

**CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
COUNCIL CHAMBERS, CITY HALL, 612 N MAIN ST
DATE: OCTOBER 22, 2018 TIME: 12:00 PM (NOON)**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. Declaration Of Conflicts Of Interests**
- 4. APPROVE AGENDA:**
- 5. APPROVAL OF MINUTES OF OCTOBER 9, 2018**

Documents:

[PLANNINGCOMM10092018.PDF](#)

- 6. SCHEDULE NEXT MEETING NOVEMBER 13, 2018 TUESDAY**
- 7. Plan Approval: 901 N Main St, Central Business District**

Documents:

[901NMAIN.PDF](#)
[901NMAINPLAN.PDF](#)

- 8. PLAT: A Plat Of Lots 7-A And 7-B, Block 92, John Lawler's Second Addition To The City Of Mitchell, Davison County, South Dakota**

Documents:

[PLAT7A7BB92LAWLER2ND.PDF](#)
[L7A7BB92LAWLER2NDAERIAL.PDF](#)

- 9. Conditional Use Permit:**

John & Lisa Mentele has applied for a conditional use permit/massage business/home occupation at their home located at 1206 W Hanson Ave, legally described as Lot 9, Western Heights Addition, City of Mitchell, Davison County, South Dakota. Zoned R3 Medium Density Residential District.

Documents:

[MENTELENH.PDF](#)
[MENTECUPNEIGHBORSLETTER.PDF](#)
[MENTELENIGHBORS.PDF](#)
[MENTECUPMAP.PDF](#)
[MENTECUPAERIAL.PDF](#)

- 10. VARIANCE:**

Bill & Pamela Wittstruck have requested a front yard variance of 0 feet vs 35 feet as required to construct an unenclosed front porch at their home at 316 E Hackberry Ave, legally described as Lots 10 & 11, Block 4, Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota. Zoned HB Highway Oriented Business District.

Documents:

[WITTSTRUCKPLAN.PDF](#)
[NOHWITTSTRUCKVAR2018.PDF](#)
[WITTSTRUCKNEIGHBORS.PDF](#)
[WITTSTRUCKLETTERS.PDF](#)
[WITTSTRUCKVARAERIAL.PDF](#)

11. Rezoning: Bechen & Mitchell Concrete Applicants

Changing the Zoning District Classification of the real property legally described as: Lots 1, 2, 3, 4, 13 & 14 & N 200 feet of the alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing, and Commercial District and the official zoning map be changed to reflect the same.

Documents:

[BECHENAPP.PDF](#)
[BECHENNOH.PDF](#)
[BECHENNEIGHBORS.PDF](#)
[BECHENNEIGHBORLETTERS.PDF](#)
[BECHENPETITIONS.PDF](#)
[BECHENREZONE.PDF](#)
[BECHENPLANS.PDF](#)
[BECHENMISC.PDF](#)

12. Rezone:

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Block 52. Block 53, Lots 6-10, Block 54, Capital Addition, City of Mitchell, Davison County, South Dakota from TWC Transportation Warehousing and Commercial to R4 High Density Residential District and the official zoning map be changed to reflect the same.

Documents:

[W9THZONINGNOH.PDF](#)
[W9THZONINGNEIGHBORLETTERS.PDF](#)
[W9THNEIGHBORSLETTER.PDF](#)
[W9THNEIGHBORS.PDF](#)
[W9THZONINGMAP.PDF](#)
[W9THZONINGAERIAL.PDF](#)

13. OTHER BUSINESS:

14. PUBLIC INPUT: If You Need To Address The City Planning Commission 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.

15. 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
October 9, 2018, MINUTES**

NOT APPROVED

Chairman Larson called the October 9, 2018 meeting to order at 12:00 pm in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD.

Members Present: Larson, Fergen, Genzlinger, Jirsa, Osterloo and Allen
Members Absent: Quenzer & Molumby

Staff Present: Putnam, Hegg, London, Ellwein, Croce, T. Johnson, and J. Johnson.

Declaration of Conflicts of Interest: none

Approval of Agenda: Putnam noted #8 has been withdrawn. Motion by Jirsa, seconded by Osterloo to approve the agenda. All members present voting aye, motion carried.

Approval of Minutes: Motion by Fergen, seconded by Osterloo to approve the minutes of the September 24, 2018 meeting. All members voting aye, motion carried.

Next Meeting: Motion by Fergen, seconded by Jirsa to schedule the next meeting for October 22, 2018. All members present voting aye, motion carried.

Approval of Plat: A Plat of Lot 6-7-B, Block 7 of Westwood First Addition, A Subdivision of the SW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. Chuck Mauszycki Sr was present to answer questions. This plat identifies unplatted and platted areas. Motion by Jirsa, seconded by Osterloo to approve the plat. All members present voting aye, motion carried.

