

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

**April 4, 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 Tjarks, seconded by McCardle, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council March 21, 2022.
- b. Committee Reports
 1. Planning Commission March 14, 2022.
- c. Special Event Permit for Mitchell Main Street & Beyond-Updated Event Map.
- d. Special Event Permit for Outkasts Car Show powered by 301 Rodz September 17, 2022.
- e. Property Tax Abatement for 2021 Taxes Payable in 2022.

The property tax abatements will be on file for review in the Finance Office at City Hall.
- f. Raffle Permits
 1. Abbott House with the drawing to be held every 2 weeks until the 5 of Hearts is drawn,
 2. VFW Post 2750 with the drawing to be held on May 31, 2022,
 3. 301 Rodz with the drawing to be held on September 17, 2022, and
 4. VFW Post 2750 with the drawing to be held on November 15, 2022.
- g. Set date 1:30 pm April 12, 2022 for bid opening for 10th Ave Construction Project #2022-02.
- h. Set date of April 18, 2022 for hearing on the application of the Corn Palace Shrine Club for a Special Event Liquor License located at the Masonic Hall on April 30, 2022 for a wedding dance.
- i. Pay Estimates April 4, 2022
 - Pay Estimate #7 in the amount of \$3,400.00 for West Side Water Tower #2021-3 contracted to SPN & Associates,
 - Pay Estimate #7 in the amount of \$14,850.00 for Lake Mitchell Dredging #2021-20 contracted to Barr Engineering,
 - Pay Estimate #9 in the amount of \$1,413.75 for Highway 37 Utility Design #2021-45 contracted to SPN & Associates,
 - Pay Estimate #3 in the amount of \$167,580.00 for Drake Field Turf #2021-54 contracted to Mid-America Golf & Landscape,

Pay Estimate #1 in the amount of \$541.00 for Old Landfill Monitoring #2022-28 contracted to GeoTek Engineering, and
Pay Estimate #2 in the amount of \$708.50 for New Landfill Monitoring #2022-29 contracted to GeoTek Engineering.

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 MARCH 6, 2022 – MARCH 19, 2022: City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,686.92, Attorney \$4,601.23, Finance \$13,172.20, Human Resources \$3,703.82, Municipal Building \$3,139.61, Information Technology \$2,809.76, Police \$66,221.90, Traffic \$4,469.11, Fire \$34,135.95, Street \$33,134.97, Public Works \$19,145.88, Cemetery \$4,711.90, Animal Control \$1,630.08, Library \$17,003.25, Recreation & Aquatics \$6,003.91, Recreation Center \$18,856.31, Sports Complexes \$10,260.41, Parks \$12,332.41, Supervision \$5,666.66, E911 \$21,516.51, MVP \$753.41, Palace Transit \$21,743.88, JVCC \$805.96, Nutrition \$3,989.05, Water Distribution \$13,541.40, Sewer \$15,484.40, Airport \$3,207.27, Recycling Program \$6,349.55, Waste Collection \$7,177.58 Landfill \$10,568.94, Corn Palace \$17,305.44, Golf Course \$3,683.71, Emergency Medical Services \$31,325.63.

NEW HIRES:

CORN PALACE: Avrie London-\$9.95

GOLF COURSE: Samuel Callies-\$11.45, Bryce Gereats-\$12.95, Rave Uhlich-\$11.45

LIBRARY: Kathleen Gebel-\$10.45

PARKS: Lewis Bruske-\$21.143

RECREATION CENTER: Devany Farris-\$10.45, Kadence Halvorson-\$11.45, Christopher Zanotto-\$10.45

SPORTS COMPLEXES: Ryley Johansen-\$11.45, Christian Ladeaux-\$11.45

SUPERVISION: Kevin Nelson-\$96,916.00

SALARY ADJUSTMENTS:

