258.50; SDHSCA, Social Clinic-\$5,700.00; Sherwin-Williams, Supplies-\$106.67; SHI International, Software-\$503.90; Sign Pro, Supplies-\$690.00; South Dakota 811, Message Fees-\$280.35; Special Olympics South Dakota, State Fall Classic-\$10,000.00; Spencer Quarries, Supplies-\$3,399.32; Standard Insurance, Life Insurance-\$424.75; Staples, Supplies-\$386.12; Sturdevants, Supplies-\$4,410.98; Subway, Meals-\$44.94; Sun Gold Sports, Supplies-\$70.00; Tapco, Sidewalk construction-\$7,666.00; Teamsters Local No. 120, Union Dues-\$1,402.00; Tessier's, Maintenance-\$596.21; Thomson Reuters West, Subscription-\$777.48; Thune True Value Hardware, Supplies-\$95.33; Tim Murray, Supplies-\$100.00; Tim's Towing & Recovery, Police Tow-\$170.00; TK Electric, Supplies-\$432.71; TMA Stores, Repair-\$205.31; Tractor Supply Credit Plan, Supplies-\$47.99; Traffic Control, Supplies-\$1,200.00; Transource, Supplies-\$422.31; Tyler Technologies, Software-\$1,608.54; USA Softball Mens Slowpitch, Sports Authority Promotion-\$1,000.00; Verizon Wireless, Utilities-\$772.01; Vern Eide Chevrolet Buick, Police Tow-\$125.00; Vern Eide Ford Lincoln, Supplies-\$257.25; Water Environment Federation, Membership-\$155.00; Wheelco Brake & Supply,

Supplies-\$478.11; Wholesale Electronics, Supplies-\$282.08 ; Zimco Supply, Supplies-\$366.00; Ellwein Brothers, Supplies-\$5944.85.

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

BOARD OF ADJUSTMENT:

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

Council Member Smith is now present by phone.

It was advised that this is the date and time set for hearing on the application of Jacob and Jena Sonne for a conditional use permit to operate a family residential daycare located at 1120 Sunnyside Ct, legally described as Lot 10, RW Mueller's 1st Addition, a subdivision of Portions of Blocks 7 & 8, Sunnyside Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District. The Planning Commission recommended approval of said application with the conditions the permit is non-transferable, if the business cease to operate for six months a new application would be required, and pass a fire inspection. Moved by Rice, seconded by Tjarks, to approve said application with Planning Commission recommendations.

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

It was advised that this is the date and time set for hearing on the application of Flats on Havens LLC for a conditional use permit to operate a multi-family dwelling located at 1525 West Havens, legally described as Block 4, Sunnyside Addition, City of Mitchell, Davison County, South Dakota, except the E 175' thereof; except the N 151.45' of the W 167' thereof; except the N 50' of the W 50' of the S 165' of the E 55' of Block 4 thereof; and except Lots H-4 and H-5. The property is zoned HB Highway Business District. The Planning Commission recommended approval of said application. Moved by Tjarks, seconded by Allen, to approve said application.

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

It was advised that this is the date set for hearing on the application of HiWings LLC for a conditional use permit to operate an assembly hall located at 40580 250th Street, legally described as Kelley Tract 1, a subdivision of the SW ¼ of the SE ¼, Kelley Tracts 1A and 2, a subdivision of the S ½ of the SE ¼, W 208.75' of S 208.75' of the SE ¼ of the SE ¼; all in Section 36, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The Planning Commission recommended approval of said application. Moved by McCardle, seconded by Rice, to approve said application.

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

Council Member Smith has now left the meeting.

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

CONSIDER APPROVAL:

Moved by Rice, seconded by Barington, to authorize the purchase of fitness equipment for the Recreation Center in the amount of \$27,356.00 with funds received from a donation from Lifequest. Motion carried.

Moved by Allen, seconded by Barington, to authorize the Mayor to sign the application for the State Water Plan for Lake Mitchell Restoration Project. Motion carried.

Moved by McCardle, seconded by Barington, to approve Agreement #A2022-35, Independent Contractor Agreement for Professional Services for Medical Director. Motion carried,

HEARING:

It was advised that this is the date and time set for hearing on the proposed resolution for Collection of Special Assessments for 2021 Nuisance Abatements and Water Service Repairs. Engineering Project Supervisor Terry Johnson reviewed the assessment roll. No property owners were present for discussion.