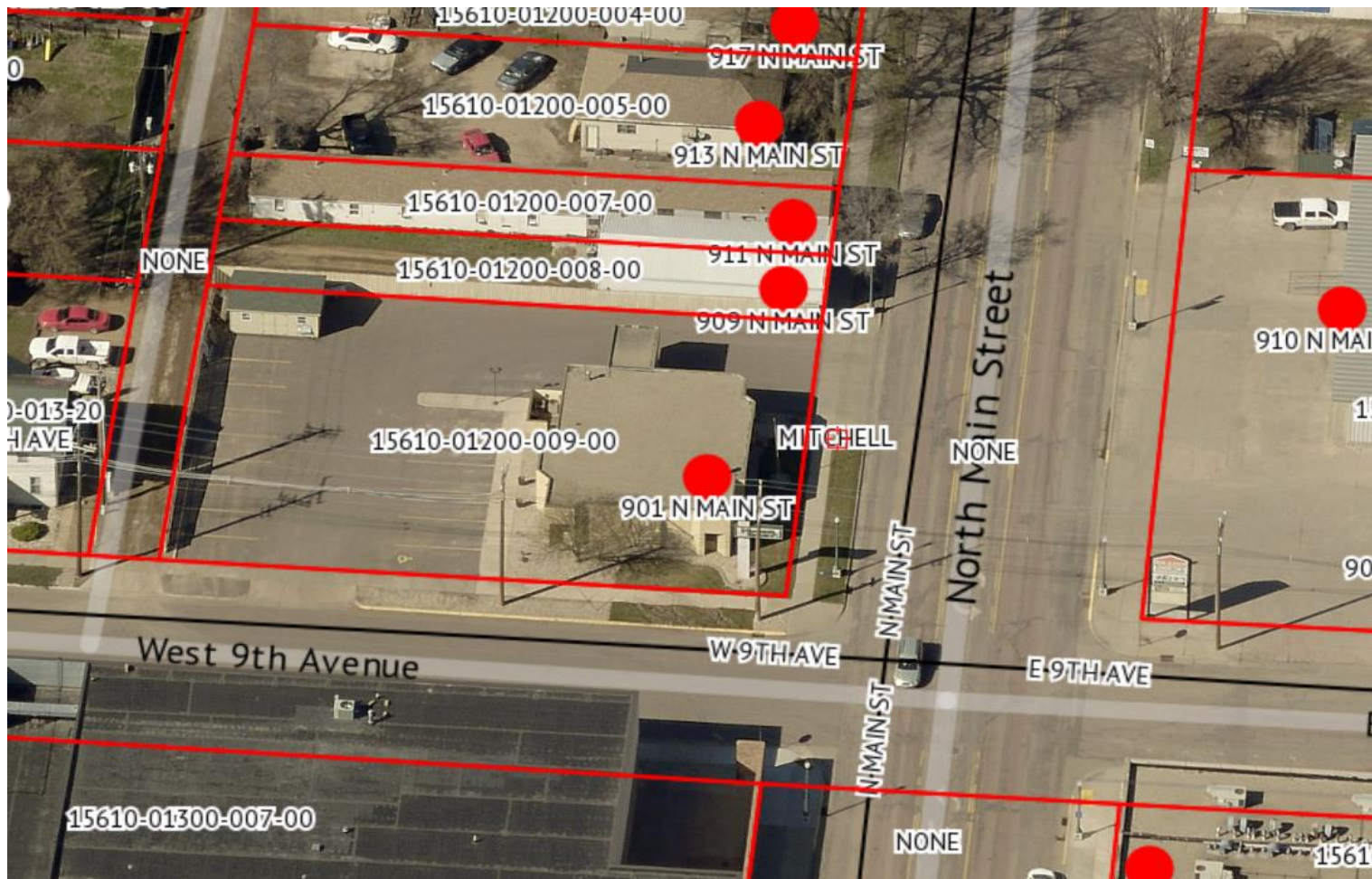
Approval of Plat: A Plat of Lots 7-A and 7-B, Block 92, John Lawler's Second Addition to the City of Mitchell, Davison County, South Dakota. The plat is withdrawn.

Public Input: none

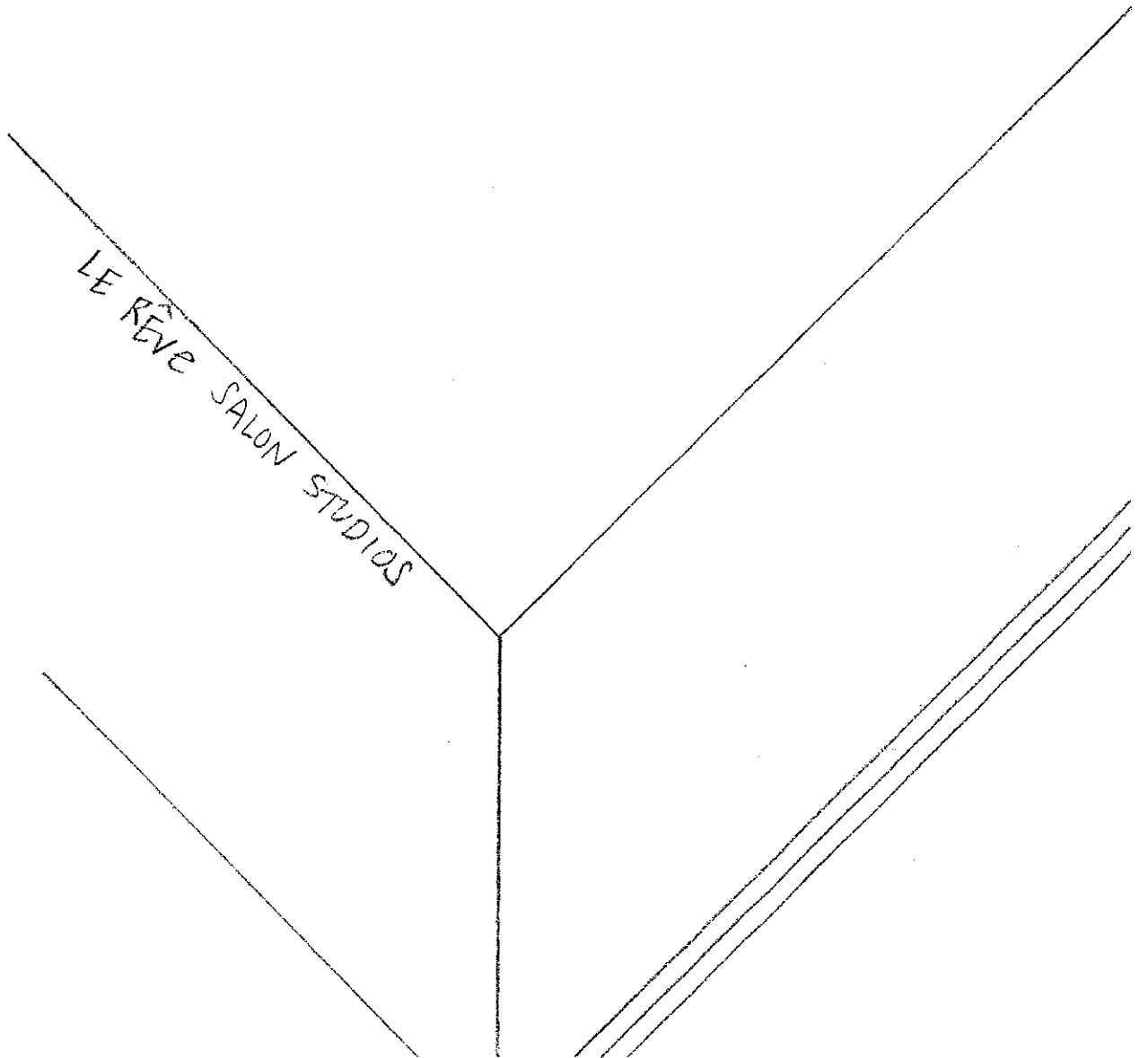
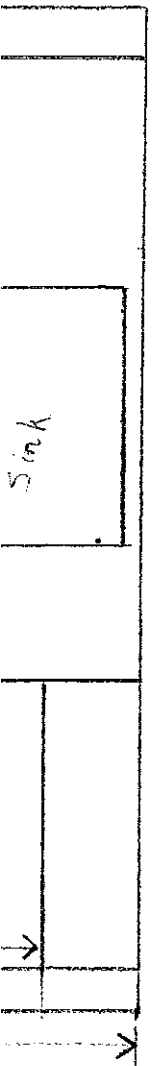
Chairman Larson adjourned the meeting at 12:07 pm.