EMS: Mason Bruns-\$20.682

FIRE: Tiffany Boehmer-\$21.735, Dillon Coughlin-\$18.737

MVP: Amy Hurt-\$26.099

WASTE WATER: Loren Skinner-\$33.429, Eugene Wagaman-\$33.429

WATER DISTRIBUTION: Isaiah Glanzer-\$19.636

WARRANTS: A-Ox Welding Supply, Maintenance-\$65.00; Accounts Management, Garnishment-\$386.84; AFLAC, Aflac Withholding-\$10,979.74; AFLAC Group, Critical Care-\$551.70; AFSCME Council 65, Union Dues-\$487.08; Amazon Capital Services, Supplies-\$304.48; APCO International Membership-\$96.00; American Public Works, Renewal-\$740.00; Aramark Uniform Services, Supplies-\$370.02; ATV Holdings, LLC DBA Mitchell Telecom, Utilities-\$87.67; Automatic Building Control, Monitor Contract-\$100.00; Avera Occupational Medicine, Contract Services-\$3,846.66; Bailey Metal Fabricators, Repairs-\$1,185.57; Baker & Taylor, Books-\$236.83; Baker Bros Electric, Supplies-\$104.32; Barr Engineering, 2021-20 P.E. #7-\$14,850.00; Big Daddy D's, Contract Services-\$5,023.30; Blackburn Manufacturing, Supplies-\$202.96; Blackstone Publishing, Audio Book-\$83.98; Boyer Trucks, Supplies-\$999.95; Brock White, Supplies-\$3,649.48; C & B Operations, Repair-\$124.74; Carquest Auto Parts, Supplies-\$51.05; CDW Government, Supplies-\$735.24; Cell Phone Repair Pro, Repair-\$1,000.00; Central Electric, Utilities-\$679.00; Century Link, Utilities-\$13.53; CHR Solutions, Billing-\$3,120.90; City of Mitchell, Golf Course Deductions-\$1,739.97; City of Mitchell, Recreation Deductions-\$1,997.18; City of Watertown, Reimbursement-\$6,222.90; CLIA Laboratory Program, Professional Service-\$180.00; Coca Cola Bottling, Supplies-\$939.48; Core & Main, Repairs-\$2,932.72; Core-Mark Midcontinent, Supplies-\$9,022.84; Corporate Translation Service, Translation Service-\$41.33; DakTech, Supplies-\$1,584.00; Dakota Counseling, 2nd Quarter 2022 Allocation-\$6,562.50; Dakota Fluid Power, Repair-\$2,264.99; Dakota Gamber, Training-\$32.50; Dakota Pump, Supplies-\$993.15; Dakota Supply Group, Supplies-\$828.26; Daktronics, Supplies-\$5,110.00 ; Dale Star, Reimbursement-\$350.00; Delta Dental Plan of South Dakota, Dental Insurance-\$13,770.88; Demco, Supplies-\$529.40; Department of South Dakota, Sports Authority Promotion-\$3,130.00; Department of Social Services, Child Support-\$600.87; Diamond Vogel Paints, Supplies-\$3,428.00; Diesel Machinery, Supplies-\$208.17; Dimock Dairy, Supplies-\$104.50; Eric Hieb, Contract Services-\$5,918.17; Etix, Ticketing Fee-\$1,367.00; Farmers Alliance, Supplies-\$4,471.95; First National Bank Omaha, Supplies-\$25,401.78; Fisher Scientific, Supplies-\$325.67; Forum Communications, Legal Publication-\$1,291.88; Geotek Engineering, 2022-28 P.E. #1-\$16,085.50; Grainger, Repair-\$22.22; Hawkins, Supplies-\$3,598.65; Houchen Bindery, Board Minutes-\$101.00; Identisys, Supplies-\$387.40; Info USA Marketing, Book-\$470.00; Innovative Office Solution, Supplies-\$75.85; Interstate Power Systems, Supplies-\$243.88; JCL Solutions, Supplies-\$29.86; Jones Supplies, Supplies-\$1,461.22; Kehn's Carpet Cleaning, Professional Service-\$467.00; Larry's I-90 Service, Maintenance-\$265.30; Lawson Products, Supplies-\$119.68; Lexisnexis Matthew Bender, Books-\$78.08; Lodge at Deadwood, Travel-\$376.00; M & T Fire and Safety, Supplies-\$5,862.63; Mac's-Huron, Supplies-\$883.19; Mack Metal Sales, Supplies-\$1,073.05; Make It Mine Designs, Supplies-\$178.26; Marco Technologies, Supplies-\$354.25; McLeod's Printing, Supplies-\$1,275.75; Menard's, Supplies-\$835.55; Meyers Oil, Supplies-\$2,717.55; Microsoft, Supplies-\$910.00; Mid-America Golf & Landscaping, 2021-54 P.E. #3-\$167,580.00; Midcontinent Communication, Utilities-\$115.90; Midway Service/Vollan Oil, Supplies-\$24,449.95; Millennium Recycling, Contract Services-\$2,542.05; Miner County Auditor, Alcohol Task Force-\$73.14; Mitchell Animal Rescue, Impound dogs-\$350.00; Mitchell Exchange Club, Fireworks Allocation 2022-\$10,000.00; Mitchell Main Street and Beyond, Corn Palace Games-\$49.33; Mitchell Skating & Hockey, Sports Authority Promotion-\$5,000.00;

