

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

**September 20, 2021  
6:00 P.M.**

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

**ABSENT:** Dan Sabers

**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 September 7, 2021.
- b. Committee Meeting Minutes
  1. Planning Commission August 23, 2021.
- c. Department Reports
  1. Sales Tax Collections (August),
  2. Finance (August),
  3. Building Permits (August),
  4. Police (July/August)
  5. Fire/EMS (July/August)
  6. Code Enforcement (August),
  7. Palace Transit (July),
  8. Airport (August), and
  9. Water (August).
- d. SD DOT Section 5310 Grant Amendment.
- e. Special Event Application for Dakota Wesleyan Blue and White Days on September 25, 2021 at 10:00 a.m.
- f. Raffle Permits
  1. Mitchell Main Street & Beyond (Fur Get Me Not Animal Care) with the drawing to be held on October 9, 2021,
  2. Mitchell Main Street & Beyond with the drawing to be held on October 9, 2021,
  3. LB Williams PTO with the drawing to be held on October 23, 2021,
  4. 1<sup>st</sup> Presbyterian Church with the drawing to be held on May 1, 2022 or when all tickets are sold, and
  5. John Paul II School with the drawings to be held on January 21, January 28, February 4, February 11, February 17, and February 25, 2022.

- g. Volunteer Board Appointments
  - 1. Reappoint Jean Koehler to the Corn Palace Events & Entertainment Board for a term to run October 2021-September 2024.
  - 2. Appoint Carol Cersosimo to the Corn Palace Events & Entertainment Board for a term to run October 2021-September 2024.
  - 3. Appoint Giovanni Lanier to the Corn Palace Events & Entertainment Board for a term to run October 2021-September 2024.
- h. Change Order #7 for Sanborn Phase II & III #2019-22 increasing the contract amount by \$23,960.50 to H&W Contracting, LLC, adjust contract amount to \$8,098,649.57
- i. Set date of October 4, 2021 for hearings
  - 1. On the application of the Corn Palace Shrine Club for a Special Event Liquor License on October 29, 2021 for the Sportsman Classic and
  - 2. On the application to transfer Retail (On-sale) Liquor License RL-5760 from Overtime Properties Inc. dba Overtime Steakhouse & Sports Bar, 716 N. Rowley Street to Hohn Partnership, LLC dba Platinum Players Club III, 719 N. Sanborn Blvd, Ste. 3.
- j. Pay Estimates September 20, 2021
  - Pay Estimate #18 in the amount of \$612,200.64 for Sanborn Phases II & III #2019-22 contracted to H&W Contracting, LLC,
  - Pay Estimate #47 in the amount of \$8,738.30 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
  - Pay Estimate #48 in the amount of \$3,206.70 for East Central Drainage Phase II #2019-39 contracted to SPN & Associates,
  - Pay Estimate #13 in the amount of \$14,944.00 for Daily Drive Lift Station #2020-12 contracted to SPN & Associates,
  - Pay Estimate #48 in the amount of \$1,170.66 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
  - Pay Estimate #49 in the amount of \$790.50 for Crafty Fox Window Repairs #2020-24 contracted to Custom Carpentry/Doug Driggs,
  - Pay Estimate #6 in the amount of \$4,775.00 for Foster Street Bridge Rehabilitation #2021-2 contracted to Brosz Engineering Inc.,
  - Pay Estimate #3 in the amount of \$1,712.50 for West Side Water Tower #2021-3 contracted to SPN & Associates,
  - Pay Estimate #8 in the amount of \$2,760.00 for Landfill Cell #4 #2021-8 contracted to Helms & Associates,
  - Pay Estimate #5 in the amount of \$8,900.00 for West Harmon Utility Improvements #2021-16 contracted to Brosz Engineering,
  - Pay Estimate #4 in the amount of \$648.00 for Old Landfill Monitoring #2021-28 contracted to Geotek Engineering,
  - Pay Estimate #4 in the amount of \$830.50 for New Landfill Monitoring #2021-29 contracted to Geotek Engineering,
  - Pay Estimate #6 in the amount of \$24,613.75 for North Wastewater Treatment Plant Improvements #2021-31 contracted to HDR Engineering Inc.,
  - Pay Estimate #5 in the amount of \$280.00 for Mitchell Recreation Fitness Room #2021-50 contracted to Schemmer Associates,
  - Pay Estimate #1 in the amount of \$2,000.00 for Street Fuel Storage Tank Replacement