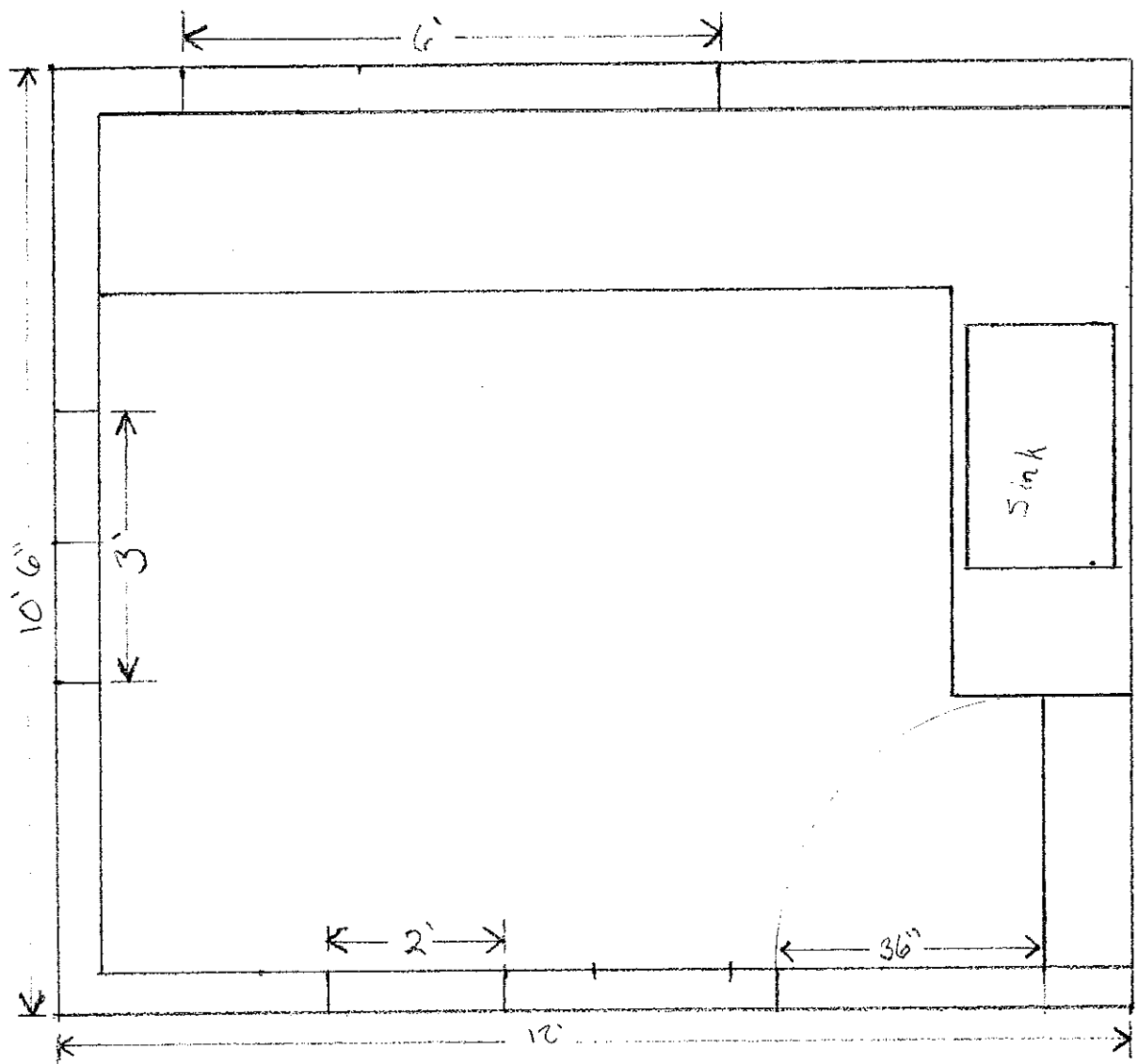
Chairman

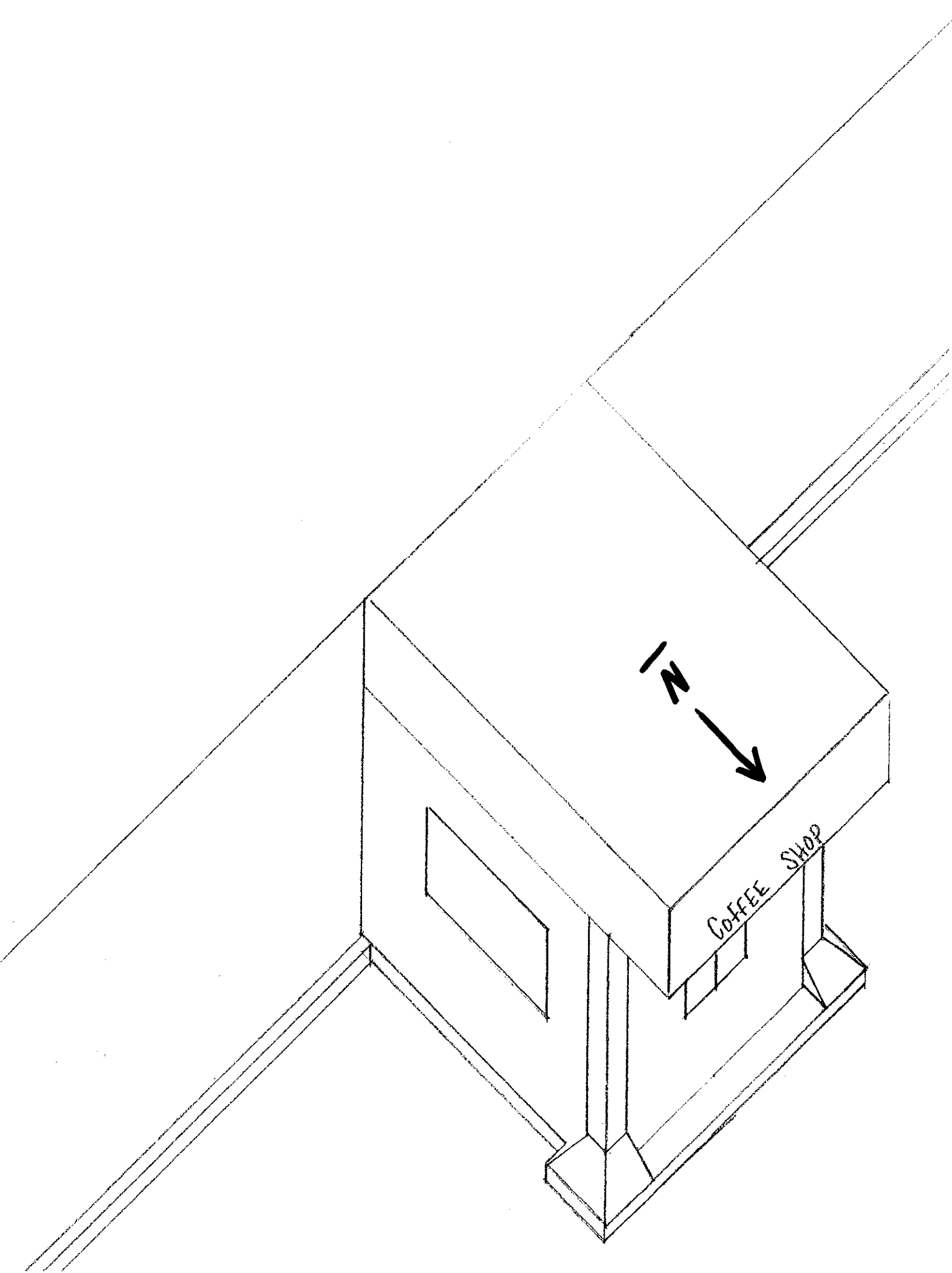
Date



901 N MAIN ST









1 Inch = 20 Feet

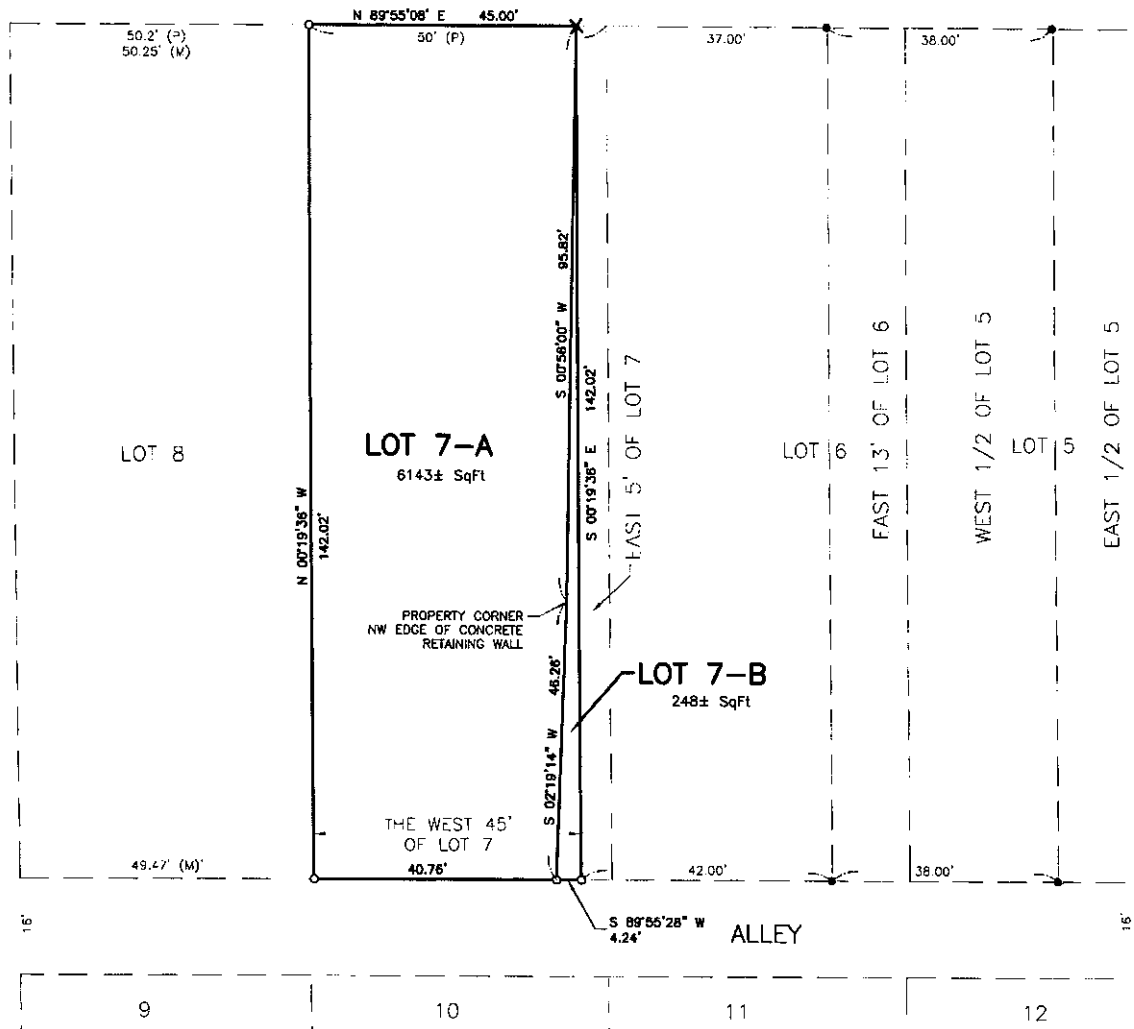
LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 8298
- 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 PCK-8298
- WM = WITNESS MONUMENT
- X = X IN CONCRETE

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

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH
ZONE, STATE PLANE - NORTH AMERICAN
DATUM 1983 - GEOID 128.

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT OR TITLE
COMMITMENT. EASEMENTS OF RECORD WERE
NOT RESEARCHED AND ARE NOT SHOWN
UNLESS OTHERWISE NOTED.

