

City Council Agenda

City Council Chambers, City Hall, 612 N. Main Street

November 7, 2022

1. 6:00 P.m. Call To Order

2. Pledge Of Allegiance

3. Invocation: Word Of Life

4. Roll Call

5. Approval Of Consent Agenda Items

Items appearing on the Consent Agenda may be removed by a City Council Member for discussion at the beginning of the formal agenda items.

A. City Council Minutes

Documents:

[COUNCIL MINUTES 10-17-22.PDF](#)

B. Committee Reports

Documents:

[PLANNING COMMISSION SIGNED MINUTES 10-11-22.PDF](#)

C. Special Event Permit For MMS&B Parade Of Lights On Tuesday, November 29th, 2022

- Road Closure
- Parking Lot Closure
- Parade Permit (\$50)
- Noise Permit

Documents:

[PARADE OF LIGHTS STAFF REPORT 11.7.22.PDF](#)
[PARADE OF LIGHTS SPECIAL EVENT APPLICATION.PDF](#)
[PARADE MAP 2022.PDF](#)
[2022 ROAD CLOSURE AND ROUTE MAP.PDF](#)
[2022 COI FOR MMSB PARADE OF LIGHTS.PDF](#)

D. Special Event Permit For Beers & Gears Mountain Bike Race On Saturday, June 24th, 2023

- *Parking Lot Closure*

Documents:

[BEERS AND GEARS MOUNTAIN BIKE RACE SPECIAL EVENT STAFF REPORT.PDF](#)
[BEERS AND GEARS MOUNTAIN BIKE RACE SPECIAL EVENT APPLICATION.PDF](#)
[LAKE MITCHELL TRAIL MAP.PDF](#)

E. Raffle Permits

Area Community Theatre with the drawings to be held on December 5, and 12, 2022

Mitchell Quarterback Club with the drawing to be held the end of January 2023

James River Gobblers-NWTF with the drawing to be held on February 4, 2023

Mitchell Area Historical Society with the drawing to be held on February 20, 2023

James River Valley Chapter-RMEF with the drawing to be held on March 25, 2023

Documents:

[AREA COMMUNITY THEATRE RAFFLE.PDF](#)
[MITCHELL QUARTERBACK CLUB RAFFLE.PDF](#)
[JAMES RIVER GOBBLERS-NWTF RAFFLE.PDF](#)
[MITCHELL AREA HISTORICAL SOCIETY RAFFLE.PDF](#)
[JAMES RIVER VALLEY CHAPTER-RMEF RAFFLE.PDF](#)

F. Declare Surplus Item From Community Services To Be Destroyed

Documents:

[AGENDA ITEM- DECLARE ITEMS TO BE DESTROYED NOVEMBER 2022 \(003\).PDF](#)

G. Change Order #5 To Top Grade Concrete For Bid Schedule A Sidewalk Project #2021-04

Documents:

[TOP GRADE CONCRETE BID SCHEDULE A CHANGE ORDER 5 STAFF REPORT.PDF](#)
[2021-4 BID SCHEDULE A CHANGE ORDER NO. 5.PDF](#)

H. Set Date 1:30 PM, November 16, 2022 For Bid Opening For Livesay Lane Utility Improvements Project #2021-25

Documents:

[STAFF REPORT - SET DATE LIVESAY LANE UTILITY IMPROVEMENTS.PDF](#)

I. Set Date For Hearings On November 21, 2022 For The Following Alcohol Licenses

On the application to transfer RB-3124 Retail (On-Off Sale) Malt Beverage & SD Wine and Cider License from Jeremy Jensen dba Jensen Capital & Development, LLC to Austen LLC dba Corn Palace Inn, 1001 South Burr Street, Mitchell

On the application of Jonathan Herron dba Los Dos Amigos LLC, 108 North Main, Mitchell for a new Retail (On-Off Sale) Malt Beverage & SD Farm Wine (does not include video lottery)

On the application of Jonathan Herron dba Los Dos Amigos LLC, 108 North Main, Mitchell for a new Retail (On-Off Sale) Wine and Cider (does not include video lottery) to be active in 2023

Documents:

[SET DATE FOR HEARING.PDF](#)
[AUSTEN LLC RB-3124 APPLICATION.PDF](#)
[LOS DOS AMIGOS LLC WINE APPLICATION.PDF](#)
[LOS DOS AMIGOS LLC MALT BEVERAGE APPLICATION.PDF](#)

J. Set Date 6:00 PM, December 5, 2022 For Special Assessment Hearing For Sidewalk Projects In 2022

Documents:

[AGENDA ITEM- SET DATE OF DECEMBER 5TH 2022 FOR SPECIAL ASSESSMENT HEARING FOR SIDEWALK PROJECTS IN 2022.PDF](#)
[2022 NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY FOR SIDEWALKS.PDF](#)

K. Approval Of Gasoline & Fuel Quotes

Documents:

[NOVEMBER 7, 2022 MEETING.PDF](#)
[OCTOBER 17, 2022 FUEL.PDF](#)

L. Pay Estimates 11-07-2022

Documents:

[AGENDA REQUEST ITEM FOR PAY ESTIMATES 11-07-2022.PDF](#)
[PAY ESTIMATES 11-07-22.PDF](#)

M. 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

Documents:

[AP REGULAR DEPARTMENT PAYMENT REGISTER-11072022.PDF](#)

6. Motion To Approve, Request Public Comment, Roll Call

7. Citizens Input

If you need to address the Mayor and members of the City Council on an item that was not on the agenda, excluding personnel items, please come forward to the podium and state your name and your concern. Presentations are limited to three minutes. Items will be considered but no action will be taken at this time.

8. BOARD OF ADJUSTMENT: Entertain A Motion For The City Council To Recess And Sit As The Board Of Adjustment

9. Hearing And Action On An Application For Dakota Land And Property Management LLC

Dakota Land and Property Management LLC has applied for a conditional use permit to operate an Automotive Sales, Repair, Parts and Detailing business; located at NE corner of Hwy 37 and E 54th Ave (250th St), legally described Lot 12 of Maui Farms 1st Addition in the SW 1/4 of Section 34, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned UD Urban Development.

Documents:

DAKOTA LAND AND PROPERTY MANAGEMENT LLC-STAFF REPORT-BOA HEARING.PDF
DAKOTA LAND AND PROPERTY MANAGEMENT LLC-APPLICATION.PDF
DAKOTA LAND AND PROPERTY MANAGEMENT LLC-GIS.PDF
DAKOTA LAND AND PROPERTY MANAGEMENT LLC-NOTICE OF HEARING.PDF
DAKOTA LAND AND PROPERTY MANAGEMENT LLC-NEIGHBORS.PDF
DAKOTA LAND AND PROPERTY MANAGEMENT LLC-LETTER FROM NEIGHBOR-DAKOTA
LAND.PDF
DAKOTA LAND AND PROPERTY MANAGEMENT LLC-LETTER FROM NEIGHBOR-CJM CONSULTING
INC.PDF

10. Hearing And Action On An Application For Genesis Farms LLC

Genesis Farms LLC has applied for a conditional use permit to operate a Medical Cannabis Dispensary; located at 716 N Rowley St, legally described as Lots 18-21, Block 4 Rowleys 1st Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned CB Central District.

Documents:

GENESIS FARMS LLC-STAFF REPORT-BOA HEARING.PDF
GENESIS FARMS LLC-APPLICATION.PDF
GENESIS FARMS LLC-APPLICATION AMENDMENTS.PDF
GENESIS FARMS LLC-GIS.PDF
GENESIS FARMS LLC-NOTICE OF HEARING.PDF
GENESIS FARMS LLC-NEIGHBORS.PDF
GENESIS FARMS LLC-LETTERS FROM NEIGHBORS.PDF

11. Action To Set Date For Board Of Adjustment Hearing 11-21-22

Joni and Josh Rasmussen have applied for a variance in minimum front yard setback of 8' vs 25' and side corner yard setback of 16' vs 20' to construct a wraparound porch and move the existing front door from the southwest corner of the house to the south side located at 322 S Wisconsin St, legally described as Lots 7 & 8, Block 12, Railroad Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned Single Family Residential District (R2).

