

**CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST, MITCHELL, SD
DATE: JULY 24, 2017**

- 1. TIME: 12:00 PM**
- 2. CALL TO ORDER:**
- 3. ROLL CALL:**
- 4. APPROVE AGENDA:**
- 5. APPROVAL OF MINUTES: JULY 10, 2017**

Documents:

[PLANNINGCOMMINUTES7102017.PDF](#)

- 6. SCHEDULE NEXT MEETING: AUGUST 14, 2017**
- 7. CONDITIONAL USE PERMIT:**

Farmers Union Industries, LLC. Of Redwood Falls, MN announces plans to expand their current Performance Pet Products facility at 1801 Van Dyke Drive. In efforts to reduce environmental impact and improve process efficiencies, the company will install state-of-the-art canning equipment in an approximately 70,000 square foot addition to the existing building. Performance Pet Products will continue to employ their current workforce during and after this expansion. The property is legally described as Lot B Ex B-1, B-2, & Ex Lot 1 & Lot 2 of Syncom Addition in N1/2 SW1/4, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota. The property is zoned Transportation, Warehousing, and Commercial District and a Processing Facility requires a conditional use permit.

Documents:

[EXPANSION LETTER \(002\).PDF](#)
[QUESTIONSPERFPET.PDF](#)
[PPP_0012_EXPANSIONPRESENTATION.PDF](#)
[PERFORMANCE PET FLOOR PLAN 7.10.17.PDF](#)
[X-17098-DSGN IDG-11X17 SITE PLAN \(1\) 150SC.PDF](#)
[PERFORMANCE PET ELEVATIONS 7.10.17.PDF](#)
[PERFORPETSITEMAP.PDF](#)
[MAPPERFPETCUP.PDF](#)
[AERIALPERFPET.PDF](#)
[NOHPERFORMANCEPET.PDF](#)
[PERFPETNEIGHBORS.PDF](#)

- 8. Public Hearing & Action On Zoning Code Amendment: Animal Breeding**

Documents:

[ZONINGCODEAMENDMENTANIMALBREEDING.PDF](#)

- 9. PLAT**

Lot 3 in Square 17 of Weaver's Squares Addition to the City of Mitchell, Davison County, South Dakota

Documents:

[16099 PLAT LOT 3 11X17 PLAT 071317.PDF](#)

10. PLAT

A Plat of Lot 3, Block 5 of 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.

Documents:

[PLATL3B5WOODLANDHEIGHTS.PDF](#)

11. Update And Possible Comment On O2017-10

The Planning Commission will be provided an update to the City Code in regards to storm drainage and detention pond discharges

Documents:

[O201710STORMDRAINAGEORDINANCE.PDF](#)

12. OTHER BUSINESS:

13. ADJOURNMENT:

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Public Works Department at 605-995-8433 at least 24 hour prior to the scheduled meeting."

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, JULY 10, 2017**

NOT APPROVED

Chairman Larson called the July 10, 2017 City Planning Commission to order at 12:00 pm in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD

Members Present: Larson, Everson, Griffith, Fergen, Molumby, Schmucker and Allen

Members Absent: Jirsa

Others Present: Ellwein, J. Johnson, McGannon, Putnam, London, Overweg, Laursen, Hegg, & Mayor Toomey

Election of Chairman from July 1, 2017 to July 1, 2018: Motion by Molumby, seconded by Everson to nominate Jay Larson as Chairman and that nominations cease and a unanimous ballot be cast for Larson. All members present voting aye, motion carried.

Election of Vice-Chairman from July 1, 2017 to July 1, 2018" Motion by Griffith, seconded by Schmucker to nominate Bob Everson as Vice-Chairman and that nominations cease and a unanimous ballot be cast for Everson. All members present voting aye, motion carried.

Approval of Agenda: Motion by Molumby, seconded by Everson to approve the agenda as presented. All members present voting aye, motion carried.

Approval of Minutes: Motion by Everson, seconded by Griffith to approve the minutes of the June 26, 2017 meeting and the special meeting of July 3, 2017. All members present voting aye, motion carried.

Schedule Next Meeting: Motion by Griffith, seconded by Everson to schedule the next meeting for July 24, 2017. All members present voting aye, motion carried.

Plan Approval: Scooters, 321 E Havens Ave, Highway Oriented Business District.

Herm Harms, Puetz Construction, was present to answer questions of the project. McGannon was asked about drainage in this area. He responded that this area of town is part of a drainage study. This area is also part of the Klockwerks TIF District. Motion by Everson, seconded by Molumby to approve the plan. All members present voting aye, motion carried.

Plat: A Plat of Lot 4, Block 6, of Woodland Heights First Addition, A Subdivision of Lot 3 of 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. Motion by Everson, seconded by Griffith to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Lots 3 and 4, Block 1 of 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. Motion by Molumby, seconded by Everson to approve the plat. All members present voting aye, motion carried.

Rezone: An Ordinance of the City of Mitchell, that changes the Zoning District Classification of the Real Property Legally Described as; N 100' of Lot 1, Block 2, Bracey's Addition and the N 100' of Lot A, A Subdivision of previously platted Block 1, County Addition, City of Mitchell, Davison County, South Dakota, from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District. Loren Machovsky is the applicant and resides at this property 1200 W 7th Ave.

The applicant was present to answer questions. No one testified in opposition. The commission reviewed the written correspondence that was submitted. The applicant wishes to construct a building approximately 40' x 100' to house his semi-truck business. Putnam provided the commission a review of the existing zoning designation of the neighboring properties. The applicant will exit on the county highway driveway.

Letters to the neighboring property owners were sent on June 27, 2017 and the public notice has been and will be noticed in the *Mitchell Daily Republic* June 29, July 6, and July 27, 2017. Motion by Molumby, seconded by Everson to recommend approval of the rezoning. All members present voting aye, motion carried.

Other Business: Putnam read aloud a letter from Trail-Eze Trailers thanking the City Council and Planning Commission for their cooperation in expediting the rezoning process for their expansion.

Chairman Larson adjourned the meeting at 12:15 pm.

Chairman

Date

220 Ponderosa Road
PO Box 319
Redwood Falls, MN



Phone: 507-637-2938
Fax: 507-637-5409
www.fuillc.com

Dear valued neighbors,

Farmers Union Industries, LLC. of Redwood Falls, MN plans to expand our current Performance Pet Products facility at 1801 Van Dyke Drive. In efforts to reduce environmental impact and improve process efficiencies, the company will install state-of-the-art canning equipment in an approximately 70,000 square foot addition to the existing building. Performance Pet Products will continue to employ their current workforce during and after this expansion.

The existing facility, which Performance Pet Products has owned and operated for 5 years, along Interstate 90 was previously owned by Van Dykes Supply and prior to that by Syncom. Expansion of the facility will include the installation of new, state-of-the-art equipment which will allow the company to considerably expand their canning production in Mitchell, as well as aesthetic improvements to the existing site.

The processes taking place in the expanded facility will differ greatly from the functions currently being performed at Performance Pet Product's East Haven Street facility. Raw materials will enter the facility as a frozen or dry product and will be cooked within a sealed pet food can, therefore no odors will be produced.

Truck traffic will be minimal, approximately 15-16 trucks per week. "Rejected product" will need to leave the facility via a truck, however, the company will be taking extraordinary measures with its contractors to ensure any truck odor is mitigated to the fullest extent possible. These trucks are already entering and leaving the Mitchell community via the same traffic pathways and no additional truck traffic will be imposed.

Performance Pet Product's \$17 million reinvestment in Mitchell will dramatically improve the working conditions and efficiencies within the operation and the upgrade in equipment will result in a greater need for skilled employees. The East Havens Street location will remain operational for meat processing and cold storage space.

For further inquiries, please contact Michelle Gudgel with Farmers Union Industries at 507-637-2938 or mgudgel@fuillc.com.

Sincerely,

Duane Anderson
President/CEO



QUESTIONS FROM STAFF IN REGARDS TO PERFORMANCE PET CONDITIONAL USE PERMIT

(No particular order)

1. What state or federal agencies regularly inspect your facility for compliance of environmental or health standards or regulations? Please explain.
2. Odor Control:
 - a. What type of activities generate odors in your business and will these activities be engaged at this site?
 - b. Will the activities be intermittent or continuous? If intermittent, how often?
 - c. Please provide an explanation of the proposed filtration or air handling systems that are designed to control odor emissions and provide evidence of their effectiveness.
 - d. How do you monitor or measure compliance to standards?
 - e. Are the systems adjusted to wind conditions or other weather related situations that may result in offensive odors?
 - f. What is your recommendation on how the city should monitor odor?
 - g. If the city receives complaints about odor, how do you propose to mitigate or abate the complaints?
 - h. How has company addressed odor complaints or violations at other sites?
3. Waste "Rejected" Disposal:
 - a. Please explain what waste or 'rejected' product that will be generated and how will it be handled and disposed?
 - b. Will the waste be frozen?
 - c. How will be stored prior to being picked up? Inside or outside storage containers?
 - d. Can the 'waste' trucks load in a sealed bay? Please expand on 'extraordinary measures' to mitigate odors.
 - e. May waste collection by truck be limited to certain days or times?
 - f. Please provide what waste may be disposed into the city sanitary sewer system (rate and frequency)?
4. Explain why expanding at the East Havens location is not feasible or appropriate for expansion you are proposing at the Van Dyke site?
 - a. What activities may be changed in the future at the East Havens location?
 - b. Any plans for new improvements or structures to the East Havens location?
5. Public Safety has a concern about access from the west, they are going recommend that S. Kimball St be improved to extent emergency vehicles may have access. Are you willing to allocate resources for improving S. Kimball Street?