WEST 3rd AVENUE**NORTH IOWA STREET**

A PLAT OF LOTS 7-A AND 7-B, BLOCK 92, JOHN LAWLER'S SECOND ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

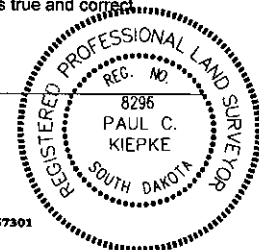
I, Paul C. Kiepke, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of the owners as listed in the Owner's Certificate, and under their direction for purposes indicated therein, I did on or prior to September 28, 2018, survey those parcels of land described as follows: LOTS 7-A AND 7-B, BLOCK 92, JOHN LAWLER'S SECOND ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA. This plat does hereby vacate THE WEST 45' OF LOT 7, BLOCK 92, JOHN LAWLER'S SECOND ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN BOOK 1 OF MISCELLANEOUS RECORDS, PAGE 180.

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 _____ day of _____, 2018.

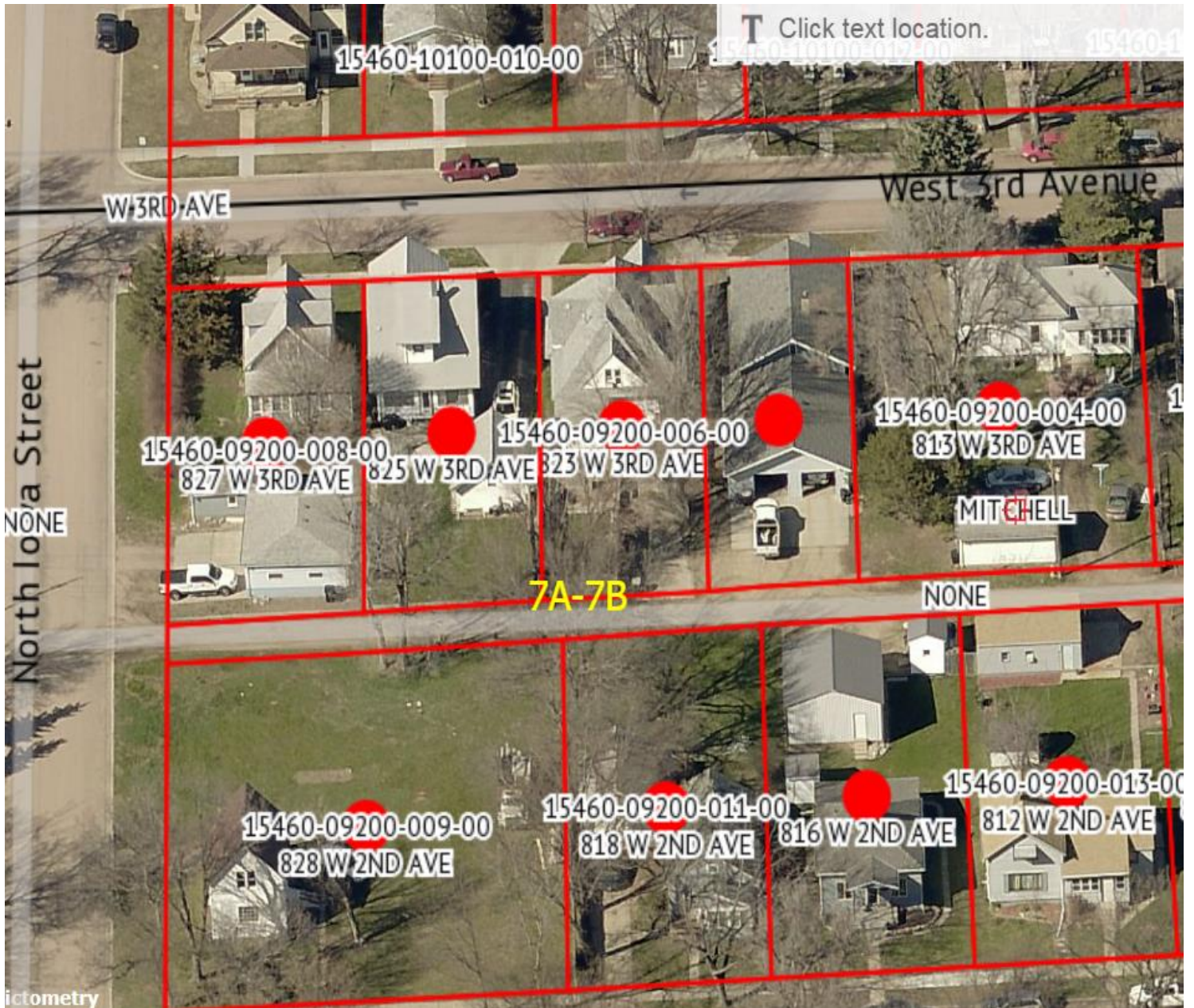
Registered Land Surveyor #SD8296

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



7301



NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that John & Lisa Mentele have applied for a conditional use permit/massage business/home occupation at their home at 1206 W Hanson Ave legally described as Lot 9, Western Heights Addition, City of Mitchell, Davison County, South Dakota. Zoned (R3) Medium Density Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the Planning Commission on October 22, 2018 at 12:00 P.M and the Board of Adjustment on November 5, 2018 at 6:00 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 5th day of October 2018.

Michelle Bathke

FINANCE OFFICER

Publish twice: October 11 & 25, 2018
Approximate Cost:

October 10, 2018

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that John & Lisa Mentele have applied for a conditional use permit/massage business/home occupation at their home at 1206 W. Hanson Ave, legally described as Lot 9, Western Heights Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R3 Medium Density Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the Planning Commission on October 22, 2018, 12:00 P.M and the Board of Adjustment on November 5, 2018 at 6:00 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

I/We TRANS/JEN WITTENHAGEN
OWNER

1200 WEST HANSON
ADDRESS

☒ APPROVE

☐ DISAPPROVE

No response will indicate approval.