Mitchell United Way, United Way Deductions-\$199.66; Mitchell Wrestling, Corn Palace Games-\$5,251.30; Mobotrex, Maintenance-\$1,245.00; Mueller Lumber, Supplies-\$115.05; Muth Electric, Maintenance-\$12,169.85; Napa Central, Supplies-\$201.85; Northwest Pipe Fittings, Supplies-\$388.74; Northwestern Energy & Communications, Utilities-\$57,569.11; Odeys, Supplies-\$1,152.34; Palace Motosports, Repairs-\$237.49; Paulson Sheet Metal, Supplies-\$289.50; Pepsi Cola, Supplies-\$957.56; Peterbilt of Sioux Falls, Supplies-\$150.63; Porter Distributing, Supplies-\$1,203.00; Premier Pest Control, Maintenance-\$400.00; Prestige Flag, Supplies-\$489.35; Public Health Laboratory, Lab-\$225.00; Qualified Presort, Mailing Service-\$362.37; Riedell Shoes, Supplies-\$1,133.00; Roy King, Fundraiser-\$225.00; Runnings, Supplies-\$1,066.98; S&M Printing, Supplies-\$50.00; Sanitation Products, Supplies-\$226.04; Santel Communications, Utilities-\$106.16; Schmucker Paul & Nohr, 2021-3 P.E. #7-\$4,813.75; Scott Supply, Supplies-\$302.58; South Dakota Airports Conference, Registration-\$70.00; South Dakota Newspaper Services, Advertising-\$152.96; South Dakota Retirement System, Retirement Contributions-\$53,388.06; South Dakota Supplemental Retirement, Supplemental Contributions-\$3,409.80; South Dakota Supplemental Roth 457, Roth 457 Contributions-\$1,353.50; Sherwin-Williams, Supplies-\$129.55; SHI International, Supplies-\$50,332.80; Sioux Equipment, Supplies-\$548.51; Standard Insurance, Life Insurance-\$2,348.36; Staples, Supplies-\$1,471.98; Stephanie Ellwein, Travel-\$148.52; Stitchtogether, Supplies-\$32.00; Sturdevants Mitchell, Supplies-\$2,247.30; Subway, Meals-\$24.16; Sun Gold Sports, Supplies-\$280.00; Tessier's, Repair-\$1,606.46; Thune True Value Hardware, Supplies-\$242.80; TK Electric, Supplies-\$151.04; TMA Stores, Supplies-\$1,168.18; Tyler Technologies, Maintenance-\$1,566.57; Verizon Wireless, Utilities-\$ 386.11; Vern Eide Ford Lincoln, Supplies-\$557.55; Walmart, Supplies-\$153.56; Wheelco Brake & Supply, Supplies-\$925.43; Wholesale Electronics, Supplies-\$32.25; Zimco, Supplies-\$15,400.00; Ellwein Brothers, Supplies-\$594.00; Harland Checks, Deposit Books-\$358.40.

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

BOARD OF ADJUSTMENT:

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

It was advised that this is the date and time set for hearing on the application of Carey and Darlene Buhler for a variance of 2,160 square feet vs 2,000 square feet for an attached garage and accessory building combination and maximum height for an accessory building of 30' vs 22' located at 600 Greenridge Lane, legally described as Lot 3, Block 2, Greenridge Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R1 Single Family Residential District. The Planning Commission recommended denial of said application. Moved by Tjarks, seconded by Barington, to approve said application with reduction of the height variance to 26' and structure to not be used for rental or living quarters.

