## City Council Agenda

City Council Chambers, City Hall, 612 N. Main Street April 4, 2022

- 1. 6:00 P.m. Call To Order
- 2. Pledge Of Allegiance
- 3. Invocation: Mitchell Wesleyan
- 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 3 21 2022.PDF

**B.** Committee Reports

Documents:

PLANNING COMMISSION SIGNED MINUTES 3-14-22.PDF

C. Special Event Permit For Mitchell Main Street & Beyond's First Fridays-Event Map Update

Documents:

MMSB 1ST FRIDAYS SPECIAL EVENT PERMIT MAP UPDATE STAFF REPORT.PDF 1ST FRIDAYS MAP 2022 PLAN A EDIT.PDF 1ST FRIDAYS MAP PLAN B EDIT.PDF

- D. Special Event Permit Application For OutKasts Car Show Powered By 301 Rodz September 17, 2022
  - o Road Closure
  - o Parade Permits \$250

Documents:

OUTKASTS CAR SHOW POWERED BY 301 RODZ SPECIAL EVENT STAFF REPORT.PDF OUTKASTS CAR SHOW POWERED BY 301 RODZ SPECIAL EVENT PERMIT.PDF OUTKASTS CAR SHOW LOCATION MAP.PDF

E. Property Tax Abatements For 2021 Taxes Payable In 2022

Documents:

STAFF ABATEMENTS.PDF ABATEMENTS.PDF

#### F. Raffle Permits

Abbott House with the drawing to be held every two weeks until the 5 of Hearts is drawn

VFW Post 2750 with the drawing to be held on May 31, 2022

301 Rodz with the drawing to be held on September 17, 2022

VFW Post 2750 with the drawing to be held on November 15, 2022

Documents:

ABBOTT HOUSE RAFFLE.PDF VFW POST 2750 RAFFLE.PDF 301 RODZ RAFFLE.PDF VFW POST 2750 RAFFLE 1.PDF

G. Set Date 1:30 P.M., April 12, 2022 For Bid Opening For 10th Avenue Construction Project #2022-2

Documents:

SET DATE 200-400 EAST 10TH 2022-2 STAFF REPORT.PDF

H. Set Date For Hearing On April 18, 2022 For The Following Alcohol License

On the application of the Corn Palace Shrine Club for a Special Event Liquor License located at The Masonic Hall for April 30, 2022 for a Wedding Dance

Documents:

SET DATE FOR HEARINGS2.PDF CP SHRINE 04 30 22.PDF

I. Pay Estimates 04-04-22

Documents:

AGENDA REQUEST ITEM FOR PAY ESTIMATES 04-04-2022.PDF PAY ESTIMATES SCHEDULE 04-04-22.PDF

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

Documents:

AP REGULAR DEPARTMENT PAYMENT REGISTER-04042022.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 Buhler

Carey & Darlene Buhler have applied for a Variance Permit for an attached garage and accessory building combination of 2,160 square feet vs 2,000 square feet 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 said real property is zoned R1 Single Family Residential District.

#### Documents:

BUHLER-STAFF REPORT-BOA HEARING.PDF

**BUHLER-APPLICATION.PDF** 

**BUHLER-PRELIMINARY SITE PLANS.PDF** 

**BUHLER-PHOTS SUBMITTED.PDF** 

**BUHLER-GIS.PDF** 

**BUHLER-NOTICE OF HEARING.PDF** 

**BUHLER-NEIGHBORS.PDF** 

**BUHLER-LETTERS FROM NEIGHBORS.PDF** 

## 10. Hearing And Action On An Application For DLJ LLC

DLJ LLC has applied for a variance of approximately 867 feet vs 1,000 feet as required to be from another cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW  $\frac{1}{4}$  of Section 27, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