#2021-51 contracted to West Plains Engineering, Inc., and  
Pay Estimate #14 in the amount of \$14,878.52 for AIP '28 Airport ALP/Master Plan  
contracted to Helms & Associates.

k. 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 22, 2021 – SEPTEMBER 4, 2021:** City Council \$3,303.68, Mayor \$1,374.69, City Administrator \$5,296.46, Attorney \$4,401.38, Finance \$12,581.37, Human Resources \$3,542.93, Municipal Building \$3,003.28, Information Technology \$2,823.76, Police \$72,467.15, Traffic \$4,313.51, Fire \$31,806.02, Street \$28,928.28, Public Works \$18,418.31, Cemetery \$4,982.01, Animal Control \$1,559.28, Library \$15,669.21, Recreation & Aquatics \$6,315.56, Recreation Center \$16,244.60, Sports Complexes \$9,290.55, Ballpark Concessions \$229.36, Parks \$13,687.26, Supervision \$5,696.46, E911 \$19,587.35, MVP \$777.55, Palace Transit \$22,585.12, JVCC \$1,086.28, Nutrition \$3,504.16, Water Distribution \$15,582.33, Sewer \$13,679.64, Airport \$2,556.63, Recycling Program \$6,289.85, Waste Collection \$5,715.46, Landfill \$8,853.49, Corn Palace \$24,779.62, Golf Course \$6,178.82, Campground \$2,007.60, Emergency Medical Services \$28,880.03.

**NEW HIRES:**

CORN PALACE: Morgan Buenzow-\$9.95, Mary Clarambeau-\$11.45, Brad Gates-\$15.00, Jeri Mickelson-\$13.45, Reed Renken-\$9.45

PALACE TRANSIT: Christopher Wehrmann-\$18.552

RECREATION & AQUAATICS: Wyatt Baldauf-\$15.00, Ryland DeVries-\$20.00, Cody Cavanaugh-\$15.00, John Jackson-\$25.00, Josef Jackson-\$9.95, Tim Moon-\$20.00, Steve Schoenfelder-\$25.00, Justin Sorensen-\$15.00

RECREATION CENTER: Ashley Miedema-\$10.95, Kayla Purintun-\$9.45, Krystyna Stucker-\$10.95

SPORTS COMPLEXES: Trayven Boellstorff-\$10.95

WATER DISTRIBUTION: James Zard-\$18.784

**SALARY ADJUSTMENTS:**

FIRE: Shannon Sandoval-\$31.553

POLICE: Justin Stoltenburg-\$25.578

STREET: Steven Anderson-\$31.958

WASTE COLLECTION: Walter Davis-\$19.735

WASTE WATER: Jonathan Rehfeldt-\$22.610

**TERMINATIONS:**

CADWELL CONCESSIONS: Elyssa Delehant, Camryn Krogman, Morgan Tegels, Caroline Titze

GOLF COURSE: Michael Shearer

PARKS: Jace Grosdidier

PUBLIC WORKS: Cooper Vermeulen

SPORTS COMPLEXES: William Elfstrand, Andrew Gunnare, Austin Kerr, Cooper Knutson, Adam Loes, Timothy McCain, Baley Miller, Jared Miller, Peyton Nash, Elijah Pommer, Peyton Smith, Dylan Soulek