COMMENTS:

JOHN & LISA MENTELE
1206 W HANSON AVE
MITCHELL SD 57301

DENNIS & MARY NATH
1204 W HANSON AVE
MITCHELL SD 57301

DARRELL & SHIRLEY BENNETT
1202 W HANSON AVE
MITCHELL SD 57301

KEITH & CAROL SMITH
1300 W HANSON AVE
MITCHELL SD 57301

JONATHAN & DANA BASSETT
1306 W HANSON AVE
MITCHELL SD 57301

SCOTT & STEPHANIE FRIESEN
1323 W HANSON AVE
MITCHELL SD 57301

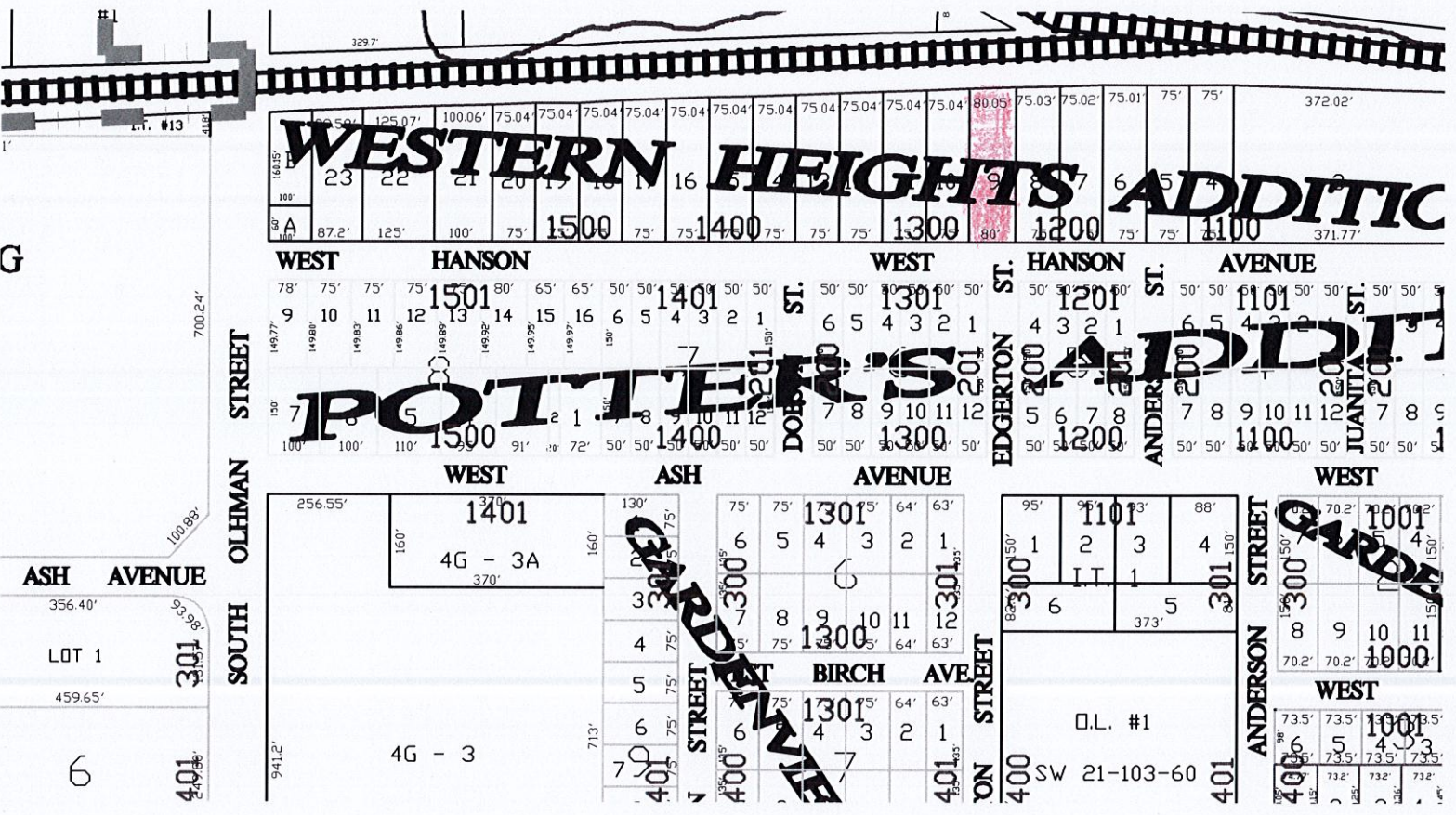
BUTTERCUP LLC
417 SWITCH GRASS TRAIL
BRANDON SD 57005