Documents:

RASMUSSEN-STAFF REPORT-BOA SET DATE.PDF
RASMUSSEN-APPLICATION.PDF
RASMUSSEN-GIS.PDF

12. Action To Set Date For Board Of Adjustment Hearing 11-21-22

Gold Key Properties LLC has applied for a conditional use permit for multi-family dwelling units between 5 and 12 (7 dwelling units total on combined lots) located at 705,707 and 711 S Davison St, legally described as Lots 54-56 of Overlook Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned Medium Density Family Residential District (R3).

Documents:

GOLD KEY PROPERTIES LLC-STAFF REPORT-BOA SET DATE.PDF
GOLD KEY PROPERTIES LLC-APPLICATION.PDF
GOLD KEY PROPERTIES LLC-GIS.PDF
GOLD KEY PROPERTIES LLC-SITE LAYOUT.PDF
GOLD KEY PROPERTIES LLC-707 S DAVISON-PHOTOS.PDF

13. Action To Set Date For Board Of Adjustment Hearing 11-21-22

Gold Key Properties LLC has applied for a variance in minimum front and rear yard setback of 22' vs 25' for construction of a four-plex with attached garages located at 705 S Davison St, legally described as Lots 54-56 of Overlook Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned Medium Density Family Residential District (R3).

Documents:

[GOLD KEY PROPERTIES LLC-STAFF REPORT-BOA SET DATE.PDF](#)
[GOLD KEY PROPERTIES LLC-APPLICATION.PDF](#)
[GOLD KEY PROPERTIES LLC-GIS.PDF](#)
[GOLD KEY PROPERTIES LLC-SITE LAYOUT.PDF](#)
[GOLD KEY PROPERTIES LLC-707 S DAVISON-PHOTOS.PDF](#)

14. RECONVENE AS CITY COUNCIL: Entertain A Motion For The Board Of Adjustment To Adjourn And The City Council To Reconvene In Regular Session

15. Hearing And Action On The Application Of The Corn Palace Shrine Club For A Special Event Liquor License Located At The Masonic Hall For November 12, 2022 For A Corn Hole Tournament

Documents:

[STAFF HEARING REPORT.PDF](#)
[CP SHRINE CLUB APPLICATION.PDF](#)

16. Action To Approve 2023 Applications For Renewal Of Alcohol Licenses

Documents:

[STAFF REPORT FOR RENEWAL OF LIQUOR AND WINE LICENSE.PDF](#)
[CITY COUNCIL LIST 1.PDF](#)

17. Action To Approve Application Of Genesis Farms LLC For A Medical Cannabis Dispensary License At 716 N Rowley

Documents:

[AGENDA ITEM- APPLICATION OF GENESIS FARMS LLC \(ALT LOCATION\).PDF](#)
[GENESIS FARMS LLC DISPENSARY APPLICATION \(ALT LOCATION\).PDF](#)

18. Action To Award Bid For Waste Tire Disposal Project #2022-21

Documents:

[2022-21 WASTE TIRE DISPOSAL BID AWARD STAFF REPORT.PDF](#)
[2022-21 WASTE TIRE DISPOSAL - BID TAB.PDF](#)

19. Action To Award Bid For 3 Year Cash Rent Lease Of Park Hayland, WWTP Hayland And Landfill Hayland Project #2023-05

Documents:

[2023-5 HAYLAND LEASE BID AWARD STAFF REPORT.PDF](#)
[2023-5 HAYLAND LEASE BID TAB.PDF](#)

20. Action To Approve Street Light Request In The 1200 Block Of South Kimball

Documents:

1200 BLK S KIMBALL LIGHT REQUEST STAFF REPORT.PDF
1200 BLK S KIMBALL STREET LIGHT LOCATION MAP.PDF

21. Action To Approve Easement Within Alleyway For 611 East 7th

Documents:

611 E 7TH AVENUE EASEMENT AGENDA STAFF REPORT.PDF
EASEMENT- ALLEY ENCROACHMENT (611 E 7TH AVE).PDF
611 E 7TH LOCATION MAP.PDF

22. Action To Approve Agreement #A2022-43, Lake Mitchell Marina Grant Technical Assistant Agreement With District III Planning

Documents:

MARINA PROJECT U.S. DEPART. OF COMMERCE EDA GRANT TECHNICAL ASSISTANCE
AGREEMENT STAFF REPORT.PDF
MITCHELL EDA CONTRACT WITH DISTRICT III.PDF
LAKE MITCHELL MARINA PROJECT LOCATION.PDF

