

**City Council Agenda**  
City Council Chambers, City Hall, 612 N. Main Street  
November 21, 2022

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

**2. Pledge Of Allegiance**

**3. Invocation: Harvest Community**

**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 11 7 2022.PDF](#)  
[SPECIAL CITY COUNCIL 11-14-22.PDF](#)

**B. Committee Reports**

Documents:

[PLANNING COMMISSION SIGNED MINUTES 10-24-22.PDF](#)  
[PLANNING COMMISSION SIGNED MINUTES 11-7-22.PDF](#)  
[LIBRARY BOARD MINUTES - SEPTEMBER 20 2022.PDF](#)

**C. Department Reports**

Documents:

[SALES TAX COLLECTIONS BY MONTH.XLS.PDF](#)  
[FINANCE DEPARTMENT REPORT-OCT.PDF](#)  
[BUILDING PERMITS OCTOBER 2022.PDF](#)  
[OCTPD.PDF](#)  
[OCTFIRE.PDF](#)  
[OCTCODEENF.PDF](#)  
[WATER MONTHLY REPORT OCTOBER.PDF](#)  
[AIRPORT OCTOBER 2022.PDF](#)

**D. Raffle Permit**

Mitchell Community Scholarship Fund with the drawing to be held on February 27, 2023

Documents:

[MITCHELL COMMUNITY SCHOLARSHIP FUND.PDF](#)

**E. 2023 Renewal Of Vehicle For Hire Company Applications**

Documents:

[VFHC STAFF REPORT.PDF](#)  
[CITY OF MITCHELL PALACE TRANSIT.PDF](#)

**F. Change Order #1 To A-G-E Corporation For Landfill Cell #4 Construction Project #2021-8**

Documents:

[2021-8 LANDFILL CELL NO. 4 CHANGE ORDER NO. 1 - STAFF REPORT.PDF](#)  
[20221115 CCO 1 MITCHELL CELL 4 LCR.PDF](#)

**G. Approval Of Gasoline & Fuel Quotes**

Documents:

[NOVEMBER 21, 2022 MEETING.PDF](#)  
[NOVEMBER 9, 2022 FUEL.PDF](#)

**H. Pay Estimates 11-21-22**

Documents:

[AGENDA REQUEST ITEM FOR PAY ESTIMATES 11-21-2022.PDF](#)  
[PAY ESTIMATES 11-21-22.PDF](#)

**I. Approve Bills, Payroll, Salary Adjustments And New Employee Hires And Authorize Payment Of Recurring And Other Expenses In Advance As Approved By The Finance Officer**

Documents:

[AP PAYMENT REGISTER - 3786.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 Joni And Josh Rasmussen**

*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 HEARING.PDF](#)  
[RASMUSSEN-APPLICATION.PDF](#)  
[RASMUSSEN-GIS.PDF](#)  
[RASMUSSEN-NOTICE OF HEARING.PDF](#)  
[RASMUSSEN-NEIGHBORS.PDF](#)  
[14904 LETTERS.PDF](#)

**10. Hearing And Action On An Application For Gold Key Properties LLC-Conditional Use**

*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 HEARING.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](#)  
[GOLD KEY PROPERTIES LLC-NOTICE OF HEARING.PDF](#)  
[GOLD KEY PROPERTIES LLC-NEIGHBORS.PDF](#)  
[GOLD KEY PROPERTIES LLC-LETTERS FROM NEIGHBORS.PDF](#)

#### **11. Hearing And Action On An Application For Gold Key Properties LLC-Variance**

*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 HEARING.PDF](#)  
[GOLD KEY PROPERTIES LLC-APPLICATION.PDF](#)  
[GOLD KEY PROPERTIES LLC-GIS.PDF](#)  
[GOLD KEY PROPERTIES LLC-SITE LAYOUT.PDF](#)  
[GOLD KEY PROPERTIES LLC-NOTICE OF HEARING.PDF](#)  
[GOLD KEY PROPERTIES LLC-NEIGHBORS.PDF](#)

#### **12. Action To Set Date For Board Of Adjustment Hearing 12-5-22**

*Ethan Coop Lumber on behalf of Robert and Sherri Porter have applied for a variance permit for an attached garage of 3,136 square feet vs 2,000 square feet located at 5210 Fiala Rd, legally described as Lot 14 of Fiala's Addition in the NW 1/4 of Section 4, T 103 N, R 60, W of the 5th P.M., Davison County, South Dakota. The said real property is zoned Lake Residential District (RL).*

Documents:

[PORTER-STAFF REPORT-BOA SET DATE.PDF](#)  
[PORTER-APPLICATION.PDF](#)  
[PORTER-GIS.PDF](#)

#### **13. Action To Set Date For Board Of Adjustment Hearing 12-5-22**

*HiWings LLC has applied for a conditional use permit for Alcohol Sales (on-site); located at 40580 250<sup>th</sup> St, legally described as Kelley Tract 1, a subdivision of the Southwest 1/4 of the Southeast 1/4; Kelley Tracts 1A and 2, a subdivision of the South 1/2 of the Southeast 1/4; West 208.75' of South 208.75' of the Southeast 1/4 of the Southeast 1/4; all in Section 36, T 104 N, R 61 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned UD Urban Development District.*