6. Do you anticipate any excessive noise from the machinery or equipment?
7. Please explain the activity (step by step) that will be taking place at this facility. Perhaps, a brief narrative that provides the steps from raw product to shipping the product.
8. Do you have any examples of an expansion such as what you are proposing that in a similar environment, specifically in an area where there is existing development and such development may be effected by odor or concerns?
9. Please provide a description of how the existing building will be enhanced to 'blend in' with the new addition. Simply, please share the aesthetic features of the site?



EXPANSION PROJECT



Duane Anderson

*President & CEO,
Farmers Union Industries, LLC.*

A Message From Farmers Union Industries

Performance Pet Products is an operating division of Farmers Union Industries (FUI). FUI was established in 1929 and currently runs seven operations divisions, including: Central Bi-Products, Northland Choice, Midwest Grease, Pet Care Systems, Artex Manufacturing, Dakota Pack and Performance Pet Products.

Performance Pet Products was acquired by FUI in July of 2015 to both enhance vertical integration of current operations as well as to provide FUI with new opportunities to diversify and enter into new markets.

Farmers Union Industries has experienced great success through the decades by consistently positioning itself as one of the highest quality manufacturers and service providers in the industries it operates in. FUI's relentless focus on quality has allowed the company to build a very loyal customer base and continues to draw in new customers that are attracted to a better buying experience as well as quality of product.

Since acquiring Performance Pet Products, FUI has integrated its main principals of operation into the company and looks at ways to enhance quality and efficiencies. With a growing business combined with continually increasing demand for high end pet food production, Performance Pet Products is perfectly positioned to expand its operations to increase its pet food manufacturing capabilities.

The current Performance Pet Products facility is comprised of antiquated equipment in a facility that does not meet the quality standards of FUI. Farmers Union Industries is dedicated to expanding the facility and improving operations to create added capacity, efficiencies and effectiveness by adding state-of-the-art equipment.

As a part of this accomplishment, FUI will invest in a combination of technologies to create a facility that has a more positive impact on the environment than the current facility. The new facility will enable the Performance Pet Products plant to significantly reduce the use of key natural resources and reduce our overall environmental impact. More effective wastewater treatment will be included as a part of this plan.

It is the overall goal of FUI to become a better business partner in the Mitchell, SD community. As we look at process improvement, we will be including new routes and delivery times with some of our key raw material vendors to reduce visibility and lessen community disruption with the arrivals and departures of loads. FUI's vertical integration strategy allows our divisions more flexibility to work with the community as we have direct control over some of the raw material providers.

FUI will continue to develop strategies to ensure our business remains sustainable with a commitment to continuously look at ways to enhance our operations to make a positive impact in all areas of our operations. As a company that stands strongly behind doing what is right, we have been able to achieve a growing business, strong local partnerships and added community participation over our 90 years of manufacturing. As we leap forward with a new facility, we can assure you this is also the goal for Performance Pet Products in Mitchell, South Dakota.



THE EXPANSION OF PPP

- New State-of-the-Art Facility
- More Efficient Operations
- Greener Manufacturing Facility
- Enhanced Community Presence
- The Values and Vision of Farmers Union Industries



WHY PERFORMANCE PET PRODUCTS

You want to get a product on the shelves. Your product. Your way. Following your philosophy and your passion for what you believe pet food should be.

So do we.

WE'RE THE PEOPLE BEHIND YOUR PROMISE.

We're the innovators and formulators who turn your desire for a leaner, tastier, healthier or otherwise better pet food into an actual product on the shelves. We're personally invested in your company, your ideas and your dreams. And we're there, alongside you, from a sketch on a napkin to a sku online or on the shelf.

THIS ISN'T JUST PET FOOD. IT'S YOURS.

We custom-make every product for every customer, and we turn pure proteins and muscle-meat into what you imagine pet food to be. And we're the only canner to do this.

Custom formulations:

- Loaf/pate
- Cuts & gravy
- Reformulated meat products
- shredded meat muscle and any other variation you can dream up

Small minimum runs

Packaging expertise





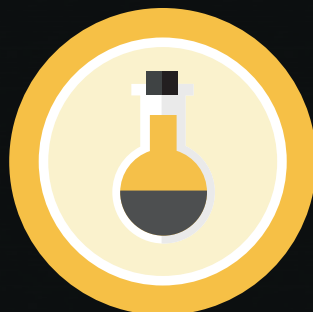
CUSTOMERS FIRST

You're the only thing that comes before the pets we serve, and you'll see it in our service.



QUALITY

We can track every source for every ingredient in every can. And we start with only the best.



INNOVATION & FORMULATION

Your idea gets custom-crafted into nutrient-rich pet food — it's never an out-of-the-box formula.



FULFILLMENT

We turn your dream into a product on the shelf, no matter how unique your request.



COMPANY OVERVIEW



Farmers Union Industries (FUI) has been farmer owned since its inception in 1929. Founded to have more control over pricing in the livestock market, Farmers Union Industries has been fighting for the family farm and rural life in the Midwest for almost 90 years. Throughout its history, FUI has shown success through rendering and has grown by adding other businesses that supported their agriculture based heritage.

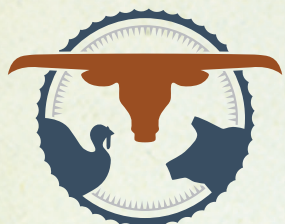
The company's deep roots in adding value to back to materials that other people have seen as waste continue to remain a constant throughout its operations. As the company evolves, FUI shows continued efforts to diversify and expand its network to create value through an

intersection of its seven divisions. It's a business that will continue to be dedicated to driving better quality into outputs and creating lifelong partnerships that are an integral piece of its foundation.

With seven different business units operating across three states, FUI is a company that is dedicated to manufacturing products that serve as sustainable solutions for a worldwide market and at the same time drive support back to the family farm. Headquartered in Redwood Falls, MN, Farmers Union Industries is proud to drive growth, community support and life-long partnerships that will have global impact and serve those that come after us.



**WE'RE A FAMILY OF COMPANIES
AND FAMILY IS ALWAYS THERE FOR YOU**



CENTRAL BI-PRODUCTS



MIDWEST GREASE



ARTEX





COMPANY OVERVIEW

MISSION

FUI is the premier provider of specialized products; providing superior value and services to members and customers.

VISION

To provide specialized products benefiting every household.

VALUES

INTEGRITY

Open and truthful in all we do.

ACCOUNTABILITY

We take responsibility for our actions.

RELATIONSHIPS

We make it easy to do business with us.

QUALITY

We are passionate about our company and products, we strive to exceed expectations.