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 DLJ LLC for a variance of approximately 867 feet vs 1,000 feet from another cannabis dispensary located at 501 East Juniper Avenue, legally described as Lot S-3A, except the East 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Business District. The Planning Commission recommended denial of said application. Multiple parties spoke in opposition of the approval. Moved by Allen, seconded by Tjarks, to deny said application.

Members present voting aye: Allen, McCardle, Sabers, Tjarks. Members present voting nay: Barington, Doescher, Rice, Smith.

Moved by Rice, seconded by Barington, to approve said application.

Members present voting aye: Barington, Doescher, Rice, Smith. Members present voting nay: Allen, McCardle, Sabers, Tjarks. Motion to approve fails.

It was advised that this is the date and time set for hearing on the application of Genesis Farms LLC for a conditional use permit to operate a Medical Cannabis Dispensary located at 106 West 5th Avenue, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned CB Central Business District. The Planning Commission recommended approval of said application. Moved by Rice, seconded by Smith, to approve said application.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith. Members present voting nay: Tjarks. Motion carried.

It was advised that this is the date and time set for hearing on the application of Genesis Farms LLC for a variance of 101' vs 300' from a religious institution located at 106 West 5th Avenue, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The property is zoned CB Central Business District. The Planning Commission recommended denial of said application. Moved by Rice, seconded by Barington, to approve said application.

Members present voting aye: Barington, Doescher, Rice. Members present voting nay: Allen, McCardle, Sabers, Smith, Tjarks. Motion to approve fails.

It was advised that this is the date and time set for hearing on the application of Robert Kummer of Infrastructure Design Group, Inc. representing Cory Marek for a front yard variance of 9' vs 25' for an existing dwelling located at 710 North Kittridge Street, legally described as Lot A, Block 2, Robert Wilkinson's Addition, a vacation and replat of Lot 5 and Lot 6 of Robert Wilkinson's Addition, City of Mitchell, Davison County, South Dakota, currently legally described as Lots 5 & 6, Block 2 & S ½ of vacated 8th Ave & N ½ of vacated alley abutting, Robert Wilkinson's 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. Moved by Rice, seconded by Sabers, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Robert Kummer of Infrastructure Design Group, Inc. representing Larry Weisser for a front yard variance of 19' vs 25' for an existing dwelling in Lot A and a front yard variance of 19' vs 25' for an existing dwelling, a side yard corner variance of 12.2' vs 20' for an existing dwelling, a minimum lot width variance of 67.06' vs 70', and a minimum lot area variance of 9,580 square feet vs 10,000 square feet all in Lot B located at 1510 and 1520 East 1st Avenue, legally described as Lots A & B, Block 10, ST Greene's Addition, a replat of Lots 10, 11, and 12, Block 10, ST Greene's Addition, City of Mitchell, Davison County, South Dakota, currently legally described as Lots 10, 11, & 12, Block 10, ST Greene'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 Barington, to approve said application. Motion carried.

Moved by Tjarks, seconded by Rice, to set date for April 18, 2022 on the application of Amy Hotz for a conditional use permit to operate a family residential daycare located at 708 East 2nd Avenue, legally described as Lot 9, Block 16, FM Greene Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by McCardle, seconded by Barington, to set date for April 18, 2022 on the application of Jasmyn Lang for a conditional use permit to operate a family residential daycare located at 717 West Ash Avenue, legally described as Lot 12, Block 10, Railroad Addition, City of Mitchell, Davison County, South Dakota. Motion carried.

Moved by Rice, seconded by Allen, to set date for April 18, 2022 on the application of Mike Hauser for a variance of a combination attached and detached accessory buildings of 3,270 square feet vs 2,000 square feet and a height variance of 24' vs 22' located at 2021 West 23rd Avenue, legally described as Lot A of Mason's Addition in the NE ¼ of Section 17, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. Motion carried.

Moved by McCardle, seconded by Tjarks, to set date for April 18, 2022 on the application of Mitchell Prehistoric Indian Village for a front yard variance of a historic site building of 22' vs 30' located at 3200 Indian Village Road, legally described as Mitchell Prehistoric Indian Village Site in the NE ¼ of Section 9, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. Motion carried.

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

HEARINGS:

It was advised that this is the date and time set for hearing on the application of DLJ, LLC for a Medical Cannabis Dispensary License located at 501 East Juniper Street. Moved by Tjarks, seconded by Allen, to table said application until the end of the year. Motion carried.