#### Documents:

DLJ LLC-VARIANCE PERMIT -STAFF REPORT-BOA HEARING.PDF

DLJ LLC-APPLICATION.PDF

DLJ LLC-GIS.PDF

DLJ LLC-NOTICE OF HEARING.PDF

**DLJ LLC-NEIGHBORS.PDF** 

DLJ LLC-LETTERS FROM NEIGHBORS.PDF

#### 11. 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 106 W 5<sup>th</sup> Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1<sup>st</sup> Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

#### Documents:

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

## 12. Hearing And Action On An Application For Genesis Farms LLC

Genesis Farms LLC has applied for a variance of 101 feet vs 300 feet as required to be from religious institution; located at 106 W 5<sup>th</sup> Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1<sup>st</sup> Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

#### Documents:

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

### 13. Hearing And Action On An Application For Marek

Robert D. Kummer of Infrastructure Design Group, Inc. representing Cory Marek has applied for a Variance Permit for minimum front yard setback of 9' vs 25' for an existing dwelling. Located at 710 N Kittridge St, will be legally described as Lot A in Block 2 of Robert Wilkinson's Addition, a vacation and replat of Lot 5 and Lot 6 of Robert Wilkinson's Addition to the City of Mitchell, Davison County, South Dakota and is currently legally described as Lots 5 & 6 in Block 2 & S ½ of Vacated 8th Ave & N ½ of Vacated Alley Abutting of Robert Wilkinson's Addition to the City of Mitchell, Davison County, South Dakota, The said real property is zoned R4 High Density Residential District.

#### Documents:

MAREK-STAFF REPORT-BOA HEARING.PDF
MAREK-APPLICATION.PDF
MAREK-GIS.PDF
MAREK-NOTICE OF HEARING.PDF
MAREK-NEIGHBORS.PDF
MAREK-LETTER FROM NEIGHBOR.PDF

## 14. Hearing And Action On An Application For Larry Weisser

Robert D. Kummer of Infrastructure Design Group, Inc. representing Larry Weisser has applied for a Variance Permit for the following:

Lot A:

Minimum front yard setback of 19' vs 25' for an existing dwelling.

Lot B:

Minimum front yard setback of 19' vs 25' for an existing dwelling.

Minimum side yard corner setback of 12.2' vs 20' for an existing dwelling.

Minimum lot width of 67.06' vs 70'.

Minimum lot area of 9,580 square feet vs 10,000 square feet.

Located at 1510 and 1520 E 1<sup>st</sup> Ave, will be legally described as Lots A & B in Block 10 of ST Greene's Addition, a replat of Lots 10, 11 and 12 in Block 10 of ST Greene's Addition to the City of Mitchell, Davison County, South Dakota and is currently legally described as Lots 10, 11 & 12, Block 10 of ST Greene Addition, City of Mitchell, Davison County, South Dakota, The said real property is zoned R2 Single Family Residential District.

#### Documents:

WEISSER-STAFF REPORT-BOA HEARING.PDF
WEISSER-APPLICATION.PDF
WEISSER-GIS.PDF
WEISSER-SITE PLAN.PDF
WEISSER-NOTICE OF HEARING.PDF
WEISSER-NEIGHBORS.PDF
WEISSER-LETTERS FROM NEIGHBORS.PDF

### 15. Action To Set Date For Board Of Adjustment Hearing 4-18-22

Amy Hotz has applied for a conditional use permit to operate a Family Residential Daycare; located at 708 E 2<sup>nd</sup> Ave, legally described as Lot 9, Block 16, FM Greene Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single-Family Residential District.

#### Documents:

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

## 16. Action To Set Date For Board Of Adjustment Hearing 4-18-22

Jasmyn Lang has applied for a conditional use permit to operate a Family Residential Daycare; located at 717 W Ash Ave, legally described as Lot 12, Block 10, Railroad Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single-Family Residential District.

## Documents:

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

## 17. Action To Set Date For Board Of Adjustment Hearing 4-18-22

Mike Hauser has applied for a variance for a combination of attached and detached accessory buildings of 3,270 square feet vs 2,000 square feet and height variance of 24' vs 22' for a new accessory building; located at 2021 W 23rd Ave, 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. The said real property is zoned R4 High Density Residential District.