RESOLUTION:

Moved by Rice, seconded by Barington, to approve Resolution #R2022-56, Collection of Special Assessment Roll for 2021 Nuisance Abatements and Water Service Repairs, as follows:

**RESOLUTION # R2022-56
PROVIDING FOR COLLECTION
OF SPECIAL ASSESSMENT ROLLS FOR
2021 NUISANCE ABATEMENTS and WATER SERVICE REPAIR**

WHEREAS, Special Assessment Roll for the 2021 Nuisance Abatements and Water Service Repair have been submitted by the Engineering Project Supervisor of Public Works to the City Council of the City of Mitchell for their approval.

WHEREAS, SDCL-9-43-29, 1981; requires the governing body of a municipality provide by resolution or ordinance whether said aforementioned special assessments and installments thereof shall be payable under Plan One, collection by the County Treasurer, or Plan Two,

collection by the Municipal Finance Officer, and the number of annual installments into which said assessments shall be divided; and

WHEREAS, SDCL-9-43-13, 1981; requires the rate of interest that deferred installments shall bear be specified on that assessment roll.

The Special Assessments to be levied for payment of costs of 2021 Nuisance Abatement Projects shall be one (1) installment, equal to the total amount assessed to each lot or tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-29. The interest to be charged shall be 8%.

The Special Assessments to be levied for payment of costs of 2021 Water Service Repair Projects shall be divided into ten (10) annual installments each equal to one-tenth of the total amount assessed to each lot of tract listed in said Special Assessment Roll and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-29. The interest to be charged shall be 8%.

The description of all lots and parcels of land to be assessed together along with the amount properly chargeable are shown on said Special Assessment Roll.

The Property Owner will have 30 days after the collection hearing, starting September 20th, 2022 until October 19st, 2022 to pay their assessment in full to avoid paying any interest. Payments can be made in the finance office in City Hall at 612 North Main Street.

The assessment roll shall be open for public inspection at the Finance Office in City Hall.

Motion carried and resolution declared duly adopted.

Moved by Barington, seconded by McCardle, to approve Resolution #R2022-57, Plat of Lots 1, 2, and 3 of McCloud's Addition, in the N ½ of the NW ¼ of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, as follows:

RESOLUTION #R2022-57

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 12th day of September, 2022; and

WHEREAS, it appears from an examination of the plat of LOTS 1, 2 AND 3 OF MCCLOUD'S ADDITION, IN THE N ½ OF THE NW ¼ OF SECTION 14, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Thomas Lynn Week, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOTS 1, 2 AND 3 OF MCCLOUD'S ADDITION, IN THE N ½ OF THE NW ¼ OF SECTION 14, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA as prepared by Thomas Lynn Week, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Tjarks, to approve Resolution #R2022-58, Plat of Tract 1 of Devonne's Addition, in the NW ¼ of Section 19, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota, except Lot H1, thereof, as follows:

RESOLUTION #R2022-58

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 12th day of September, 2022; and

WHEREAS, it appears from an examination of the plat of TRACT 1 OF DEVONNE'S ADDITION, IN THE NW ¼ OF SECTION 19, T 104 N, R 60 W OF THE 5TH PM., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF as prepared by Thomas Lynn Week, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of TRACT 1 OF DEVONNE'S ADDITION, IN THE NW ¼ OF SECTION 19, T 104 N, R 60 W OF THE 5TH PM., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF 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 Rice, seconded by Sabers, to approve Resolution #R2022-59, Plat of Lot 9, Block 5, Woods First Addition, as follows:

RESOLUTION #R2022-59

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 12th day of September, 2022; and

WHEREAS, it appears from an examination of the plat of LOT 9, BLOCK 5 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 9, BLOCK 5 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, 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 regarding the tax levies to be certified to the county auditor for the upcoming year. City Administrator Ellwein stated the CPI is 3% and the growth is 5.41% for 2023. The amount to be certified to the Davison County Auditor is \$6,188,578.