TRAFFIC: Lincoln Erickson, Riley Everson

**WARRANTS:** A-Ox Welding Supply, Supplies-\$65.90; Advantage Auto Glass, Supplies-\$64.16; AFSCME Council 65, Union Dues-\$453.02; Alex Air Apparatus, Supplies-\$657.22; Amazon Capital Services, Supplies-\$30.96; Aqua-Pure, Service Contract-\$3,190.00; Aramark Uniform Services, Supplies-\$312.75; Arctic Refrigeration, Repair-\$108.09; Arlene Wagner, Refund-\$200.00; ATV Holdings, LLC dba Mitchell Telecom, Utilities-\$2,563.06; Auto Body Specialties, Supplies-\$62.20; Avera Occupational Medicine, Contract Services-\$1,770.00; B-Y Water District, August Usage-\$146,561.52; Baker & Taylor, Books-\$159.53; Big Daddy D's, Contract Services-\$4,581.60; Blackstone Publishing, Books-\$1,097.34; Blackstrap, Supplies-\$5,741.14; Boyer Trucks, Supplies-\$2,611.95; Brosz Engineering, 2021-16 P.E. #5-\$13,675.00; Bud's Trap, Shipping-\$8.00; Builders First Source, Supplies-\$237.11; Building Sprinkler, Maintenance-\$489.55; Butler Machinery, Repairs-\$138.60; C & B Operations, Supplies-\$1,763.96; Captain's Entertainment, Entertainment-\$350.00; Carquest Auto Parts, Repairs-\$66.46; Cengage Learning Inc/Gale, Books-\$611.76; Central Electric, Utilities-\$11,264.98; Century Link, Utilities-\$58.79; City of Mitchell, Utilities-\$33,233.55; City of Mitchell, Bid Tax-\$114.00; Coborns, Contract Services-\$483.00; Coca Cola Bottling, Supplies-\$671.10; Colt Mayfield, Supplies-\$181.23; Commercial Asphalt/Spencer Quarries, Supplies-\$1,997.52; Core & Main, Repairs-\$8,965.07; Core-Mark Midcontinent, Supplies-\$3,538.50; County Fair, Supplies-\$902.37; Culligan Water, Rental-\$50.00; Dakota Data Shred, Professional Service-\$3.00; Dakota Delivery Service, Repairs-\$45.00; Dakota Fluid Power, Supplies-\$3,831.99; Dakota Pump, Repair-\$3,991.55; Dakota Wesleyan University, Street Expense-\$1,500.00; Daniel Fechner, Travel-\$3.58; Darrington Water Conditioning, Rental-\$76.90; David Sarne, Training-\$20.00; Davison Rural Water Systems, Utilities-\$1,403.00; Days Inn of Mitchell, Entertainment-\$1,075.32; Department of Social Services, Child Support-\$600.87; Dice Benefits Consulting, August Fees-\$504.00; Diesel Machinery, Supplies-\$360.86; Dimock Dairy, Supplies-\$295.20;