It was advised that this is the date and time set for hearing on the application of Genesis Farms, LLC for a Medical Cannabis Dispensary License located at 105 West 5th Avenue. Moved by Rice, seconded by Barington, to table said application until the end of the year. Motion carried.

It was advised that this is the date and time set for hearing on the application of BWC Mitchell LLC for a Medical Cannabis Cultivation License located at 1400 South Burr. Moved by Rice, seconded by McCardle, to approve said application with the conditions the establishment goes through the building permit process and passes a fire inspection.

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 the Corn Palace Shrine Club for Special Event Liquor Licenses located at the Masonic Hall for the following events:

1. April 9, 2022 for a corn hole tournament,
2. May 7, 2022 for a wedding dance,
3. June 4, 2022 for a wedding dance,
4. June 11, 2022 for the Shrine Club Open House,
5. July 29, 2022 for the Lakeview Golf Banquet,
6. August 6, 2022 for the 2002 Class Reunion,
7. September 10-11, 2022 for a wedding dance,
8. September 23-24, 2022 for a wedding dance, and
9. October 1-2, 2022 for a wedding dance.

Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by Allen, to approve said applications. Motion carried.

AWARD BIDS:

Bids were opened and read on WWTP Headworks Improvements Project #2021-31 on the 22nd day of March, 2022. Moved by Allen, seconded by Smith, to award contingent on DANR approval and acquiring additional funds, as follows:

**WWTP HEADWORKS IMPROVEMENTS
PROJECT #2021-31**

PKG Contracting, Inc., 4301 South University Drive, Fargo, ND 58104

Total Bid \$15,796,900.00

Motion carried.

Bids were opened and read on Rock Chips Project #2022-10 on the 23rd day of March, 2022. Moved by Smith, seconded by Barington, to award, as follows:

**ROCK CHIPS
PROJECT #2022-10**

Spencer Quarries Inc, 25341 403rd Avenue, Spencer, SD 57374

Total Bid \$34,500.00

Motion carried.

Bids were opened and read on Petroleum Products Project #2022-13 on the 23rd day of March, 2022. Moved by Sabers, seconded by Tjarks, to award, as follows:

**PETROLEUM PRODUCTS
PROJECT #2022-13**

Jebro Inc, 2303 Bridgeport Drive, Sioux City, IA 51111

Item #1 \$232,986.00

Item #2 \$ 53,287.00

Total \$286,273.00

Motion carried.

CONSIDER APPROVAL:

Moved by Rice, seconded by McCardle, to approve the request for FAA Transfer of Entitlement Funds in the amount of \$46,000.00 and authorize the Mayor and City Attorney to sign. Motion carried.

Moved by Allen, seconded by Tjarks, to approve Agreement #A2022-11, 9th & 5th Reconstruction Project for Design & Staking Project #2021-07 with McLaury Engineering in an amount not to exceed \$43,000.00. Motion carried.

Moved by Rice, seconded by Tjarks, to approve Agreement #A2022-12, 9th & 5th Reconstruction Project for Construction Observation Services Project #2021-07 with Brosz Engineering in an amount not to exceed \$226,500.00. Motion carried.

Moved by McCardle, seconded by Smith, to approve Agreement #A2022-13, Financial Agreement for Airport Rescue Grant #3-46-0037-031-2022 with SD Department of Transportation in the amount of \$59,000.00 and approve the Mayor as authorized representative. Motion carried.

Moved by McCardle, seconded by Allen, to approve Agreement #A2022-14, James Valley Drug Task Force Joint Powers Agreement. Motion carried.

RESOLUTIONS:

Moved by McCardle, seconded by Sabers, to approve Resolution #R2022-10, Creating TID #27 and Approving the Project Plan, as follows:

RESOLUTION #R2022-10

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

WHEREAS, the City of Mitchell has the power, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Twenty-seven (TID 27) 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 March 28, 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-seven 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 April 4, 2022, the City of Mitchell Tax Incremental District Number Twenty-seven (TID 27). TID 27 is located in the Woods Circle area and is legally described as follows:

Lots Two (2) and Three (3) of Fiala's Addition in the East Half of the Northwest Quarter (E1/2 NW1/4) of Section Four (4), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., City of Mitchell, Davison County, South Dakota, except Lots 16, 17, 18, 19, 20, and 21 of Airport Addition, A subdivision of previously platted Lots 2 and 3 of Fiala's Addition in the E 1/2 of the NW 1/4 of Section 4, T103N, R60W, City of Mitchell Davison County, South

Dakota, and except those areas depicted as Future Lots 13 and 14 on the plat of Lot 21 of Airport Addition, A subdivision of previously platted Lots 2 and 3 of Fiala's Addition in the E ½ of the NW ¼ of Section 4, T103N, R60W, City of Mitchell Davison County, South Dakota; And

Lots 16, 17, 18, 19, 20, and 21 of Airport Addition, A subdivision of previously platted Lots 2 and 3 of Fiala's Addition in the E ½ of the NW ¼ of Section 4, T103N, R60W, City of Mitchell Davison County, South Dakota.

with a map showing said boundaries included in the Project Plan presented to Council on April 4, 2022.

2. A hearing by the City of Mitchell Planning Commission concerning the creation and boundaries of TID 27 was held on March 28, 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 27;
 - c. Pursuant to SDCL 11-9-13, the project plan for TID 27 includes information satisfying each of the 5 requirements contained therein;
 - d. Pursuant to SDCL 11-9-16, the project plan for TID 27 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 27 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-seven Fund (TID 27 Fund).

7. All tax increments collected pursuant to TID 27 shall be deposited into the TID 27 Fund.
8. All funds in the TID 27 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.

Motion carried and resolution declared duly adopted.

Moved by Allen, seconded by Barington, to approve Resolution #R2022-11, Plat of Lots A & B, Block 10, ST Greene's Addition, a Replat of Lots 10, 11, and 12, Block 10, ST Greene's Addition, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-11

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 28th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of LOT A & LOT B IN BLOCK 10 OF S.T. GREENE'S ADDITION, A REPLAT OF LOTS 10, 11 AND 12 IN BLOCK 10 OF S.T. GREENE'S ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Robert D. Kummer, 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 A & LOT B IN BLOCK 10 OF S.T. GREENE'S ADDITION, A REPLAT OF LOTS 10, 11 AND 12 IN BLOCK 10 OF S.T. GREENE'S ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Robert D. Kummer, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Sabers, seconded by Smith, to approve Resolution #R2022-12, Plat of Lot A and Lot B, Block 2, Robert Wilkinson's Addition, a Vacation and Replat of Lot 5 and Lot 6, Robert Wilkinson's Addition, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-12

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 28th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of LOTS A & B IN BLOCK 2 OF ROBERT WILKINSON'S ADDITION, A VACATION AND REPLAT OF LOT 5 AND 6 IN BLOCK 2 OF ROBERT WILKINSON'S ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Robert D. Kummer, 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 A & B IN BLOCK 2 OF ROBERT WILKINSON'S ADDITION, A VACATION AND REPLAT OF LOT 5 AND 6 IN BLOCK 2 OF ROBERT WILKINSON'S ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Robert D. Kummer, 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 Rice, to approve Resolution #R2022-13, Plat of Lot 4, Block 5, Woodland Heights First Addition, a Subdivision of Lot 2, Crane's Addition in the SE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-13

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 28th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of LOT 4, BLOCK 5 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE ¼ OF SECTION 24, 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 4, BLOCK 5 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE ¼ OF SECTION 24, 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.

Moved by Allen, seconded by McCardle, to approve Resolution #R2022-14, Plat of Lots 1 and 2 of Rocky Todd Addition, a Subdivision of Lot 12A-3 in the SW ¼ of Section 10, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-14

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 28th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of LOTS 1 AND 2 OF ROCKY TODD ADDITION, A SUBDIVISION OF LOT 12A-3 IN THE SW ¼ OF SECTION 10, T 103 N R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOTS 1 AND 2 OF ROCKY TODD ADDITION, A SUBDIVISION OF LOT 12A-3 IN THE SW ¼ OF SECTION 10, T 103 N R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Jeremy A. Wolbrink, be and the same is approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Tjarks, to approve Resolution #R2022-15, Plat of Lots 29-A, 30-A, 31-A, and 32-A, Block 10, Sunnyside Addition, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-15

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 28th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of LOTS 29-A, 30-A, 31-A AND 32-A, BLOCK 10, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul C. Kiepke, 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 29-A, 30-A, 31-A AND 32-A, BLOCK 10, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul C. Kiepke, be and the same is approved and the description set forth therein and the accompanying surveyor’s certificate shall prevail.