23. Action To Approve Agreement #A2022-44, An Agreement Between The City Of Mitchell And Mitchell City Employees AFSCME Local 2922

Documents:

STAFF REPORT AGREEMENT A2022-44.PDF
2023-2025 AGREEMENT CITY OF MITCHELL MITCHELL CITY EMPLOYEESAFSCME LOCAL 2922
FINAL.PDF

24. Action To Approve Agreement #A2022-45, An Agreement Between The City Of Mitchell And IAFF Local 4166

Documents:

STAFF REPORT AGREEMENT A2022-45.PDF
2023-2025 IAFF CONTRACT FINAL.PDF

25. Action To Approve Agreement #A2022-46, An Agreement Between The City Of Mitchell & Teamsters Local Union No. 120

Documents:

STAFF REPORT AGREEMENT A2022-46.PDF
2023-2025 TEAMSTERS CONTRACT FINAL WITHOUT TABLE OF CONTENTS.PDF

26. Action To Approve Agreement #A2022-48, SD DOT 5339 Funding Agreement Routing Software

Documents:

AGENDA ITEM- SDDOT 5339 FUNDING AGREEMENT ROUTING SOFTWARE.PDF
SD DOT 5339 GRANT AGREEMENT FOR ROUTING SOFTWARE.PDF

27. Action To Approve Resolution #R2022-70, Plat Of Tracts A Through D Of Freedom Estates 2nd Subdivision In The Northwest Quarter Of Section 11, Township 103 North, Range 60 West Of The 5th P.M., Davison County, South Dakota

Documents:

RESOLUTION R2022-70-THIESSE-STAFF REPORT.PDF
RESOLUTION R2022-70-THIESSE.PDF

THIESSE-PLAT.PDF
THIESSE-GIS.PDF

28. Action To Approve Resolution #R2022-71, Plat Of Lot 1, Block 5 Of Woodland Heights First Addition

Documents:

RESOLUTION R2022-71-ETHAN COOP LUMBER-STAFF REPORT.PDF
RESOLUTION R2022-71-ETHAN COOP LUMBER.PDF
ETHAN COOP LUMBER-PLAT.PDF
ETHAN COOP LUMBER-GIS.PDF

29. Action To Approve Resolution #R2022-72, Plat Of Lot 1 Of Wade's Addition, An Addition In The Southwest Quarter (SW ¼) Of Section 3, Township 103 North, Range 60 West Of The 5th P.M., Davison County, South Dakota

Documents:

RESOLUTION R2022-72-STRAND-STAFF REPORT.PDF
RESOLUTION R2022-72-STRAND.PDF
STRAND-PLAT.PDF
STRAND-GIS.PDF

30. Action To Approve Resolution #R2022-73, 2023 Compensation Plan

Documents:

STAFF REPORT FOR RESOLUTION R2022-73 THE 2023 COMPENSATION PLAN.PDF
2023 COMPENSATION PLAN RESOLUTION FINAL.PDF

31. First Reading On Ordinance #O2022-16, 2023 Annual Appropriation Ordinance

Documents:

2023 ANNUAL BUDGET OVERVIEW.PDF
2023 ANNUAL BUDGET CAPITAL IMPROVEMENTS NARRATIVE OVERVIEW.PDF
2023 APPROPRIATION ORDINANCE O2022-16.PDF

32. First Reading On Ordinance #O2022-17, Amending Title 10 Zoning Regulations- Indoor Crop Production

Documents:

ORDINANCE O2022-17-CITY OF MITCHELL ORDINANCE AMENDMENT-STAFF REPORT.PDF
ORDINANCE O2022-17-CITY OF MITCHELL ORDINANCE AMENDMENT.PDF
CITY OF MITCHELL ORDINANCE AMENDMENT-ORDINANCE 02022-17-NOTICE OF HEARING.PDF

33. Adjourn

34. FOR COUNCIL INFORMATION: Planning Commission Unsigned Minutes 10-24-22

Documents:

PLANNING COMMISSION UNSIGNED MINUTES 10-24-22.PDF

Individuals with disabilities who require special assistance to take part in this meeting may contact one of the following at City Hall (605) 995-8420 at least 24 hours prior to the meeting with requests for assistance: Human Resources Officer or the City Administrator.