Doug L Driggs, 2020-24 P.E. #48-\$1,961.16; Driver's License Guide, Professional Service-\$31.95; Dug Out, Contract Services-\$745.50; Evident, Supplies-\$32.00; Farmers Alliance, Repair-\$982.59; Fedex, Express Services-\$14.87; Fisher Scientific, Supplies-\$73.65; Forum Communications, Advertising-\$643.60; Gaylen's Homegrown Popcorn, Supplies-\$940.80; Geotek Engineering, 2021-28 P.E. #4-\$4,728.50; Great Western Tire, Repair-\$3,789.90; H & W Contracting, 2019-22 P.E. #18-\$612,200.64; Hach, Supplies-\$6.78; Harve's Pro Prints, Supplies-\$39.00; HDR Engineering, 2021-31 P.E. #6-\$24,613.75; Heather Bunker, Refund-\$50.00; Helms & Associates, 2021-8 P.E. #8-\$17,638.52; Henry Schein, Supplies-\$909.22; Honda of Mitchell, Supplies-\$33.80; Howes Oil, Supplies-\$18,841.68; Ingram Library Services, Books-\$4,016.21; Innovative Office Solution, Supplies-\$29.05; James Valley Nursery, Supplies-\$1,052.61; Janco Specialized Surfaces, Repairs-\$36,120.00; JCL Solutions, Supplies-\$68.95; Jerry Carey Travel, Bid District #3 Grant Payment-\$4,250.00; John Adamo, Bid District #3 Grant Payment-\$5,000.00; Johnson Controls, Contract Services-\$1,712.52; Johnson South Dakota, Supplies-\$801.48; Jones Supplies, Supplies-\$2,620.47; K-Scale, Maintenance-\$1,300.37; Kimball-Midwest, Supplies-\$635.24; Lakeview Veterinary Clinic, Supplies-\$988.75; Larry Kleinlein, Refund of Fees-\$300.00; Larry's I-90 Service, Maintenance-\$467.53; Lawson Products, Supplies-\$1,071.08; Lee & Renee Michael, Bid District #3 Grant Payment-\$5,000.00; Leighton Family Farms, Supplies-\$400.00; Lexisnexis Matthew Bender, Books-\$132.43; Lincoln Andersen, CDL Test-\$50.00; McLeod's Printing, Supplies-\$2,238.20; Meierhenry Sargent, Bond Counsel CW-08-\$16,630.00; Menard's, Supplies-\$978.75; Mettler Implement, Supplies-\$170.87; Meyers Oil, Supplies-\$4,006.72; Mid-American Research Chemical, Supplies-\$392.06; Midcontinent Communication, Publishing-\$1,667.00; Midwest Fire & Safety, Maintenance-\$2,054.00; Mitchell Concrete Product, Supplies-\$24.00; Mitchell Convention & Visitors Bureau, 2021 Funding September-\$20,800.00; Mitchell Show Choir, Contract Services-\$6,397.50; Mitchell United Way, United Way Deductions-\$195.00; Mueller Lumber, Supplies-\$60.47; Muth Electric, Maintenance-\$697.95; Napa Auto Parts, Supplies-\$24.53; Northwestern Energy & Communications, Utilities-\$46,155.32; O'Reilly Automotive, Supplies-\$23.98; Online Computer Library Center, Subscription-\$361.72; One Source the Background, Background-\$320.65; Overtime Steak House and Sports Bar, Contract Services-\$2,226.00; Palmetto, EMS Refunds-\$932.17; Parkeon, Professional Service-\$52.00; Pepsi Cola, Supplies-\$2,218.84; Peterbilt of Sioux Falls, Supplies-\$20.59; Porter Distributing, Supplies-\$1,301.75; Premier Equipment, Supplies-\$89.05; Premier Pest Control, Contract Services-\$200.00; Public Health Laboratory, Lab-\$294.00; Qualified Presort, Mailing Service-\$213.95; Quick Med Claims, Contract-\$3,459.97; Republic National Distributing, Supplies-\$296.50; Robert B Everson Jr, Travel-\$61.74; Runnings Supply, Supplies-\$651.88; S&S Willers, Supplies-\$1,596.20; Safety Benefits, Registration Fee-\$65.00; Saga Communications of South Dakota, Advertising-\$200.00; Santel Communications, Utilities-\$106.16; Schemmer Associates, 2021-50 P.E. #5-\$280.00; SPN & Associates, 2019-39 P.E. #47-\$28,601.50; Schoenfelder Portables, Rentals-\$3,170.00; Scholastic Inc Education, Books-\$16.25; Schumacher Elevator, Maintenance-\$504.75; Scott Supply, Supplies-\$142.58; South Dakota Department of Environment & Natural Resources, State Garbage Fees-\$2,819.98; South Dakota Retirement System, Retirement Contributions-\$52,896.83; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,658.50; South Dakota Supplemental Retirement, Supplemental Retirement-\$2,929.80; Shade Systems, Maintenance-\$860.00; Sign Pro, Supplies-\$17.20; South Central District, Travel-\$50.00; Stan Houston Equipment, Supplies-\$136.01; Standard Insurance, Life Insurance-\$421.24; Staples,