SAFETY

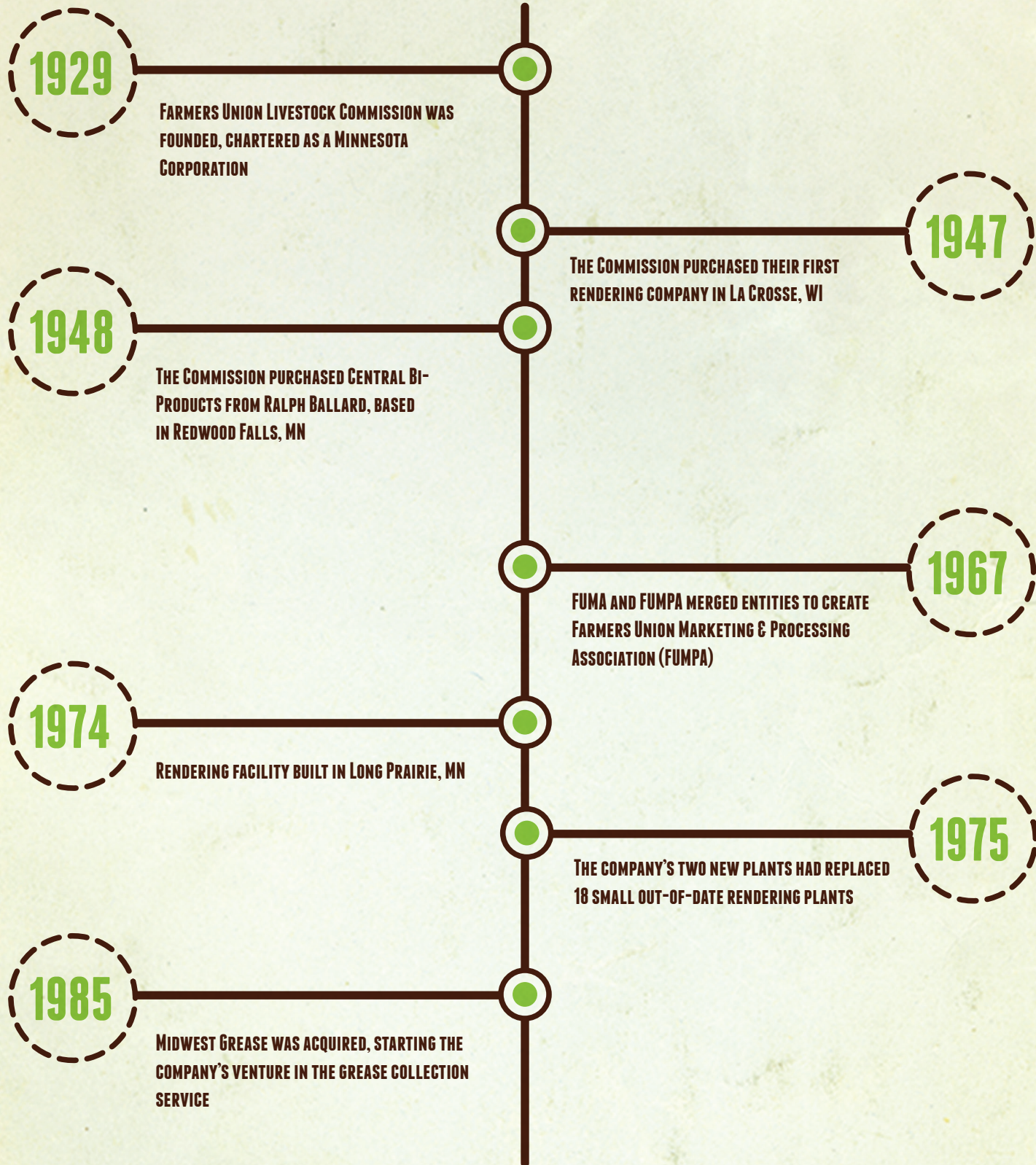
We create and maintain a safe environment for all. We have zero tolerance for safety violations.

ENVIRONMENTALLY RESPONSIBLE

We are dedicated to providing a cleaner planet for future generations.

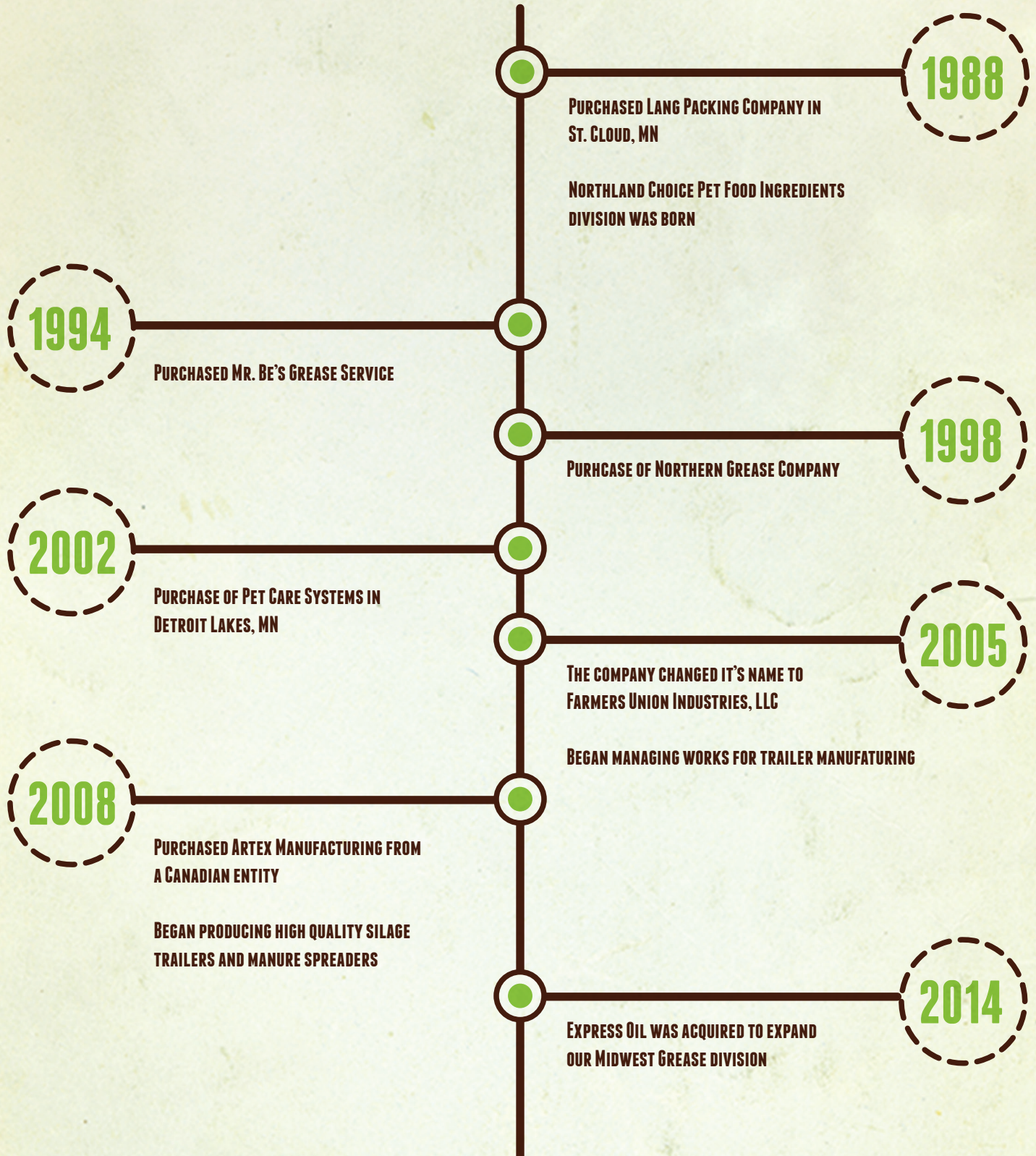


COMPANY HISTORY





COMPANY HISTORY





COMPANY HISTORY

2015

MESA HOLDINGS WAS ACQUIRED BY FUI, WHICH CONSISTED OF A RENDERING FACILITY TO EXPAND CBI INTO IOWA, ALONG WITH A HOG PROCESSING FACILITY