#### Documents:

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

#### 18. Action To Set Date For Board Of Adjustment Hearing 4-18-22

Mitchell Prehistoric Indian Village has applied for a variance for a minimum front yard setback for 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 ½ of Section 9, T

103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned PL Public Lands District.

#### Documents:

MITCHELL PREHISTORIC INDIAN VILLAGE-STAFF REPORT-BOA SET DATE.PDF
MITCHELL PREHISTORIC INDIAN VILLAGE-APPLICATION.PDF
MITCHELL PREHISTORIC INDIAN VILLAGE-GIS.PDF
MITCHELL PRESHSTORIC INDIAN VILLAGE-SITE PLAN.PDF

- 19. RECONVENE AS CITY COUNCIL: Entertain A Motion For The Board Of Adjustment To Adjourn And The City Council To Reconvene In Regular Session
- 20. Hearings And Actions To Approve The Following Medical Cannabis Dispensary Applications
  - a. DLJ, LLC received on 11-16-2021 at 5:02 p.m.
  - b. Genesis Farms, LLC received on 11-18-2021 at 4:22 p.m.

#### Documents:

DISPENSERY STAFF (004).PDF
DLJ LLC DISPENSARY APPLICATION.PDF
GENESIS FARMS LLC DISPENSARY APPLICATION.PDF

## 21. Hearings And Action To Approve Medical Cannabis Cultivation Application Of BWC Mitchell LLC At 1400 S Burr

Documents:

AGENDA ITEM- APPLICATION OF BWC MITCHELL LLC FOR CULTIVATION.PDF BWC- MEDICAL CANNABIS LICENSE APPLICATION.PDF

## 22. Hearings And Actions On The Following Alcohol License Applications

- a. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for April 9, 2022 for a Corn Hole Tournament
- b. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for May 7, 2022 for a Wedding Dance
- c. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for June 4, 2022 for a Wedding Dance
- d. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for June 11, 2022 for the Shrine Club Open House
- e. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for July 29, 2022 for the Lakeview Golf Banquet
- f. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for August 6, 2022 for the 2002 Class Reunion
- g. On the application of the Corn Palace Shrine Club for a Special Liquor License located

at the The Masonic Hall for September 10-11, 2022 for a Wedding Dance

- h. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for September 23-24, 2022 for a Wedding Dance
- i. On the application of the Corn Palace Shrine Club for a Special Liquor License located at the The Masonic Hall for October 1-2, 2022 for a Wedding Dance

#### Documents:

HEARINGS STAFF REPORT1.PDF
CP SHRINE 04 09 2022.PDF
CP SHRINE 05 07 2022.PDF
CP SHRINE 06 04 2022.PDF
CP SHRINE 06 11 2022.PDF
CP SHRINE 07 29 2022.PDF
CP SHRINE 08 06 2022.PDF
CP SHRINE 09 10 2022.PDF
CP SHRINE 09 23 2022.PDF
CP SHRINE 10 01 2022.PDF

23. Action To Award Bid For WWTF Headworks Improvements Project #2021-31

Documents:

WWTP HEADWORKS AND EQUILIZATION BASIN IMP. BID AWARD 2021-31 STAFF REPORT.PDF LETTER RECOMMENDATION TO AWARD WWTP HEADWORKS AND EQUALIZATION BASIN IMPROVEMENTS PROJECT\_03\_30\_2022.PDF

24. Action To Award Bid For Rock Chips Project #2022-10

Documents:

2022-10 ROCK CHIPS BID AWARD STAFF REPORT.PDF 2022-10 ROCK CHIPS - BID TAB.PDF

25. Action To Award Bid For Petroleum Products Project #2022-13

Documents:

2022-13 PETROLEUM PRODUCTS BID AWARD STAFF REPORT.PDF 2022-13 BID TAB FOR PETROLEUM PRODUCT.PDF 2022 CHIP SEAL MAP.PDF

26. Action To Approve Request For FAA Approval Of Transfer Of Entitlement Funds

Documents:

AIRPORT TRANSFER ENTITLEMENTS 2022 STAFF REPORT.PDF MITCHELL AIRPORT PM TRANSFER ENTITLEMENTS.PDF

27. Action To Approve Agreement #A2022-11, 9th & 5th Reconstruction Project For Engineering Support And Staking Project #2021-7 With McLaury Engineering

Documents:

A2022-11 AGREEMENT WITH MCLAURY ENGINEERING FOR 9TH AND 5TH RECONSTRUCTION CONSTRUCTION SERVICES.PDF
9TH 5TH AVENUES - MCLAURY CONSTRUCTION SUPPORT PROPOSAL-COUNCIL.PDF

28. Action To Approve Agreement #A2022-12, 9th & 5th Reconstruction Project For Inspection Project #2021-7 With Brosz Engineering

Documents:

A2022-12 AGREEMENT WITH BROSZ ENGINEERING FOR 9TH AND 5TH RECONSTRUCTION PROJECT CONSTRUCTION SERVICES.PDF

MITCHELL 9TH AND 5TH - BROSZ CONSTRUCTION ENGINEERING PROPOSAL-COUNCIL.PDF

BROSZ PROJECT FIGURE.PDF

29. Action To Approve Agreement #A2022-13, Financial Agreement For Airport Rescue Grant #3-46-0037-031-2022 With SDDOT

Documents:

AIRPORT A2022-13ARPA AGREEMENT 3-46-0037-031-2022 WITH THE SD DOT STAFF REPORT.PDF
2022 AIRPORT RESCUE FUNDS AGREEMENT AIP 31.PDF

30. Action To Approve Agreement #A2022-14, James Valley Drug Task Force Joint Powers Agreement

Documents:

AGENDA ITEM- JAMES VALLEY 2022.PDF
JAMES VALLEY JOINT POWERS AGREEMENT-2022.PDF

31. Action To Approve Resolution #R2022-10, Creating TID #27 And Approving The Project Plan

Documents:

AGENDA ITEM- R2022-10, CREATING TID 27 AND APPROVING PROJECT PLAN.PDF R2022-10, CREATING TID 27 AND APPROVING PROJECT PLAN.PDF PROJECT PLAN-3-8-22 (FINAL).PDF TIF 27- NOTICE OF HEARING.PDF

32. Action To Approve Resolution #R2022-11, Plat Of Lots A & B In Block 10 Of ST Greene's Addition, A Replat Of Lots 10, 11 And 12 In Block 10 Of ST Greene's Addition, City Of Mitchell, Davison County, South Dakota; As Requested By Robert D Kummer Of Infrastructure Design Group, Inc. Representing Larry Weisser

Documents:

RESOLUTION R2022-11-WEISSER-STAFF REPORT.PDF RESOLUTION R2022-11-WEISSER.PDF WEISSER-PLAT.PDF WEISSER-GIS.PDF

33. Action To Approve Resolution #R2022-12, Plat Of Lot A And Lot B In Block 2 Of 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; As Requested By Robert D Kummer Of Infrastructure Design Group, Inc. Representing Cory Marek

Documents:

RESOLUTION R2022-12-MAREK-STAFF REPORT.PDF RESOLUTION R2022-12-MAREK.PDF MAREK-PLAT.PDF MAREK-GIS.PDF 34. Action 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 1/4 Of Section 34, T 103 N, R 60 W Of The 5th P.M., City Of Mitchell, Davison County, South Dakota; As Requested By Ethan Coop Lumber

Documents:

RESOLUTION R2022-13-ETHAN COOP LUMBER-STAFF REPORT.PDF RESOLUTION R2022-13-ETHAN COOP LUMBER.PDF ETHAN COOP LUMBER-PLAT.PDF ETHAN COOP LUMBER-GIS.PDF

35. Action 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 Requested By Todd Boyd

Documents:

RESOLUTION R2022-14-BOYD-STAFF REPORT.PDF RESOLUTION R2022-14-BOYD.PDF BOYD-PLAT.PDF BOYD-GIS.PDF

36. Action To Approve Resolution #R2022-15, 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 Requested By Jeff Larson

Documents:

RESOLUTION R2022-15-LARSON-STAFF REPORT.PDF RESOLUTION R2022-15-LARSON.PDF LARSON-PLAT.PDF LARSON-GIS.PDF

37. Action 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 To The City Of Mitchell, Davison County, South Dakota; As Requested By Mueller Lumber Company

Documents:

RESOLUTION R2022-16-MUELLER LUMBER COMPANY-STAFF REPORT.PDF
RESOLUTION R2022-16-MUELLER LUMBER COMPANY.PDF
MLC-SURVEYORS AFFIDAVIT OF CORRECTION.PDF
MLC-ORIGINAL PLAT.PDF
MLC-GIS.PDF

38. Action On Resolution #R2022-17, Declaring Surplus Real Property, Appointing Appraisal Board, And Authorizing Sale Via Broker

Documents:

AGENDA ITEM- RESOLUTION R2022-17. DECLARING SURPLUS PROPERTY, APPOINTING AN APPRAISAL BOARD, AND AUTHORIZING SALE.PDF
RESOLUTION R2022-17, DECLARING SURPLUS REAL PROPERTY, APPOINTING APPRAISAL BOARD, AND AUTHORIZING SALE.PDF

39. Action On Resolution #R2022-18, Setting Hearing And Appointing Appraisal Board In Relation To Transfer Of 514 N Main Property

#### Documents:

AGENDA ITEM- R2022-18, SETTING HEARING AND APPOINTING APPRAISAL BOARD FOR EXCHANGE OF 514 N MAIN.PDF
RESOLUTION R2022-18, SETTING HEARING AND APPOINTING APPRAISAL BOARD FOR EXCHANGE OF 514 N MAIN.PDF

## 40. First Reading On Ordinance #O2022-06, Amending Woodland Heights Planned Unit Development

Ethan Coop Lumber is requesting Lots 10-12, Block 5 of Woodland Heights Planned Development District be added to 10-9B-3 Subarea C. These 3 lots were never designated to a Subarea, the owner wishes to allow permitted uses of single-family dwellings and multi-family dwellings twelve (12) units or less (duplexes fit under multi-family dwellings).

#### Documents:

ORDINANCE 02022-06-ETHAN COOP-WOODLAND HEIGHTS AMENDMENT-STAFF REPORT.PDF
ORDINANCE 02022-06-ETHAN COOP-WOODLAND HEIGHTS AMENDMENT.PDF
ETHAN COOP-WOODLAND HEIGHTS PUD.PDF
ETHAN COOP-GIS.PDF
ETHAN COOP-SITE PLANS.PDF
ETHAN COOP-ORDINANCE 02022-06-NOTICE OF HEARING.PDF
ETHAN COOP-NEIGHBORS.PDF

## 41. First Reading On Ordinance #O2022-07, Supplemental Appropriations

Documents:

SUPPLEMENTAL ORDINANCE OVERVIEW.PDF

O2022- SUPPLEMENTAL APPROPRIATIONS FOR FY 2022.PDF

SUPPLEMENTAL APPROPRIATION GL DETAIL - BUDGET BY FUND.PDF

### 42. Discussion On 5G In Mitchell

Limit of 10 minutes total presentation

## Documents:

AGENDA ITEM- DISCUSSION ON 5G IN MITCHELL.PDF 5G AGENDA INFO FROM BETH BAUER.PDF WHO CLASSIFICATION OF RF- FROM BETH B..PDF EDUCATIONAL\_HANDOUT\_(11.16.20) VERIZON.PDF RF BROCHURE- VERIZON.PDF

## 43. Adjourn

## 44. FOR COUNCIL INFORMATION: Planning Commission Unsigned Minutes 3-28-22

Documents:

PLANNING COMMISSION UNSIGNED MINUTES 3-28-22.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.