Supplies-\$207.81; Streicher's Minneapolis, Supplies-\$1,428.00; Sturdevants Mitchell, Supplies-\$1,955.76; Subway, Meals-\$41.94; Sun Gold Sports, Supplies-\$895.00; Teamsters Local No. 120, Union Dues-\$1,453.00; Tessier's, Maintenance-\$666.10; Thomas L Price, Professional Services-\$700.00; Thomson Reuters West, August Charges-\$827.49; Thune True Value Hardware, Supplies-\$221.49; TMA Stores, Repair-\$85.27; Traditions Prepared Meals, Contract Services-\$2,727.12; Triple Play Pawn, Merchandise-\$75.00; Tristian Johnson, Training-\$5,000.00; True North Steel, Supplies-\$124.20; Two Way Solutions, Repairs-\$229.49; United Rentals (North America), Repairs-\$3,249.81; Verizon Wireless, Utilities-\$1,000.57; Vern Eide Ford Lincoln, Repair-\$129.15; Walmart, Supplies-\$180.83; West Plains Engineering, 2021-51 P.E. #1-\$2,000.00; Wheelco Brake & Supply, Supplies-\$626.40; William Lutjen, Training-\$20.00; Wireless Links, Maintenance-\$333.60; Zimco Supply, Supplies-\$3,386.52; Ellwein Brothers, Supplies-\$6,145.40; Wage Works, Flexible Spending-\$2,693.20; Wellmark, Administration, Prescription, Medical-\$145,204.21; South Dakota Department of Revenue, Sales Tax Payment-\$26,604.67.

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

### **CITIZENS INPUT:**

Reed Bender, resident, spoke regarding vaccine mandates.

### **BOARD OF ADJUSTMENT:**

Moved by Rice, seconded by McCardle, 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 Boyd Reimnitz for a front yard variance of 19 feet vs 25 feet for a front entry addition located at 719 South Edmunds Street, legally described as Lots 5 & 6, Block 9, Van Eps 2<sup>nd</sup> Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2, Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Barington, to table said application. Motion carried.

It was advised that this is the date and time for hearing on the application of Faith Missionary Church for the following variances:

1. West side yard variance of 0 feet vs 3 feet, legally described as Lot 3 and East 33 feet of Lot 4, Block 3, Gleeson's Addition, City of Mitchell, Davison County, South Dakota.
2. East side yard variance of 0 feet vs 3 feet, legally described as Lot 4, except the East 33 feet and Lot 5, Block 3, Gleeson's Addition, City of Mitchell, Davison County, South Dakota.
3. Rear yard variance of 20 feet vs 25 feet on both parcels listed above.

All for an addition of a 38' x 57' building crossing parcel lines located at 1025 East 6<sup>th</sup> Street. The property is zoned R4, High Density Residential District. Notice of hearing has been given

and affidavit of publication is on file. Planning Commission recommended approval of said application. Moved by Tjarks, seconded by Rice, to approve said application. Motion carried.

It was advised that this is the date and time for hearing on the application of George Morgan for a side yard variance of 0 feet vs 3 feet as required for enclosing an existing non-conforming carport located at 414 North Davison Street, legally described as Lot 6A and West ½ of Lot 5A, Block 30, Cooley & Guernsey Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2, Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. Planning Commission recommended approval with the condition the neighboring landowner must be on the building permit application. Moved by Allen, seconded by Rice, to approve said application with Planning Commission recommendation. Motion carried.

It was advised that this is the date and time set for hearing on the application of Stacy Nettinga for a rear yard variance of 0 feet vs 3 feet as required for construction of a garage addition located at 204 West 11<sup>th</sup> Avenue, legally described as Lot 11, Block 29, Capital Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2, Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. Moved by Tjarks, 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 Brooke Hartman for a conditional use permit to operate a family residential daycare center in her home located at 317 East 4<sup>th</sup> Avenue, legally described as Lot 2, Block 27, Original Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2, Single Family Residential District. Notice of hearing has been given and affidavit of publication is on file. Planning Commission recommended approval with the following conditions, the permit is non-transferable and if the business ceases to operate for six months a new application would be required. Moved by Barington, seconded by Smith, to approve said application with Planning Commission recommendations. Motion carried.