PERFORMANCE PET PRODUCTS WAS ACQUIRED BY FUI TO ADD IT'S FIRST CO-PACKING OPERATION TO IT'S PORTFOLIO

2017

FUI BUILDS A NEW CORPORATE OFFICE TO SUPPORT THE COMPANY'S CONTINUOUS GROWTH EFFORT

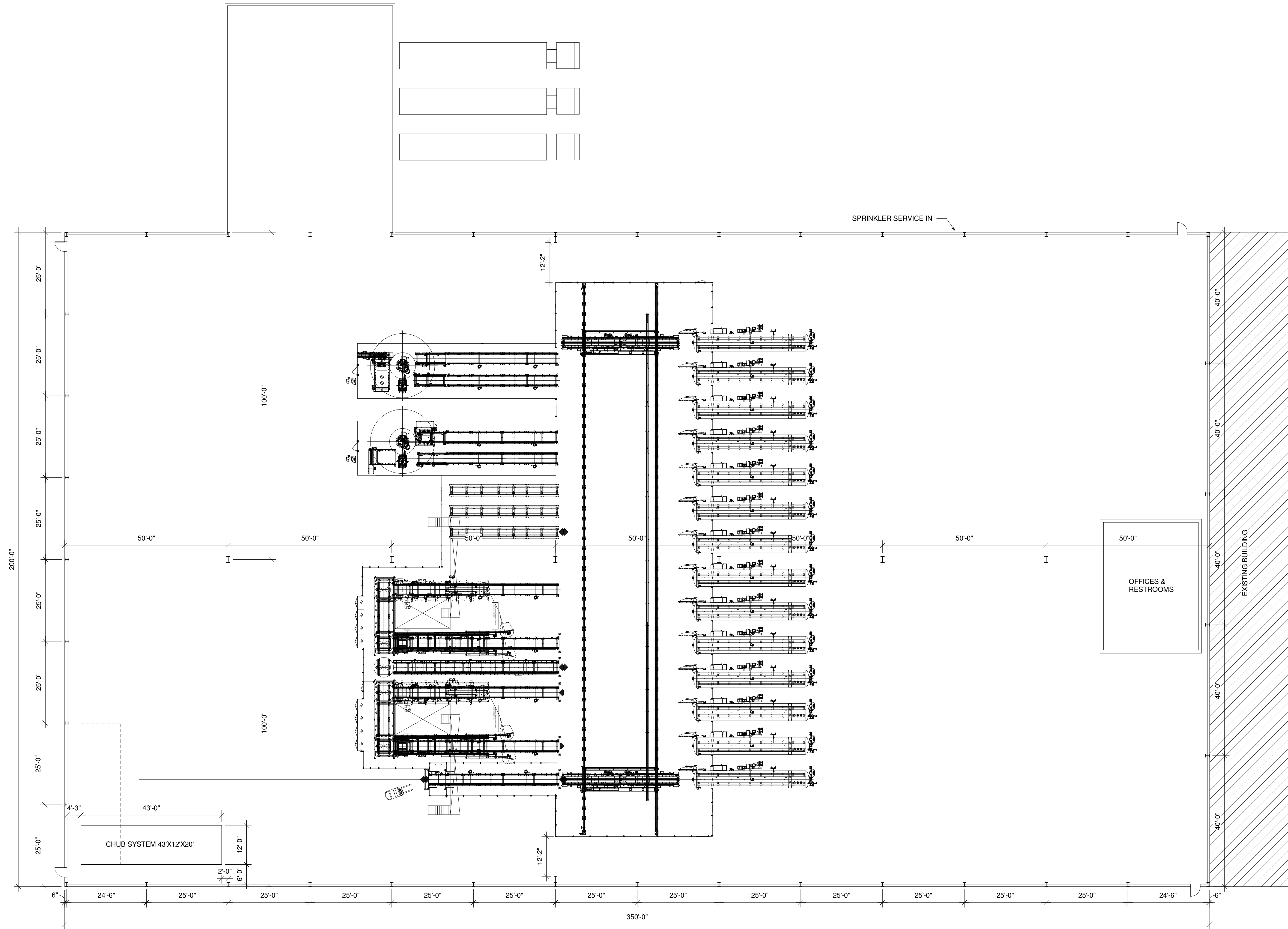
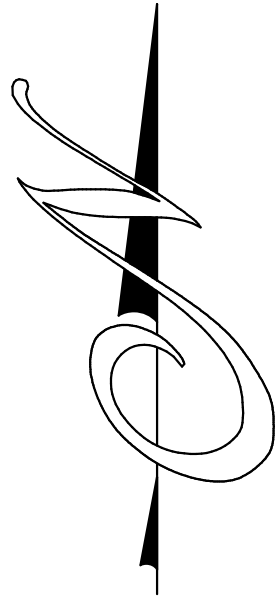
MICHELLE GUDGEL
PRODUCT MARKETING MANAGER - FARMERS UNION INDUSTRIES
MGUDGEL@FUI LLC.COM

NATE THOMAS
VICE PRESIDENT R&D - PERFORMANCE PET PRODUCTS
NTHOMAS@PERFORMANCEPET.NET

ERIC RITTENHOUSE
DIRECTOR OF SALES - PERFORMANCE PET PRODUCTS
ERITTENHOUSE@PERFORMANCEPET.NET

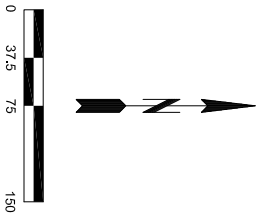
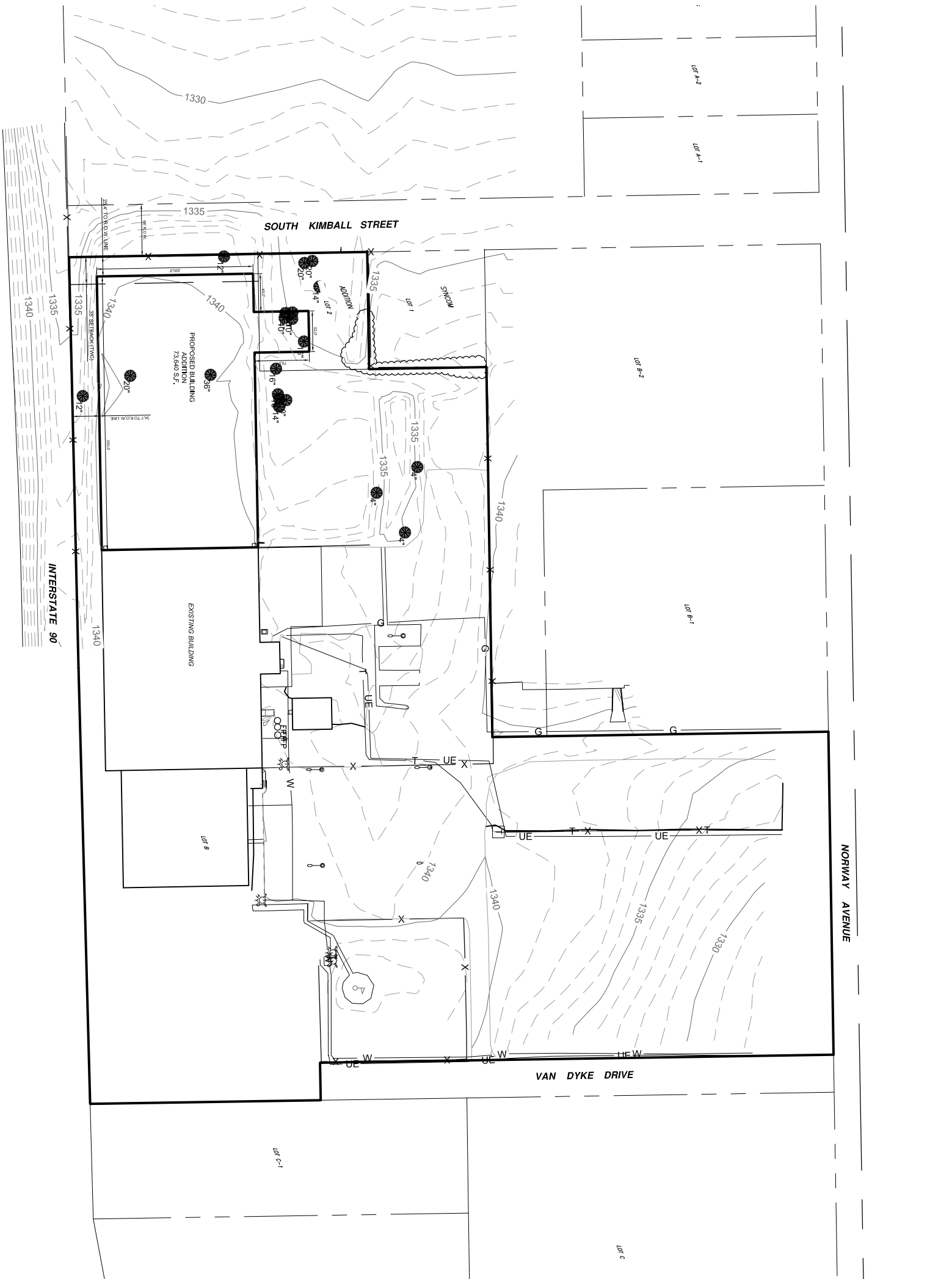


CONTACT INFORMATION



1 FLOOR PLAN
1/16" = 1'-0"





CURRENT ZONING:

TWC - TRANSPORTATION, WAREHOUSING & COMMERCIAL
BUILDING SETBACKS

FRONT = 35' (MIN. 20' CORNER LOT)
SIDE = 0'
REAR = 0'

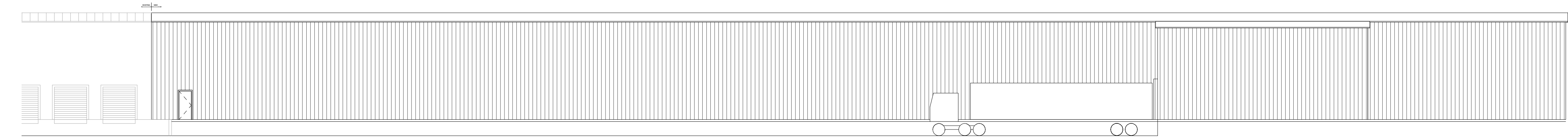
SURVEYOR'S NOTES:

1. BASIS OF BEARING IS UTM ZONE 14N.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
3. UTILITY LOCATIONS SHOWN ARE BASED UPON SD ONE CALL AND ABOVE GROUND EVIDENCE ONLY AND ARE APPROXIMATE. UTILITIES OTHER THAN SHOWN MAY EXIST.
4. PROPERTY BOUNDARY AND EASEMENT LOCATIONS ARE BASED UPON RECORD MAPS AND ARE SUBJECT TO A DEPENDANT RESURVEY OF THE PROPERTY.