DELBERT JOHNSON
DEBRA HAYFORD
1301 W HANSON AVE
MITCHELL SD 57301

CYNTHIA & BRIAN PETERSON
1221 W HANSON AVE
MITCHELL SD 57301

CHARLES & ALICE SOMMER
1201 W HANSON AVE
MITCHELL SD 57301

TRAVIS WITTENHAGEN
JENNIFER EASTON
1200 W HANSON AVE
MITCHELL SD 57301

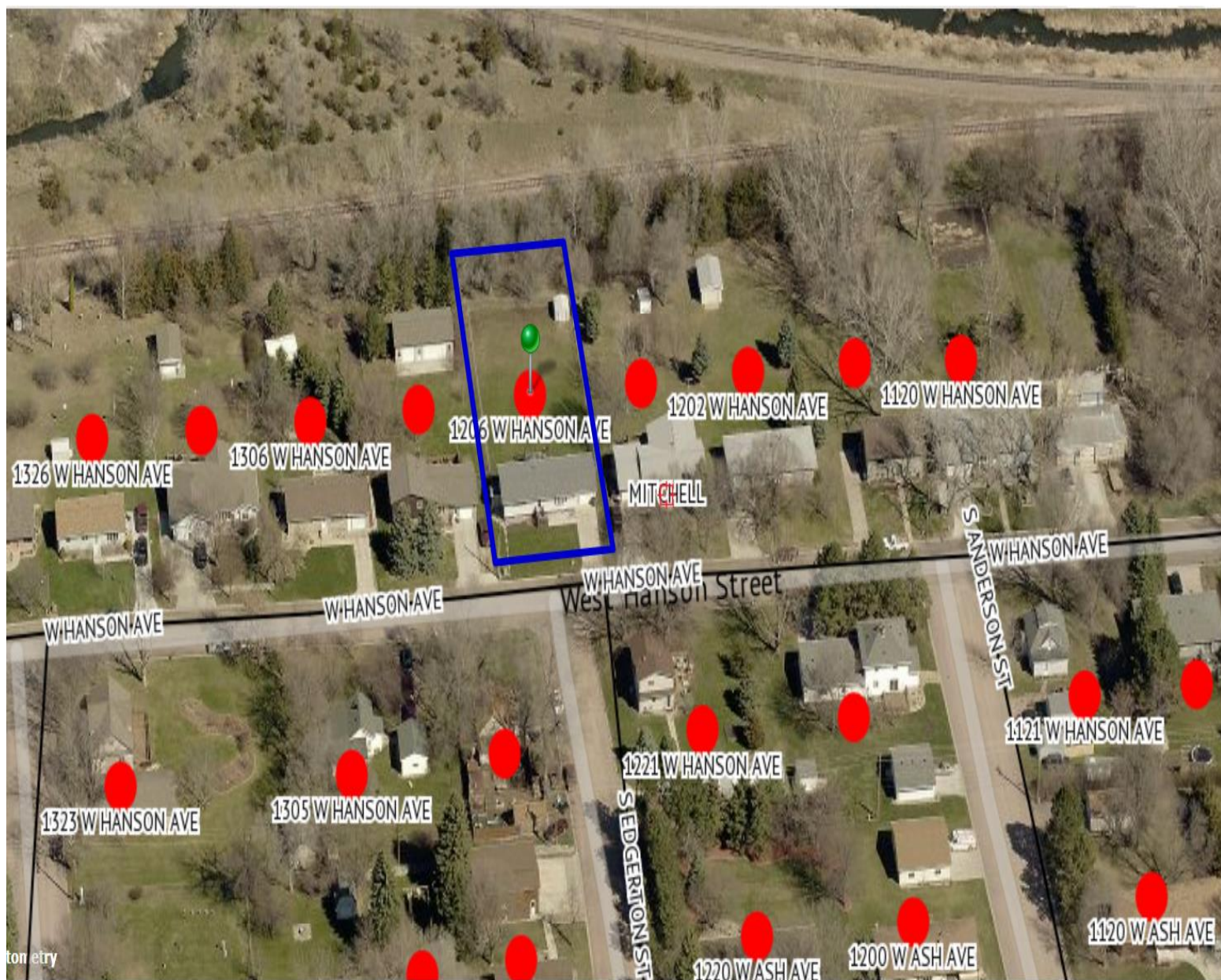


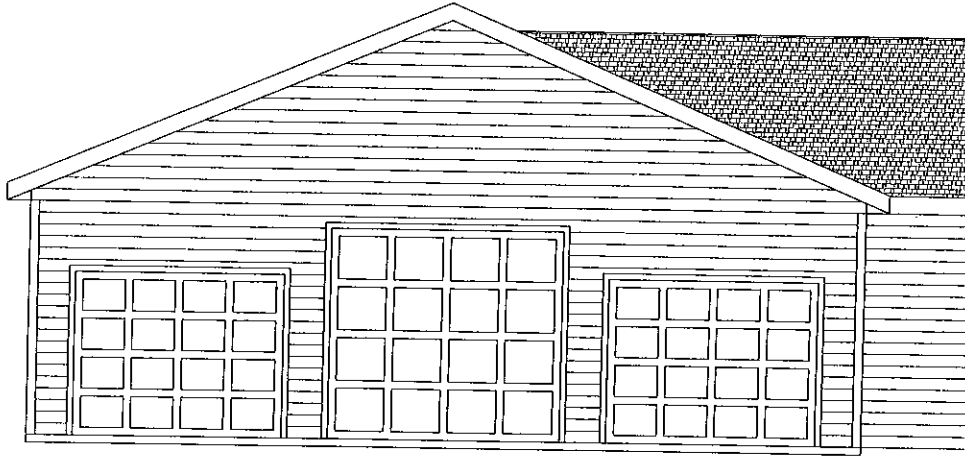
G

ASH AVENUE
356.40'
LOT 1
459.65'
6
401

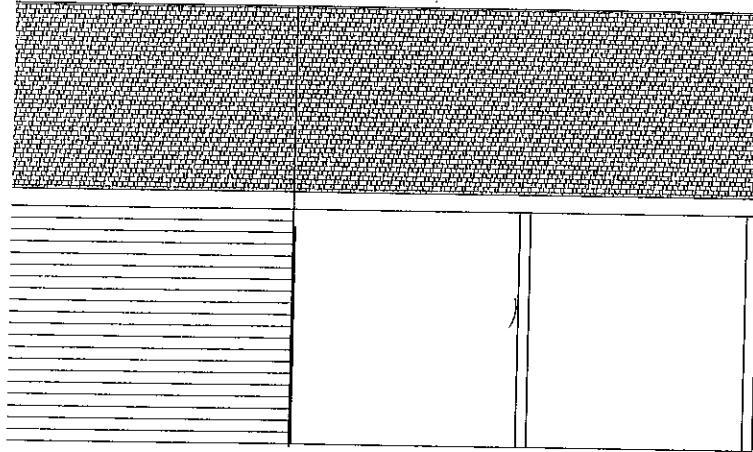
SOUTH OLHMAN STREET

WEST HANSON WEST HANSON WEST AVENUE
1501 1401 1301 1201 1101
1500 1400 1300 1200 1100
POTTER
DOLAN
EDGERTON ST. ANDERSON ST. JUANITA ST.
WEST ASH AVENUE WEST
1401 1301 1201 1101
4G - 3A
4G - 3
BIRCH AVE
D.L. #1
SW 21-103-60
ANDERSON STREET
401





① South
3/16" = 1'-0"



② West
3/16" = 1'-0"

PO Box 167 117 West Ash Street
Etham, SD 57334
Office: (605) 227-4224
Fax: (605) 227-4225
www.ethancooplumber.com



A2

Bill Wittstruck

Date Revised:	July 25, 2018
Sheet Name:	Elevations
Scale:	3/16" = 1'-0"
Drawn By:	Ashley Gunnare

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED, that Bill & Pamela Wittstruck have applied for a front yard variance of 0' vs 35' to construct an unenclosed porch to their home at 316 E Hackberry Ave, legally described as Lots 10 & 11, Block 4, Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota. Zoned (HB) Highway Oriented Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the Planning Commission on October 22, 2018 at 12:00 P.M and the Board of Adjustment on November 5, 2018 at 6:00 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 3rd day of October 2018.