Moved by Allen, seconded by Barington, to set date for October 4, 2021 on the application of Jason Bates for a north side yard variance of 0 feet vs 3 feet as required for an addition located at 1112 North Rowley Street, legally described as Lot 16, Block 4, D.A. Scotts 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.

### **HEARING:**

It was advised that this is the date and time set for hearing on the construction of a 2.5 million gallon capacity ground storage tank and associated pump station and chemical feed facility, modifications to the water distribution system, and demolition of the Burr Street water tank. Public Works Director Joe Schroeder reviewed the details of the project. The funds could be either a grant from the state Consolidated Water Facilities Construction Program or a loan from

the Drinking Water State Revolving Fund Program. The City is seeking up to \$11,000,000.00 from the program, the expected loan term is 30 years at 1.875%. The expected surcharge for the loan is \$7.74.

**RESOLUTION:**

Moved by McCardle, seconded by Allen, to approve Resolution #R2021-66, Approving the Application for SRF Funds to be Used on Mitchell Water System Improvements, as follows:

**RESOLUTION #R2021-66**

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 major upgrades to the City's drinking water system, including but not limited to construction of a 2.5 million gallon capacity ground storage tank and associated pump station and chemical feed facility, modifications to the water distribution system, and demolition of the Burr Street water tank (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 \$11,000,000 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.

**CONSIDER APPROVAL:**

Moved by Smith, seconded by McCardle, to approve a request for three street lights for the Lakeridge Addition. Motion carried.

**HEARING:**

It was advised that this is the date and time set for hearing on Agreement #A2021-53, Land Exchange on North Harmon Drive between the City of Mitchell and P & B Casey Farms, LLC. City Attorney Johnson reviewed the agreement.

**CONSIDER APPROVAL:**

Moved by Tjarks, seconded by Barington, to approve Agreement #A2021-53, Land Exchange on North Harmon Drive between the City of Mitchell and P & B Casey Farms, LLC. Motion carried.

**HEARING:**

It was advised that his is the date and time set for hearing on Agreement #A2021-54, Lease of a Portion of 5951 Airport Road Property. City Attorney Johnson reviewed the lease agreement between the City of Mitchell and Mitchell Rodeo Foundation, Inc. The lease is 30 years with the rent to be \$7,500.00 per year. Council Member Barington had concerns with a lease term of 30 years and proposed a 10 year term. Council Member Smith recommended a 10 year term with two 10 year options. Jim Miskimins, who is authorized to negotiate for the Mitchell Rodeo Foundation, Inc., stated the group would be more comfortable with a 20 year term with a 10 year option after the initial term due to the significant investment in the leased facilities.

**CONSIDER APPROVAL:**

Moved by Tjarks, seconded by Rice, to approve the initial changes to Agreement #A2021-54, Lease of a Portion of 5951 Airport Road Property as presented by City Attorney Johnson. Motion carried. Moved by Tjarks, seconded by Allen, to amend the term of Agreement #A2021-54, Lease of a Portion of 5951 Airport Road Property, to be 20 years with a 10 year option after the initial term of the lease and approve with all amendments. Motion carried with Barington voting nay.

**HEARING:**

It was advised that this is the date and time set for hearing on the the proposed resolution for Collection of Special Assessments for 2020 Construction Projects, Sidewalk Projects, and Nuisance Abatements. Engineering Project Supervisor Terry Johnson reviewed the assessment roll. No property owners in the proposed areas were present for discussion.