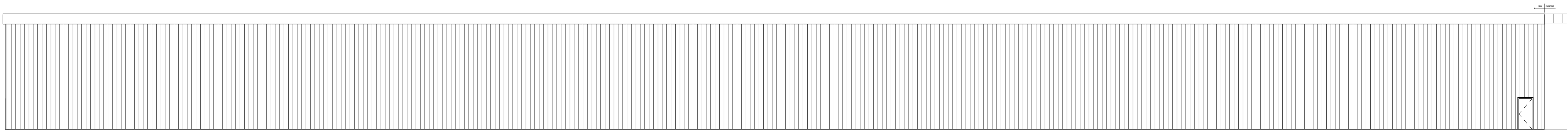
HORIZONTAL DATUM **VERTICAL DATUM**
UTM 14 NORTH NAVD 88 (GEOID 12A)
NAD 83

SKETCH PLAN

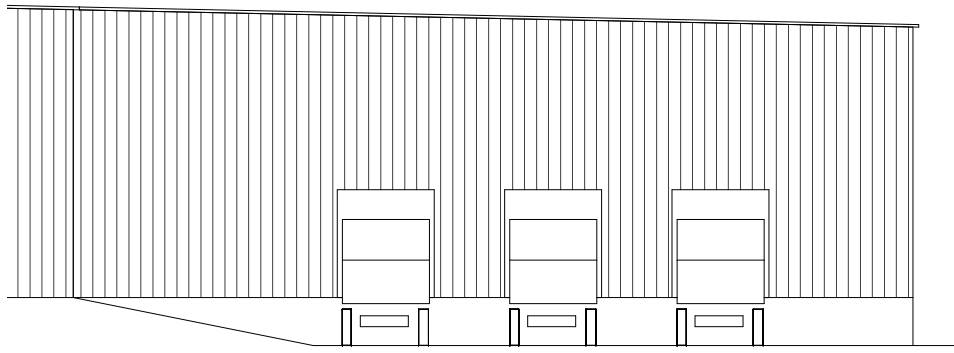
DESIGNED BY: IDG	ACAD FILE: X-17098-DSGN.dwg	DATE:
DRAWN BY: IDG		
CHECKED BY: IDG		
REVISIONS:	BY:	DATE:
	BY:	DATE:



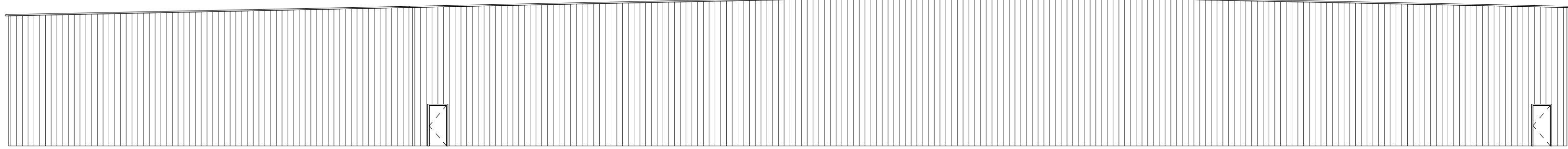
② North
1/16" = 1'-0"



③ South
1/16" = 1'-0"

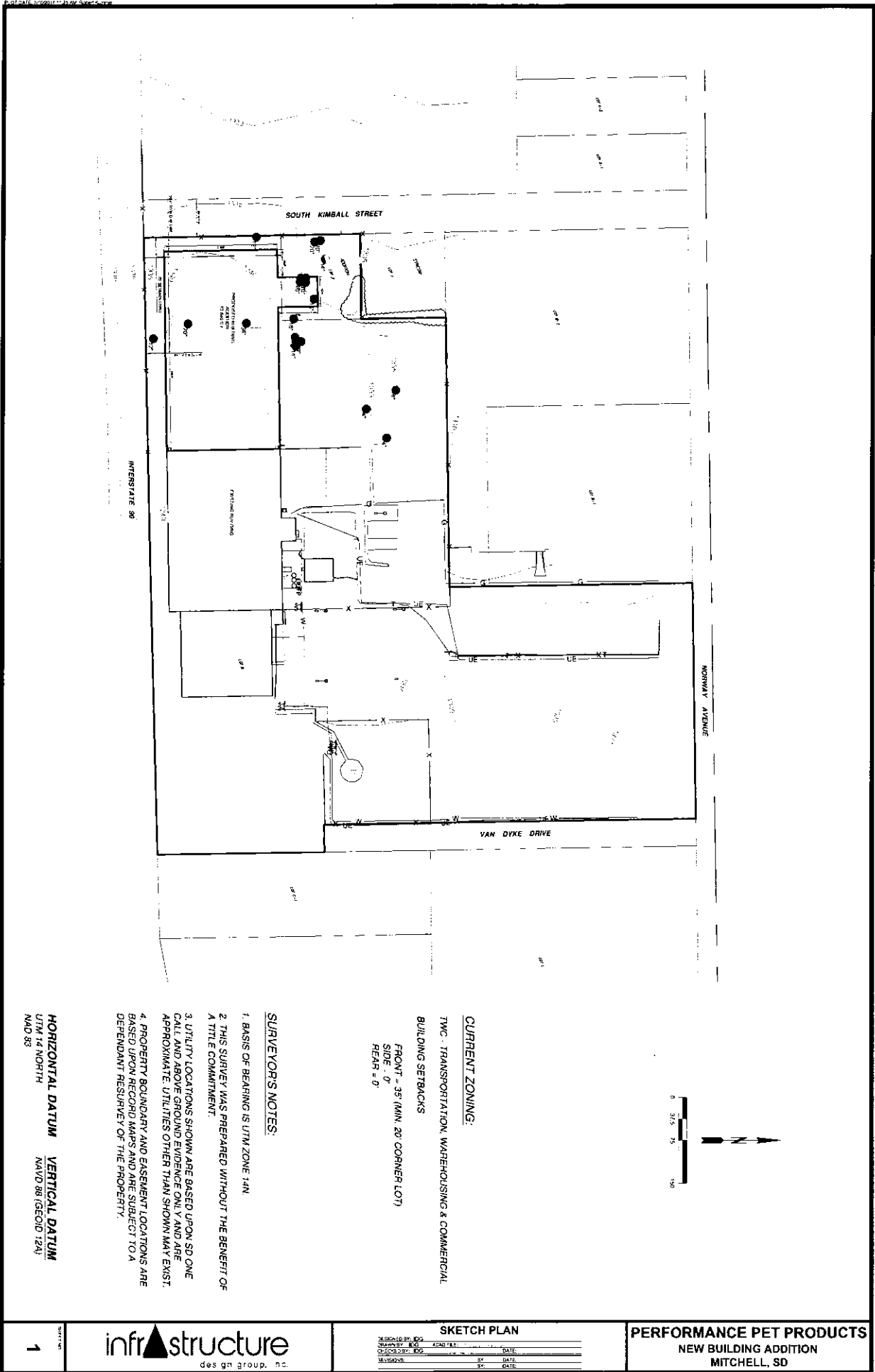


① East
1/16" = 1'-0"



④ West
1/16" = 1'-0"





CURRENT ZONING:

TWC - TRANSPORTATION, WAREHOUSING & COMMERCIAL
 BUILDING SETBACKS

FRONT = 35' (MIN. 20' CORNER LOT)
 SIDE = 0'
 REAR = 0'

SURVEYOR'S NOTES:

1. BASIS OF BEARING IS UTM ZONE 14N
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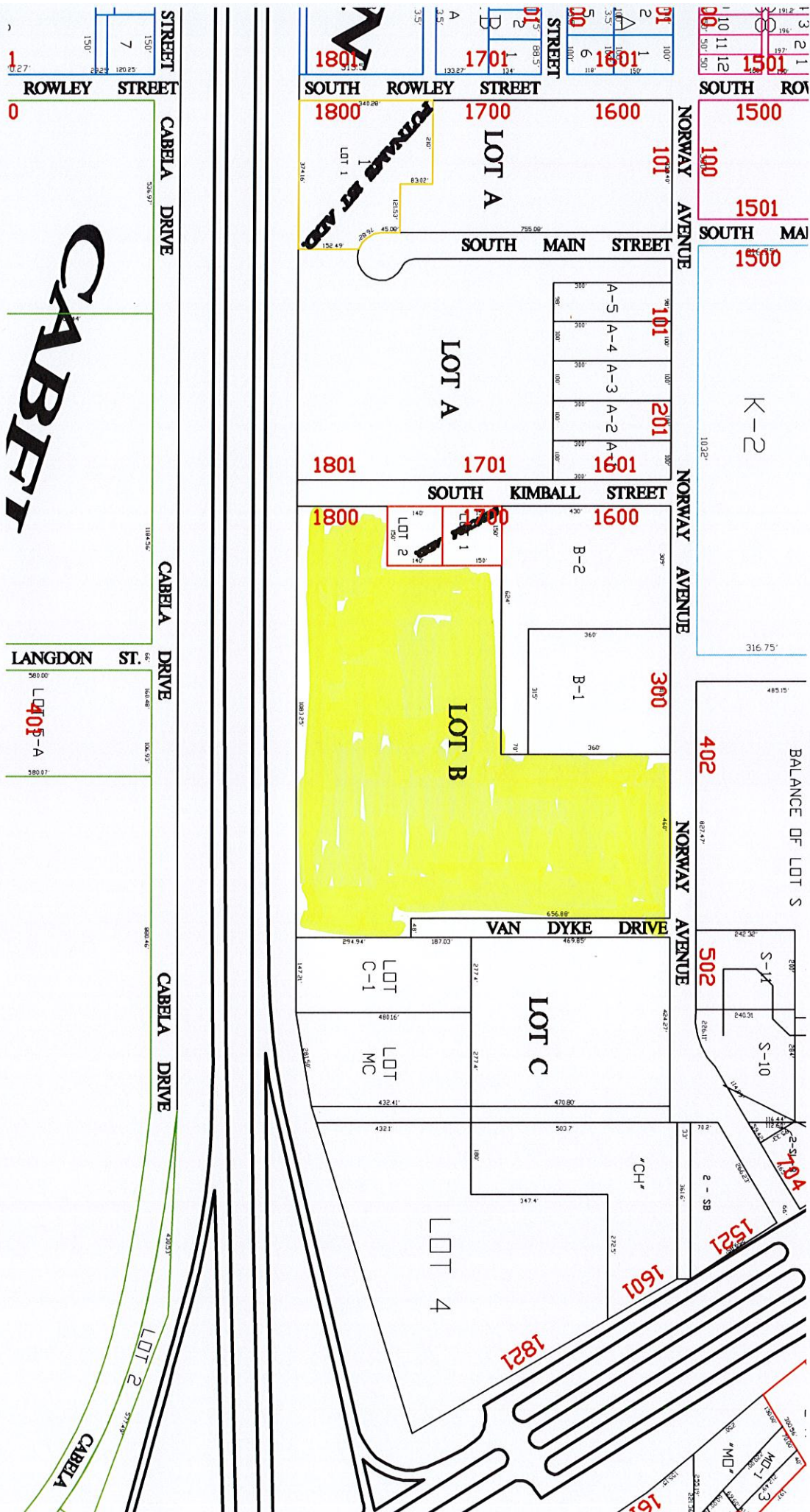
HORIZONTAL DATUM UTM 14 NORTH
VERTICAL DATUM NAVD 83 (GEOID 12A)

SKETCH PLAN

DATE	BY	DATE
11/11/2011	JES	11/11/2011
11/11/2011	JES	11/11/2011
11/11/2011	JES	11/11/2011

PERFORMANCE PET PRODUCTS
 NEW BUILDING ADDITION
 MITCHELL, SD

infrastucture
 design group, n.c.



E. Norway Ave.

SYNCOM DR.

Trail King Industries

LOT B - SYNCOM ADDITION

PERFORMANCE PET
PRODUCTS -
WAREHOUSE

LOT 1

LOT 2

LOT A
SQ 1/4
27-103-6
(ROGER
KLOCK)

NOTICE OF HEARING

To: City Planning Commission, City of Mitchell Board of Adjustment and the General Public,

Farmers Union Industries, LLC. Of Redwood Falls, MN announces plans to expand their current Performance Pet Products facility at 1801 Van Dyke Drive. In efforts to reduce environmental impact and improve process efficiencies, the company will install state-of-the-art canning equipment in an approximately 70,000 square foot addition to the existing building. Performance Pet Products will continue to employ their current workforce during and after this expansion. The property is legally described as Lot B Ex B-1, B-2, & Ex Lot 1 & Lot 2 of Syncom Addition in N1/2 SW1/4, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota. The property is zoned Transportation, Warehousing, and Commercial District and a Processing Facility requires a conditional use permit.

You are further notified, the City Planning Commission will be conducting a hearing on this conditional use application on July 24, 2017 at 12:00 pm and the Board of Adjustment will be holding a hearing on August 7, 2017 at 6:30 pm, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

Dated at Mitchell, South Dakota, this the 7th day of July, 2017.

Michelle Bathke

Finance Officer

Publish Twice: July 13 & July 27, 2017.

Approximate Costs:

ROGER KLOCK
1110 WILLIAMS AVE
MITCHELL SD 57301

NORTHWESTERN PUBLIC SERVICE
3RD ST & DAKOTA AVE
HURON SD 57350

TRAIL KING INDUSTRIES
PO BOX 1064
MITCHELL SD 57301

LARCH PROPERTIES LLC
7600 COURTYARD CIR
SIOUX FALLS SD 57108

DEM LLP C/O TODD KUMM
2601 3RD AVE N
FARGO ND 58102

TAN CORP
PO BOX 1025
SIOUX FALLS SD 57101

STUCKY ENTERPRISES LLC
300 TIGER ST
MITCHELL SD 57301

FIRST DAKOTA NATIONAL BANK
500 E NORWAY AVE
MITCHELL SD 57301 *approve*

SABER PROPERTIES LLC
27 ARROWHEAD PASS
MITCHELL SD 57301

FARM CREDIT PROPERTIES OF AMERICA
5015 118TH ST
OMAHA NE 68137

AVERA QUEEN OF PEACE
525 N FOSTER ST
MITCHELL SD 57301

CABELA'S
C/O JEFF ELLWANGER
1 CABELA DR
SYDNEY NE 69160

July 12, 2017

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED, that Farmers Union Industries, LLC. Of Redwood Falls, MN announces plans to expand their current Performance Pet Products facility at 1801 Van Dyke Drive. In efforts to reduce environmental impact and improve process efficiencies, the company will install state-of-the-art canning equipment in an approximately 70,000 square foot addition to the existing building. Performance Pet Products will continue to employ their current workforce during and after this expansion. The property is legally described as Lot B Ex B-1, B-2, & Ex Lot 1 & Lot 2 of Syncom Addition in N1/2 SW1/4, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota. The property is zoned Transportation, Warehousing, and Commercial District and a Processing Facility requires a conditional use permit.

YOU ARE FURTHER NOTIFIED, that public hearings in regards to the conditional use permit will be held by the Planning Commission on July 24, 2017 at 12:00 pm and the City Council acting as the Board of Adjustment will conduct their hearing on August 7, 2017 at 6:30 pm. Both hearings will be held in the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

I/We

First Dakota National Bank 

OWNER

500 E Norway, Mitchell

ADDRESS

 APPROVE

 DISAPPROVE

No response will indicate approval.

COMMENTS:

ORDINANCE NO. O2017-0

AN ORDINANCE REVISING CERTAIN PROVISIONS OF TITLE 10 – ZONING REGULATIONS – IN REGARD TO ANIMAL BREEDING.

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

Section 1.

That the following definition under Mitchell City Code Section 10-2-2 be amended to read as follows:

Animal Boarding: Any structure, land, or combination thereof used, designed, or arranged for the temporary boarding of domestic animals of another person for compensation; provided that this definition shall not include animal clinics, animal shelters, or animal breeding.

Section 2.

That the following definitions be added to Mitchell City Code Section 10-2-2:

Animal Breeding: Any structure, land, or combination thereof used, designed, or arranged for the keeping, harboring, or ownership of domestic animals with the intent to breed, raise, and sell any such domestic animal.

Animal, domestic: Any animal kept by humans for companionship and which is accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

Section 3.

That “Animal Breeding” be added as a conditional use in the following zoning districts:

R-L Residential Lake (10-5A-3)
R-1 Single Family Residential (10-5B-3)
R-2 Single Family Residential (10-5C-3)
R-3 Medium Density Residential (10-5D-3)
R-4 High Density Residential (10-5E-3)
R-5 Single Family and Manufactured Housing Residential (10-5F-3)
HB Highway Oriented Business (10-6B-3)
UD Urban Development (10-8C-3)

Section 4.

That “Animal Breeding” be added as a permitted use in the TWC Transportation, Warehousing and Commercial District (10-7A-2).

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2017.

Jerry Toomey – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____

NOTICE OF HEARING

TO: Mitchell City Planning Commission, Mitchell City Council and the General Public:

The City Planning Commission has scheduled a public hearing and action on the following ordinance. The hearing will be Monday, July 24, 2017 at 12:00 pm, the City Council will consider 1st Reading of the Ordinance on Monday, August 7, 2017 at 6:30 pm and 2nd Reading and Adoption on Monday, August 21, 2017 at 6:30 pm, all meetings will be conducted in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties are encouraged to attend meetings.

ORDINANCE NO. O2017-0

AN ORDINANCE REVISING CERTAIN PROVISIONS OF TITLE 10 – ZONING REGULATIONS – IN REGARD TO ANIMAL BREEDING.

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

Section 1.

That the following definition under Mitchell City Code Section 10-2-2 be amended to read as follows:

Animal Boarding: Any structure, land, or combination thereof used, designed, or arranged for the temporary boarding of domestic animals of another person for compensation; provided that this definition shall not include animal clinics, animal shelters, or animal breeding.

Section 2.

That the following definitions be added to Mitchell City Code Section 10-2-2:

Animal Breeding: Any structure, land, or combination thereof used, designed, or arranged for the keeping, harboring, or ownership of domestic animals with the intent to breed, raise, and sell any such domestic animal.