RESOLUTION:

Moved by Rice, seconded by Sabers, to approve Resolution #R2022-61, Tax Levies to be Certified to County Auditor, as follows:

**Resolution #R2022-61
A Resolution Certifying the Tax Levy for the 2023 Annual Appropriation Budget**

WHEREAS, SDCL 9-21-34 & 9-21-34.1 were enacted in 2021 for the purpose of providing municipalities with certain flexibilities within budget proceedings;

WHEREAS, the City of Mitchell adopted Ordinance #O2021-10 implementing changes to the City of Mitchell Annual Appropriation Proceedings;

WHEREAS, Ordinance #O2021-10 requires that the City hold a hearing regarding tax levies for the upcoming fiscal year, and direct the finance officer to certify the tax levies to the Davison County Auditor as required by law;

THEREFORE BE IT RESOLVED, that the Finance Officer is directed to certify the following dollar amount of tax levies for the year January 1, 2023 through December 31, 2023.

Amount to be certified to the County Auditor: \$6,188,578

Motion carried and resolution declared duly adopted.

HEARING:

It was advised that this is the date and time set for hearing on the creation of TID #28 and approving the project plan. City Attorney Johnson reviewed TID #28 and the project plan.

RESOLUTION:

Moved by Rice, seconded by Barington, to approve Resolution #R2022-62, Creating TID #28 and Approving the Project Plan, as follows:

RESOLUTION R2022-62

**A RESOLUTION PROVIDING FOR THE CREATION OF CITY OF MITCHELL TAX
INCREMENTAL DISTRICT NUMBER TWENTY-EIGHT**

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Twenty-eight (TID 28) and to define the district's boundaries; and

WHEREAS notice of the hearing before the city planning commission was provided pursuant to SDCL 11-9-3; and

WHEREAS, the City of Mitchell Planning Commission held a hearing on September 12, 2022 at which any interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district; and

WHEREAS the City of Mitchell Planning Commission after said hearing has recommended the proposed plan for Tax Incremental District Number Twenty-eight and has recommended its creation, setting the boundaries as listed in the project plan, and recommending adoption of the project plan.

THEREFORE, IT IS HEREBY RESOLVED:

1. Pursuant to SDCL 11-9-5, there is hereby created, as of September 19, 2022, the City of Mitchell Tax Incremental District Number Twenty-eight (TID 28). TID 28 is legally described as follows:

BLOCK FOUR (4), SUNNY SIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, EXCEPT THE EAST ONE HUNDRED SEVENTY-FIVE FEET (E 175') THEREOF; EXCEPT THE NORTH ONE HUNDRED FIFTY-ONE AND FORTY-FIVE HUNDREDTHS FEET (N 151.45') OF THE WEST ONE HUNDRED SIXTY-SEVEN FEET (W 167') THEREOF; EXCEPT THE NORTH FIFTY FEET (N 50') OF THE WEST FIFTY FEET (W 50') OF THE SOUTH ONE HUNDRED SIXTY-FIVE FEET (S

165') OF THE EAST FIFTY-FIVE FEET (E 55') OF BLOCK FOUR (4) THEREOF, AND EXCEPT LOTS H-4 AND H-5

with a map showing said boundaries included in the Project Plan presented to Council on September 19, 2022.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 28 was held on September 12, 2022.
3. The City Council, in consideration of the project plan, other documentary evidence, and testimony, hereby makes the following findings:
 - a. Pursuant to SDCL 11-9-8, not less than fifty percent (50%) by area of the real property within the proposed tax increment district will stimulate and develop the general economic welfare and prosperity of the City of Mitchell and State of South Dakota through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources;
 - b. Further pursuant to SDCL 11-9-8, the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TID 28;
 - c. Pursuant to SDCL 11-9-13, the project plan for TID 28 includes information satisfying each of the 5 requirements contained therein;
 - d. Pursuant to SDCL 11-9-16, the project plan for TID 28 includes information satisfying each of the 6 requirements contained therein; and
 - e. The plan is feasible and in conformity with the master plan of the City.
 - f. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts does not exceed ten (10%) percent of the total assessed valuation of the City.
 - g. TID 28 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
4. Based on the findings in Section 3 above, the City hereby approves and adopts the project plan and the proposed boundaries as recommended by the City of Mitchell Planning Commission.
5. The City hereby directs the City of Mitchell Finance Officer to take such action as is deemed necessary to accomplish SDCL 11-9-20.
6. There is hereby created, pursuant to SDCL 11-9-31, the Tax Incremental District Number Twenty-eight Fund (TID 28 Fund).
7. All tax increments collected pursuant to TID 28 shall be deposited into the TID 28 Fund.
8. All funds in the TID 28 Fund shall be used solely for the purposes expressly stated and reasonably inferred in SDCL 11-9.