**RESOLUTION:**

Moved by Tjarks, seconded by Rice, to approve Resolution #R2021-60, Collection of Special Assessments for 2020 Construction Projects, Sidewalk Projects, and Nuisance Abatements, as follows:

**RESOLUTION # R2021-60  
PROVIDING FOR COLLECTION  
OF SPECIAL ASSESSMENT ROLLS FOR  
2020 CONSTRUCTION PROJECTS, 2020 SIDEWALK PROJECTS, BUILDING  
DEMOLITION AND 2020 NUISANCE ABATEMENTS  
#2020-4 Sidewalk Projects, #2020-14 Curb and Gutter,  
#2020-15 Paving and Overlay, Building Demolition, Misc. Projects and  
#2020 Nuisance Abatements**

**WHEREAS**, Special Assessment Roll for the 2020 Construction Projects, Building Demolition and 2020 Nuisance Abatements 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 construction costs for the #2020-4 Sidewalk Project, if the total assessment is over one hundred dollars (\$100.00) shall be divided into five (5) annual installments each equal to one-fifth 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 Special Assessments to be levied for payment of construction costs for the #2020-14 Curb and Gutter and #2020-15 Paving and Overlay Project and Building Demolition, if the total assessment is over one hundred dollars (\$100.00) 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%. If the construction costs for sidewalk is under one hundred dollars (\$100.00) payment shall be one (1) installment equal to the total amount assessed to each lot or tract listed in said Special Assessment Roll and that the collections thereof shall be according to Plan One, as provided by SD-9-43-29.

The Special Assessments to be levied for payment of costs of 2020 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 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 21<sup>st</sup>, 2021 until October 20<sup>th</sup>, 2021 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 Role shall be open for public inspection at the finance office in city hall.

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 1.20% and the growth is 1.310% for 2022. The amount to be certified to the Davison County Auditor is \$5,708,494.

**RESOLUTIONS:**

Moved by Allen, seconded by McCardle, to approve Resolution #R2021-61, Tax Levies to be Certified to the County Auditor, as follows:

**Resolution #R2021-61**

**A Resolution Certifying the Tax Levy for the 2022 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, 2022 through December 31, 2022.

Amount to be certified to the County Auditor:       \$5,708,494

Motion carried and resolution declared duly adopted.

Moved by McCardle, seconded by Smith, to approve Resolution #R2021-62, Plat of Lot 3 of Mirky’s Addition, an Addition in the South Half of the Southeast Quarter of Section 11, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, as follows:

**RESOLUTION #R2021-62**

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 13<sup>th</sup> day of September, 2021; and

WHEREAS, it appears from an examination of the plat of LOT 3 OF MIRKY’S ADDITION AN ADDITION IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 102 NORTH, RANGE 60 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, DAVISON COUNTY, SOUTH DAKOTA as prepared by Jeffery C. Schievelbein, 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 3 OF MIRKY’S ADDITION AN ADDITION IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 102 NORTH, RANGE 60 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, DAVISON COUNTY, SOUTH DAKOTA prepared by Jeffery C. Schievelbein, 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 Barington, to approve Resolution #R2021-63, Plat of Lot 2, Block 1 of Westwood First Addition, City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION #R2021-63**

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 13<sup>th</sup> day of September, 2021; and

WHEREAS, it appears from an examination of the plat of LOT 2, BLOCK 1 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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 2, BLOCK 1 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW ¼ OF SECTION 16, T 103 N, R 60 W OF THE 5<sup>TH</sup> 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.

Moved by McCardle, seconded by Rice, to approve Resolution #R2021-64, Surplus Property between 109 and 115 North Main Street, as follows:

#### **RESOLUTION #R2021-64**

A RESOLUTION DECLARING CERTAIN REAL PROPERTY BETWEEN 109 AND 115 NORTH MAIN STREET TO BE SURPLUS, APPOINTING A BOARD TO CONDUCT AN APPRAISAL, AND AUTHORIZING THE SALE OF SUCH REAL PROPERTY PURSUANT TO STATE LAW

WHEREAS the City of Mitchell is the owner of approximately 2.5 lots located between 109 and 115 North Main Street, Mitchell, SD 57301 which are legally described as:

**The West 88' of Lot 5 & All of Lots 6 and 7, all in Block 13, Original Town (now City) of Mitchell, Davison County, South Dakota; and**

WHEREAS the City has considered the sale of the above described real property used primarily as a parking lot; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the City hereby determines that the above described real property is no longer necessary, useful, or suitable for the purpose for which it was acquired.