Animal, domestic: Any animal kept by humans for companionship and which is accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

Section 3.

That “Animal Breeding” be added as a conditional use in the following zoning districts:

R-L Residential Lake (10-5A-3)

R-1 Single Family Residential (10-5B-3)
R-2 Single Family Residential (10-5C-3)
R-3 Medium Density Residential (10-5D-3)
R-4 High Density Residential (10-5E-3)
R-5 Single Family and Manufactured Housing Residential (10-5F-3)
HB Highway Oriented Business (10-6B-3)
UD Urban Development (10-8C-3)

Section 4.

That "Animal Breeding" be added as a permitted use in the TWC Transportation, Warehousing and Commercial District (10-7A-2).

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2017.

Jerry Toomey – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____

Publish: July 13, 27, and August 10, 2017

Approximate Costs:

ORDINANCE NO. O2017-0

AN ORDINANCE REVISING SECTION 6-1-4(I)(3) OF THE MITCHELL CITY CODE REGARDING THE KEEPING OF HOGS WITHIN THE CITY.

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

Section 1.

That Section 6-1-4(I)(3) of the Mitchell City Code be repealed and replaced to read as follows:

3. No person shall place, keep or maintain any live hogs within the city except such hogs as are kept in the yards or pens of the railway companies for shipping purposes or in pens, houses or yards of the stockyards, packinghouses or butcher shops and kept for the purpose of immediate shipment or slaughter. Notwithstanding the preceding, hogs kept for human companionship and which are accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation and which are no heavier than fifty (50) pounds in weight shall be exempt from such prohibition.

Section 2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2017.

Jerry Toomey – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

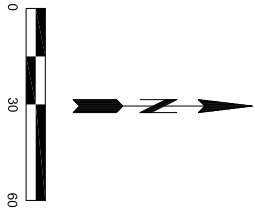
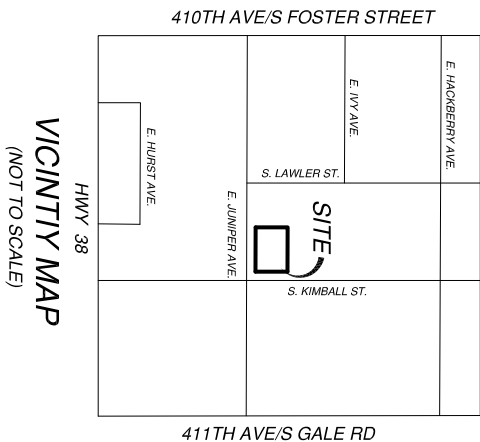
First Reading: _____

Second Reading: _____

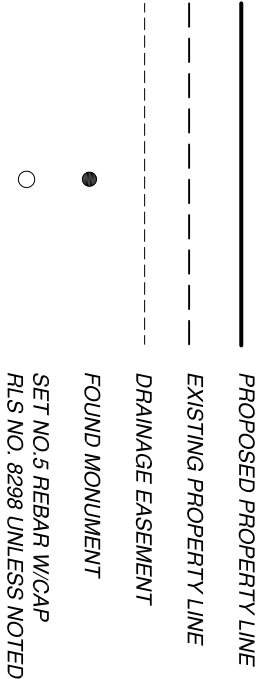
Adoption: _____

Published: _____

LOT 3 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION
TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA



LEGEND



SURVEYOR'S NOTES:

- 1. BASIS OF BEARING IS UTM 14 NORTH.
- 2. ALL DISTANCES ARE GROUND DISTANCES.
- 3. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EXISTING EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

FLOOD ZONE DATA

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 46035C0159C, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X.

ZONING

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

SETBACKS:

- FRONT = 25'
- REAR = 25'
- SIDE = 3' / 20' FOR CORNER LOT



PREPARED BY:



1111 N. LAKE AVENUE
SIOUX FALLS, SD 57104
PHONE: 605-271-5527
EMAIL: infrastructureddg.com

LOT 3 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION
TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

PROJECT NO.: 16099
DATE: 07/13/2017
DRAWN BY: RDK
CHECKED BY: RDK
SHEET NO: 1 OF 2

SURVEYOR'S CERTIFICATE

I, ROBERT D. KUMMER, A REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT I DID, ON OR BEFORE JULY 13TH, 2017, AS REQUESTED BY THE OWNER AND FOR THE PURPOSE OF CONVEYANCE, SURVEY SQUARE 17 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA AND SUBDIVIDED A PORTION INTO THAT PARCEL WHICH SHALL NOW BE KNOWN AS **LOT 3 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.**

DATED THIS ____ DAY OF _____, 2017.

ROBERT KUMMER
REGISTERED LAND SURVEYOR NO. 8298



OWNER'S CERTIFICATE

I/WE DO HEREBY CERTIFY THAT I/WE AM/ARE THE OWNER/S OF ALL LAND INCLUDED IN THE ABOVE PLAT AND THAT SAID PLAT HAS BEEN MADE AT MY/OUR REQUEST AND IN ACCORDANCE WITH MY/OUR INSTRUCTIONS FOR THE PURPOSE OF TRANSFER, AND THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL LAWS, ORDINANCES, AND REGULATIONS, PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATER OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL, IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATION OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY, THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATION THAT WASTEWATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

I/WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER THE STREETS, ROADS AND ALLEYS, AND PARKS AND PUBLIC GROUNDS, IF ANY, AS SHOWN ON SAID PLAT, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER DISTRIBUTION LINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER THE STREETS, ALLEYS, PARKS AND PUBLIC GROUNDS WHETHER SUCH IMPROVEMENTS ARE SHOWN OR NOT. I/WE ALSO HEREBY GRANT EASEMENTS TO RUN WITH THE LAND FOR WATER, DRAINAGE, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICE UNDER, ON, OR OVER THOSE STRIPS OF LAND DESIGNATED HEREON AS EASEMENTS.

DATED THIS ____ DAY OF _____, 2017.

ROGER KLOCK, OWNER
STATE OF: SOUTH DAKOTA)
COUNTY OF: DAVISON) :SS

ON THIS ____ DAY OF _____, 2017, BEFORE ME, _____, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED, ROGER KLOCK, WHO ACKNOWLEDGED HIMSELF TO BE THE OWNER OF ALL LAND INCLUDED IN THE FOREGOING PLAT.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS

____ DAY OF _____, 2017.

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES: _____

TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

LOT 3 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, THE PLAT OF **LOT 3 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**, HAS BEEN SUBMITTED TO THE CITY PLANNING COMMISSION OF SAID CITY OF MITCHELL, SOUTH DAKOTA; AND

WHEREAS, THE CITY PLANNING COMMISSION, IN REGULAR MEETING ASSEMBLED, HAD DULY CONSIDERED SAID PLAT AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR THE CITY OF MITCHELL, SOUTH DAKOTA, HERETOFORE ADOPTED BY THIS COMMISSION;

NOW THEREFORE, BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF **LOT 3 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**, BE AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA, IS HEREBY RECOMMENDED.

I, _____, CHAIRMAN OF THE CITY PLANNING COMMISSION FOR THE CITY OF MITCHELL, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE ____ DAY OF _____, 2017.

CHAIRMAN CITY PLANNING COMMISSION

RESOLUTION OF CITY COUNCIL

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 ____ DAY OF _____, 2017; AND

WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF **LOT 3 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**, THAT SAID PLAT 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 IN SQUARE 17 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**, BE AND THE SAME IS APPROVED AND THE DESCRIPTION SET FORTH THEREIN AND THE ACCOMPANYING SURVEYOR'S CERTIFICATE SHALL PREVAIL.

I, _____, FINANCE OFFICER OF THE CITY OF MITCHELL, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE ____ DAY OF _____, 2017.

FINANCE OFFICER

COUNTY TREASURER'S CERTIFICATE

I, TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE (AND THE FOREGOING) PLATS, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID.

DATED THIS ____ DAY OF _____, 2017.

COUNTY TREASURER
DAVISON COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION
DAVISON COUNTY, SOUTH DAKOTA

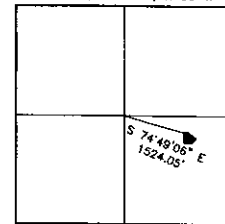
REGISTER OF DEEDS

FILED FOR RECORD THIS ____ DAY OF _____, 2017, AT ____ O'CLOCK ____M., AND RECORDED IN BOOK ____ OF PLATS ON PAGE ____.

REGISTER OF DEEDS
DAVISON COUNTY, SOUTH DAKOTA



(IN FEET)
1 inch = 100 ft.