Barington abstained. Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by McCardle, to approve Resolution #R2022-16, Plat of Lots 6, 7, 8, 9, 10, 11, and 12, Block 2, MLC Addition, a Subdivision of Block 3 and Lot 4B, Block 4, Morningview Addition, City of Mitchell, Davison County, South Dakota, as follows:

RESOLUTION NO. R2022-16

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 28th day of March, 2022; and

WHEREAS, it appears from an examination of the plat of LOTS 6, 7, 8, 9, 10, 11 AND 12, BLOCK 2 MLC ADDITION, A SUBDIVISION OF BLOCK 3 AND LOT 4B, BLOCK 4 MORNINGVIEW ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said is in accordance with the system of streets and alleys set forth in the master plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota that the plat of LOTS 6, 7, 8, 9, 10, 11 AND 12, BLOCK 2 MLC ADDITION, A SUBDIVISION OF BLOCK 3 AND LOT 4B, BLOCK 4 MORNINGVIEW ADDITION TO THE 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.

Moved by Smith, seconded by Sabers, to approve Resolution #R2022-17, Declaring Surplus Real Property, Appointing Appraisal Board, and Authorizing Sale via Broker with the condition if a home is built, the minimum square footage will be 1200 square feet, as follows:

RESOLUTION #R2022-17

A RESOLUTION DECLARING CERTAIN REAL PROPERTY AT THE INTERSECTION OF 15TH AVE AND MINNESOTA 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 a lot (approximately 0.33 acres) located at the intersection of 15th Avenue and Minnesota Street which is legally described as:

Lot 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota; and

WHEREAS the City has not developed the property and believes that a sale of the property will be a better use of the land for property tax and developmental purposes.

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 Jordan Gau, Steve Schoenfelder, and Riley Heck, 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.

Moved by Sabers, seconded by Tjarks, to approve Resolution #R2022-18, Setting Hearing and Appointing Appraisal Board in Relation to Transfer of 514 N Main Property, as follows:

RESOLUTION #R2022-18

A RESOLUTION SETTING A HEARING AND APPOINTING APPRAISERS FOR AN EXCHANGE OF REAL PROPERTY IN THE 500 BLOCK OF NORTH MAIN

WHEREAS, the City is the owner of real property in the 500 block of North Main legally described as:

Lots 14 and 15, Block 11, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota; and

The North 10' of Lot 18, Block 11, except the West 2' thereof, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota; and

The West 2' of Lots 16, 17, and 18, Block 11, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota.

WHEREAS, Chamber is the owner of real property in the 500 block of North Main legally described as:

Lots 16, 17, and 18, Block 11, except the West 2' of Lots 16, 17, and 18, and except the North 10' of Lot 18, all in Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota.

WHEREAS it is the intentions of the parties to exchange ownership of the above mentioned properties so that, upon completion of all the transfers, the City will own:

All of Lots 17 and 18, Block 11, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota; and

Lot 16, Block 11, except the South 10' thereof, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota

and the Chamber will own:

All of Lots 14 and 15, Block 11, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota; and

The South 10' of Lot 16, Block 11, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that, pursuant to SDCL 9-27-34.1, the following individuals shall be appointed to the appraisal board for the purpose of appraising the City property described above: Jordan Gau, Steve Schoenfelder, and Riley Heck.

BE IT FURTHER RESOLVED, that the City Council shall hold a hearing relative to the above described exchange on May 2, 2022 at 6:00 PM in City Hall Council Chambers. The Finance Officer shall publish notice at least 10 days in advance of the hearing in the local newspaper. Following the hearing, the City shall take such action as it deems appropriate relative to this proposed land exchange.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Allen, seconded by McCardle, to place Ordinance #O2022-06, Amending Woodland Heights Planned Unit Development on first reading. Motion carried.

Moved by Smith, seconded by Rice, to place Ordinance #O2022-07, Supplemental Appropriations on first reading. Motion carried.

DISCUSSION:

Beth Bauer and Sonja Vanerdewyk presented information on 5G technology and the health dangers it creates.

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 _____.