IT IS FURTHER RESOLVED, that such property shall be appraised pursuant to state law by a three person board consisting of Kevin Genzlinger, Terry Aaker, and Kolton Jungeman, who are all residents of the City of Mitchell.

IT IS FURTHER RESOLVED, that upon completion of said appraisal, the Mayor, and such city staff as the Mayor may designate, may proceed with the steps necessary under state law in order to provide appropriate notice of the sale and to utilize a real estate broker, pursuant to SDCL 6-13-5.2, for the purpose of obtaining offers to purchase the property. When in the opinion of the Mayor a suitable offer to purchase the real property has been received, such offer shall be presented to the City Council at a future meeting to consider acceptance of the offer by the City Council.

Motion carried and resolution declared duly adopted.

**HEARING:**

It was advised that this is the date and time set for hearing on Resolution #R2021-65, Creation of Tax Increment District #26. Attorney Don Petersen reviewed the Tax Increment District and Project Plan. City Administrator Ellwein stated the city's internal TIF committee reviewed the documents also.

**RESOLUTION:**

Moved by Tjarks, seconded by Rice, to approve Resolution #R2021-65, Providing for the Creation of City of Mitchell Tax Incremental District Number 26, as follows:

**RESOLUTION #R2021-65**

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

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Twenty-six (TID 26) 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 13, 2021 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-six 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 20, 2021, the City of Mitchell Tax Incremental District Number Twenty-six (TID 26). TID 26 is located within a one block radius of the intersection of 3<sup>rd</sup> Avenue and Main Street in Mitchell and is legally described as follows:

The South 20' of Lot 6 and all of Lots 7, 8, 9, 10, 11, and 12, all in Block 3, Original Town (now city) of Mitchell, Davison County, South Dakota; and

Lots 1 and 2, Block 8, Original Town (now city) of Mitchell, Davison County, South Dakota; and

The alleyways directly West of and abutting the above described Lots in Blocks 3 and 8; and

The 3rd Avenue right of way from its intersection with the East side of Rowley Street to its intersection with the West side of Lawler Street, including all sidewalks and alleys situated therein; and

The Main Street right of way from its intersection with the North side of 2nd Avenue to its intersection with the South side of 4th Avenue, including all sidewalks situated therein.

with a map showing said boundaries included in the Project Plan presented to Council on September 20, 2021.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 26 was held on September 13, 2021.
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 26;
  - c. Pursuant to SDCL 11-9-13, the project plan for TID 26 includes information satisfying each of the 5 requirements contained therein;
  - d. Pursuant to SDCL 11-9-16, the project plan for TID 26 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 26 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-six Fund (TID 26 Fund).
7. All tax increments collected pursuant to TID 26 shall be deposited into the TID 26 Fund.
8. All funds in the TID 26 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. The Mayor is authorized to execute an Exclusive Developer's Agreement in accordance with the provisions of this Resolution and the Project Plan.

Motion carried and resolution declared duly adopted.

**ORDINANCES:**

Moved by McCardle, seconded by Barington, to place Ordinance #O2021-12, Rezoning of E 71' of Lot 5 & Lot 6, Block 18, Van Eps 1<sup>st</sup> Addition, City of Mitchell, Davison County, South Dakota from R3 Medium Density Residential District to HB Highway Oriented Business District on first reading. Motion carried.

Moved by Allen, seconded by Rice, to place Ordinance #O2021-13, Emergency Ordinance Amending Regulations on Medical Cannabis on first reading. Motion carried.

**PRESENTATION:**

Golf Superintendent Jason Gunnare presented the Golf Course Master Plan developed by Norby Golf Course Design. The master plan will serve as a guide for future capital requests over the next 10 years.



**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 \_\_\_\_\_.