9. The City finds that the aggregate assessed value of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed ten percent of the total assessed value of taxable property in the municipality.
10. The project plan is on file with the City of Mitchell Finance Officer.
11. A Developer's Agreement consistent with the provisions of this Resolution and the Project Plan shall be approved by separate action of the City Council.

Sabers abstained. Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Allen, seconded by Barington, to place Ordinance #O2022-14, Rezoning Plat of Lot 11 of Sharpstone Subdivision, a Subdivision of the W ½ of the S ½ of the SW ¼ of the NW ¼ of Section 9, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from R4 High Density Residential District to Sharpstone Planned Development District on second reading. Motion carried. Moved by Rice, seconded by Sabers, to adopt Ordinance #O2022-14, Rezoning Plat of Lot 11 of Sharpstone Subdivision, a Subdivision of the W ½ of the S ½ of the SW ¼ of the NW ¼ of Section 9, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from R4 High Density Residential District to Sharpstone Planned Development District, as follows:

ORDINANCE O2022-14

AN ORDINANCE CHANGING THE DISTRICT CLASSIFICATION OF THE REAL PROPERTY CURRENTLY DESCRIBED AS: Plat of Lot 11 of Sharpstone Subdivision, a subdivision of the W ½ of the S ½ of the SW ¼ of the NW ¼ of Section 9, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from R4 High Density Residential District to Sharpstone Planned Development District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

ARTICLE I. SHARPSTONE DISTRICT

Section:

- 10-9I-1: Legal Description**
- 10-9I-2: Purpose**
- 10-9I-3: Permitted Uses**
- 10-9I-4: Conditional Uses**
- 10-9I-5: Scope of Regulations**
- 10-9I-6: Accessory Buildings**

10-9I-1: Legal Description

Plat of Lot 11 of Sharpstone Subdivision, a subdivision of the W ½ of the S ½ of the SW ¼ of the NW ¼ of Section 9, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

10-9I-2 Purpose:

This area is intended to provide residential with accessory opportunities and provide for densities, which reflect both the cost and best utilization of the real property located within this district.

10-9I-3 Permitted Uses

Open space.

Parks and playgrounds.

Single-family dwelling.

Two-family dwellings.

10-9I-4 Conditional Uses:

Childcare, family residential.

Community Garden

Home occupations that comply with section 10-5-G-2.

10-9I-5 Scope of Regulations

A. Maximum Building Height: No principal building shall exceed two and one-half (2 ½) stories or thirty-five feet (35').

B. Minimum Lot and Width: The minimum lot area shall be at six thousand square feet (6,000) and minimum lot width shall be at least fifty feet (50').

C. Minimum Yard Requirements (Setbacks)

1. Front yard: Fifteen feet (15').

2. Rear yard: Twenty-five feet (25').

3. Side yard: Three feet (3').

4. Side yard on a corner lot: Fifteen feet (15').

5. Lot coverage shall be no more than seventy-five percent (75%).

10-9I-6 Accessory Building

A. No accessory building will be erected in the front yard.

B. No accessory building shall exceed twenty-two feet (22') in height.

C. No separate accessory building shall be erected within three feet (3') of any principal building's line.

D. Accessory buildings shall be at least three feet (3') from zoning lot lines of adjoining lots, with the footage to be measured from the overhang building line. (Ord. 2408, 10-1-2012)

E. Accessory buildings (attached and detached) shall not exceed a combination of two thousand square feet (2,000) and the principal and accessory buildings do not exceed the maximum zoning lot coverage.

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

EXECUTIVE SESSION:

Moved by Rice, seconded by McCardle, to go into Executive Session as permitted by SDCL 1-25-2(4) Employee Negotiations and SDCL 1-25-2(3) Legal. Motion carried.

Mayor Everson declared the board out of executive session at 8:00 p.m. and the City Council to reconvene in regular session at 8:01 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 _____.