Documents:

[HIWINGS LLC-STAFF REPORT-BOA SET DATE.PDF](#)  
[HIWINGS LLC-APPLICATION.PDF](#)  
[HIWINGS LLC-GIS.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. Action To Approve Agreement #A2022-49, Gun Range Project #2023-1 With Civil Design Inc**

Documents:

[A2022-49 AGREEMENT WITH CIVIL DESIGN INC. FOR GUN RANGE PER.PDF](#)  
[CIVIL DESIGN AGREEMENT.PDF](#)

**16. Hearing And Action On The Following Alcohol License Applications**

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

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

On the application of Jonathan Herron dba Los Dos Amigos LLC, 108 North Main for a new Retail (On-Off Sale) Wine and Cider License (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 MALT BEVERAGE APPLICATION.PDF](#)  
[LOS DOS AMIGOS LLC WINE APPLICATION.PDF](#)

**17. Action To Approve Applications For Renewal Of Alcohol Licenses**

Documents:

[STAFF REPORT FOR RENEWAL OF LIQUOR AND WINE LICENSE.PDF](#)  
[BRAND LETTERHEAD ALOCHOL 2.PDF](#)

**18. Action To Approve Applications For Renewal Of Medical Cannabis License**

Documents:

[STAFF REPORT FOR RENEWAL OF CANNABIS LICENSES.PDF](#)  
[FSST PHARMS.PDF](#)  
[FSST PHARMS MAP.PDF](#)  
[BWD.PDF](#)  
[BWC.PDF](#)  
[RAFTIS ENTERPRISE MITCHELL LLC APPLICATION.PDF](#)

**19. Action To Approve Application Of BWX Mitchell LLC For A Medical Cannabis Manufacturing License At 1400 S Burr**

Documents:

[AGENDA ITEM- HEARING AND ACTION ON APPLICATION OF BWX MITCHELL LLC FOR MEDICAL CANNABIS MANUFACTURING LICENSE.PDF](#)  
[BWX MITCHELL MEDICAL CANNABIS MANUFACTURING LICENSCE.PDF](#)

**20. Action To Award Livesay Lane Utility Project No. 2021-25**

Documents:

LIVESAY UTILITY BID AWARD 2021-25 STAFF REPORT.PDF  
BID\_ABSTRACT\_111622\_LIVESAYLANE.PDF  
IDG AWARDRECOMMENDATION.PDF  
LIVESAY UTILITY IMP PROJ.PDF

**21. Action To Approve Amendment #1 To Agreement #A2020-39, Landfill Cell #4 Construction Project #2021-8 With Helms & Associates**

Documents:

AMENDMENT NO.1 TO AGREEMENT A2020-39 WITH HELMS AND ASSOCIATES FOR CELL NO. 4.PDF  
AMENDMENT NO. 1 WITH HELMS AND ASSOCIATES A2020-39.PDF

**22. Action To Approve Agreement #A2022-50, Design And Bidding Of SRF Water And Sewer Projects With SPN & Associates**

Documents:

A2022-50 SRF WATER AND SEWER PROJECTS AGREEMENT WITH SPN STAFF REPORT.PDF  
AGREEMENT 2022-50.PDF  
PROJECT LOCATIONS.PDF

**23. Action To Approve Agreement #A2022-51, South Waste Water Plant Phase II Project #2022-1 With HDR Engineering**

Documents:

AGENDA A2022-51 AGREEMENT WITH HDR FOR SOUTH TREATMENT PLANT PHASE II IMPROVEMENTS STAFF REPORT.PDF  
HDR AGREEMENT.PDF  
PROJECT IMPROVEMENTS.PDF

**24. Action To Approve Agreement #A2022-52, A/E Agreement With Schemmer Regarding Indoor Pool**

Documents:

AGENDA ITEM- AGREEMENT A2022-52, A-E AGREEMENT WITH SCHEMMER REGARDING INDOOR POOL.PDF  
A2022-52, A-E AGREEMENT WITH SCHEMMER REGARDING INDOOR POOL.PDF

**25. Second Reading On Ordinance #O2022-16, 2023 Annual Appropriation Ordinance**

Documents:

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

**26. Motion To Adopt Ordinance #O2022-16, Request Public Comment, Roll Call**

**27. Hearing And First Reading On Ordinance #O2022-18, Amending Woodland Heights Planned Unit Development**

Documents:

ORDINANCE O2022-18-ETHAN COOP-WOODLAND HEIGHTS AMENDMENT-STAFF REPORT.PDF

[ORDINANCE O2022-18-ETHAN COOP-WOODLAND HEIGHTS AMENDMENT.PDF](#)  
[ETHAN COOP-WOODLAND HEIGHTS PUD.PDF](#)  
[ETHAN COOP-GIS.PDF](#)  
[ETHAN COOP-NEIGHBORS.PDF](#)  
[LETTERS TO NEIGHBORS.PDF](#)

**28. Adjourn**

**29. FOR COUNCIL INFORMATION: Planning Commission Unsigned Minutes 11-14-22**

Documents:

[PLANNING COMMISSION UNSIGNED MINUTES 11-14-22.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.