LOCATION MAP
SCALE 1" = 5000'

LEGEND

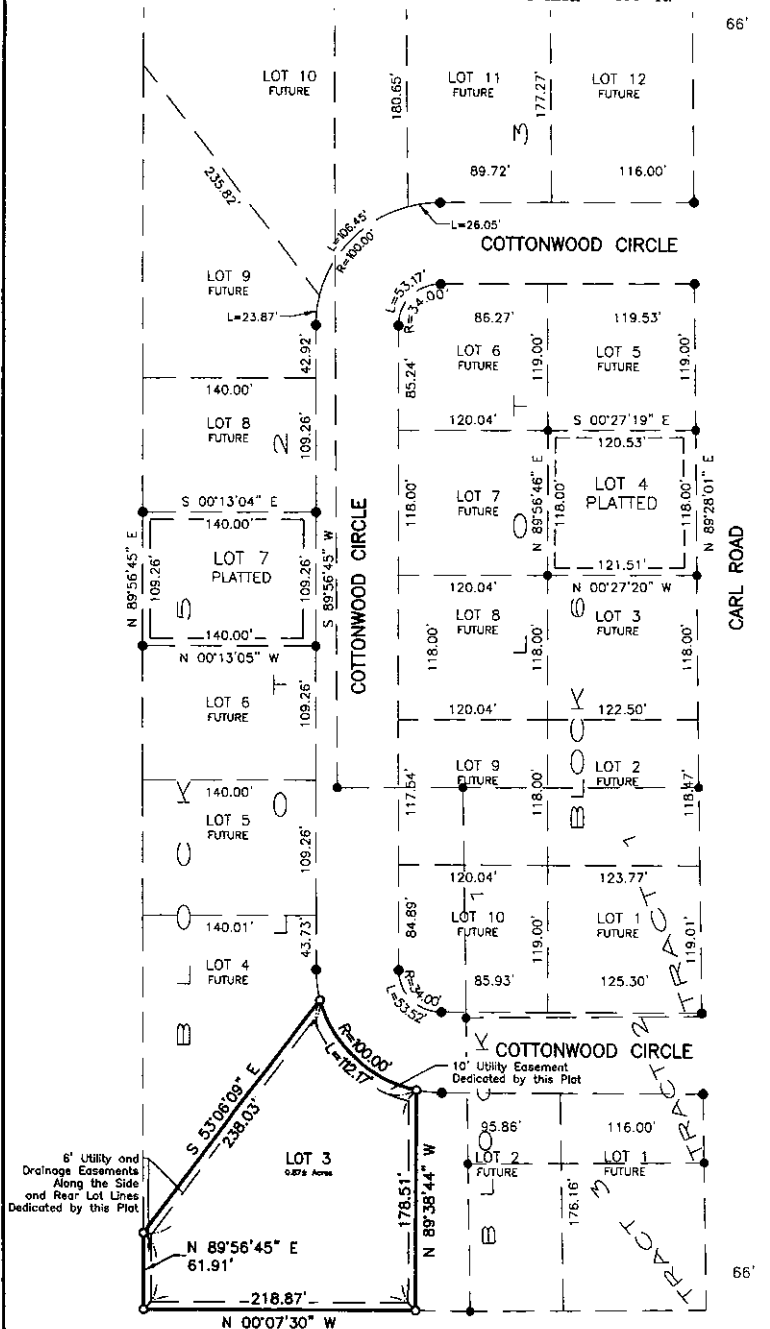
- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊠ = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER P.W.-6702
- WM = WITNESS MONUMENT

PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

ASSUMED COORDINATES

EASEMENTS WITHIN LOT 3, BLOCK 5 DEDICATED BY THIS PLAT:

- 10' UTILITY EASEMENT ALONG COTTONWOOD CIRCLE
- 6' UTILITY AND DRAINAGE EASEMENTS ALONG THE SIDES AND REAR



A PLAT OF LOT 3, BLOCK 5 OF 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.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Ethan Co-op Lumber Association, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to July 10, 2017, survey those parcels of land described as follows: LOT 3, BLOCK 5 OF 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.

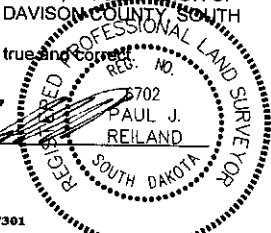
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 10TH day of JULY, 2017.

Registered Land Surveyor #SD6702

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



2100 North Sanborn Blvd. ~ P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 FAX: (605) 996-0014

CITY OF MITCHELL

City Council Meeting
Agenda Item Request

The deadline for agenda items is Wednesday at noon, prior to the City Council Meeting



Meeting Date Requested: Requested By:

Desired Action of City Council: ☐ Authorization ☐ Approval ☐ Resolution
☒ Ordinance ☐ Citizen Request ☐ Discussion

Amount Budgeted in current fiscal year for this item (if applicable):

Agenda Item:

Explanation/Background of Agenda Item Requested:

The City of Mitchell is occasionally involved in lawsuits regarding drainage of storm water leaving the city limits. Oftentimes these are disputes by downstream landowners who have to deal with whatever quantity of water is coming through their properties.

Our existing chapter on storm drainage requires drainage plans on developments one acre or greater as part of applying for a building permit. It doesn't currently give the option to require drainage plans for smaller developments, even if a drainage plan is advisable. The first change would allow plans to be required if the Director of Public Works determines the potential development may cause, create, or aggravate drainage problems.

The second change allows for a building permit to be refused, denied, or revoked if the property owner cannot sufficiently demonstrate that the development will not significantly alter the nature and quantity of water projected downstream.

The third change would be to prohibit alteration of a drainage system component unless such alteration is re-submitted and approved.

The fourth change would provide for public notice upon the issuance of a building permit where a drainage plan was required and explaining the right to appeal the issuance of the building permit.

The overall goal is to allow the City greater flexibility in ensuring that storm water is being drained properly. This benefits established sites, new developments, and our downstream neighbors.

ORDINANCE NO. O2017-10

AN ORDINANCE REVISING ARTICLE C OF CHAPTER 8-9 OF THE MITCHELL CITY CODE REGARDING STORM DRAINAGE.

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

That certain sections of Mitchell City Code Chapter 8-9C, STORM DRAINAGE AND DETENTION POND DISCHARGES, be AMENDED and/or ADDED as follows:

Section 1.

The first paragraph of Section 8-9C-6: Drainage Plan Submittal Requirements, be amended to read:

A drainage plan may be required for any development which has the potential to unreasonably alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows from a property and shall be required for developments one acre or greater. Water quality provisions for public roadway projects will be provided to the extent practical. The submittal shall include sufficient information to evaluate the environmental characteristic of the property, the potential adverse impacts on the development on water resources, both on site and downstream, and the effectiveness of the proposed drainage plan in managing stormwater runoff. The applicant shall certify on the drawings that all clearing, grading, drainage and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions. Properties smaller than ten (10) acres shall submit only the basic drainage plan called for in subsection A of this section. Properties larger than ten (10) acres shall comply with the submittal requirements of both the basic drainage plan and the advanced drainage plan of subsection B of this section. An applicant may be denied or refused a building permit if the submitted drainage plan fails to prove that any alteration to the magnitude, frequency, deviation, direction, or velocity of stormwater flows is reasonable.

All other portions of 8-9C-6 shall continue in full force and effect without alteration.

Section 2.

The following language be added as subsection B to Section 8-9C-14: Enforcement:

The City may issue a stop work order or may revoke any permits previously granted by the City relating to the violating property. A stop work order or permit revocation may be appealed in the same manner as for a Notice of Violation.

Section 3.

A new section, to read as follows, be added as Section 8-9C-23: Existing Drainage Systems and Alterations:

No person may alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows. A person charged with a violation of this section may raise as an affirmative defense that such alteration is reasonable. All drainage systems within the City of Mitchell, whether placed prior to or subsequent to the passage of this section, shall be subject to this section.

Section 4.

A new section, to read as follows, be added as Section 8-9C-24: Public Notice and Appeal:

A. Whenever a building permit is issued relating to a property for which a drainage plan was required, submitted, and approved, the City shall publish notice on the City's website and/or in the designated official newspaper.

B. The notice shall include the location of the development and a description of where the drainage flow is expected to run. The notice shall also state that any party believing to be adversely affected by such drainage may file an appeal, within ten (10) days of the posting of the notice, regarding the issuance of the building permit pursuant to Mitchell City Code section 1-6-3.

C. The city council shall hear such an appeal and render its decision as to whether the building permit was properly issued and shall specifically make a determination whether or not the submitted drainage plan's proposed alteration is reasonable. The city council, in determining reasonableness, shall weigh all evidence presented which may include factors such as the respective uses of land and drainage by each party, topography, volume and direction of drainage, consequences of drainage, effects of artificial changes in drainage, alternatives, and avoidance of unnecessary injury. The council's decision on whether the building permit was properly issued shall be final.

D. No property interest shall arise in such a building permit until after the time to file an appeal has expired or until after the city council has determined on appeal that the issuance was proper, whichever is later, and, if the council determines that the building permit was not properly issued, the building permit shall be deemed to have never been issued.

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2017.

Jerry Toomey – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____