Michelle Bathke

FINANCE OFFICER

Publish once: October 11, 2018
Approximate Cost:

KOUPAL FAMILY TRUST
32 N HARMON DR
MITCHELL SD 57301

REYNOLDSON COFFEE YANTON LLC
1907 BROADWAY
YANKTON SD 57078

WILLIAM SCHOENFELDER
915 S LANGDON ST
MITCHELL SD 57301

ROBERT & ELAINE DOUGHERTY
313 HACKBERRY
MITCHELL SD 57301

DENNIS & WYONNE KAEMINGK
1312 MITCHELL BLVD
MITCHELL SD 57301

DAREN & KELLY STERK
401 E HACKBERRY
MITCHELL SD 57301

CHRISTINE WITTSTRUCK
413 E HACKBERRY
MITCHELL SD 57301

WILBEMAC INC
PO BOX 34
ABERDEEN SD 57402

HENRY & PATRICIA FLACK
PO BOX 1129
MITCHELL SD 57301



October 10, 2018

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED, that Bill & Pamela Wittstruck have applied for a front yard variance of 0 feet vs 35 feet as required for construction of an unenclosed porch at their home at 316 E Hackberry Ave the property is legally described as Lots 10 & 11, Block 4, Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Oriented Business District.

YOU ARE FURTHER NOTIFIED, the public hearings in regards to the conditional use permit will be held by the Planning Commission on October 22, 2018 at 12:00 pm and the City Council acting as the Board of Adjustment will conduct their hearing on November 5, 2018 at 6:00 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 Kouzel Family Trust Don Kouzel
OWNER Trustee
Lots 7, 8, 9, Weavers II
ADDRESS

☒ APPROVE

☐ DISAPPROVE

No response will indicate approval.

COMMENTS:



APPLICATION FOR REZONING

TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned Dave Bechen, applicant(s) and Mitchell Concrete Products Co. owner(s), are hereby making an application for rezoning pursuant to the provisions of the City of Mitchell Zoning Code.

This Application is for the following described real property:

Lots 1, 2, 3, 4, 13, 14 and N 200' of alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota. The applicant wishes to rezone property from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District and the official zoning map be changed.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant and Owner request that dates be set for public hearings before the Mitchell Planning Commission and City Council. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

Dated this 4th of Oct., 2018.

Dave Bechen
APPLICANT

Dean Robideau
OWNER

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, October 22, 2018 at 12:00 pm, the City Council will consider 1st Reading of the Ordinance on Monday, November 5, 2018 at 6:00 pm and 2nd Reading and Adoption on Monday, November 19, 2018 at 6:00 pm, all meetings will be held in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD. All interested parties are encouraged to attend the meetings.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lots 1, 2, 3, 4, 13, 14 & N 200' of alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO THE REFLECT THE SAME.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1: THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lots 1, 2, 3, 4, 13, 14 & N 200' of alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing, and Commercial District and the Official Zoning Map be changed to reflect the same.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this the _____ day of _____, 2018.

MAYOR

ATTEST:

FINANCE OFFICER

{SEAL}

FIRST READING:
SECOND READING:
ADOPTION:

Published three times: October 11, 25, & November 8, 2018,

Approximate Costs:

MITCHELL SCHOOL DISTRICT 17-2
800 W 10TH AVE
MITCHELL SD 57301

NORTHWESTERN PUBLIC SERVICE
PO BOX 1350
HURON SD 57350

MITCHELL TOWNHOMES
7447 UNIVERSITY AVE #201
MIDDLETON WI 53562

DANIEL & ANGELA MASTEL
714 W 7TH AVE
MITCHELL SD 57301

FRANCISCO & JANEL CONTRERAS
710 W 7TH AVE
MITCHELL SD 57301

DWIGHT & BARBARA STADLER
700 W 7TH AVE
MITCHELL SD 57301

SANDRA CHRISTOPHERSON
622 W 7TH AVE
MITCHELL SD 57301

KAY LABRECHE
620 W 7TH AVE
MITCHELL SD 57301

CHARLES & BEVERLY RUMBOLZ
618 W 7TH AVE
MITCHELL SD 57301

DEAN ROBIDEAU
2500 SHANARD RD
MITCHELL SD 57301

MITCHELL CONCRETE INC
721 N EDMUNDS ST
MITCHELL SD 57301

DAKOTA COUNSELING INST.
910 W HAVENS AVE
MITCHELL SD 57301

DEREK & DEBORAH VENDT
804 W 7TH AVE
MITCHELL SD 57301

CLARKE COMPANIES LLC
470035 250TH ST
BALTIMORE SD 57003



October 10, 2018

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that the City Planning Commission and the City Council will consider the application of Dave Bechen & Mitchell Concrete Inc to rezone the following property: Lots 1, 2, 3, 4, 13, 14 & N 200 feet of the alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District and the Official Zoning Map is to be changed to reflect the same. Mr. Bechen is proposing construction of a commercial building.

YOU ARE FURTHER NOTIFIED, that the following hearings will be held by the Planning Commission on October 22, 2018 at 12:00 pm and the City Council will hold first reading on November 5, 2018 at 6:00 pm and second reading and adoption is scheduled for November 19, 2018 at 6:00 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

I/We Dwight D. Stadler Barbara M. Stadler
OWNER
700 W 7th Ave, Mitchell, SD

ADDRESS

____ APPROVE

☒ DISAPPROVE

No response will indicate approval.

COMMENTS: *Not in keeping with City Code to preserve the harmony, integrity, safety & welfare, continuity, & property values of the neighborhood. This is a single-family dwelling district not an industrial district. Mr. Bechen's sole purpose is to satisfy his own personal gain at the expense of an entire neighborhood & residential property owners. See attached letter.* *Outside expectations*

700 W 7th Ave
Mitchell, SD 57301

October 13, 2018

RE: Notice of Bechen & Mitchell Cement proposal to rezone lots 1, 2, 3, 4, 13, 14, and N 200' of alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota

Honorable Planning and Zoning Commission Members:

This letter is an attachment to the October 10, 2018 written notice we received regarding the subject rezoning proposal. We adamantly DISAPPROVE. Our handwritten response on the notice may be difficult to read, so we are repeating it in this letter with additional comments and photos.

The rezoning proposal is not in keeping with the City Code to preserve the harmony, integrity, safety and welfare, and property values of the neighborhood and surrounding area. This is a single-family dwelling district, NOT an industrial district. Mr. Bechen's sole reason and purpose for buying and rezoning the property is the cost of the property. He does not want to pay fair market value prices of industrial zoned land, thus this is purely to satisfy his own personal gain at the expense, and to the detriment of, an entire neighborhood and residential property owners.

I retired at the end of December 2017 and moved with my family back to my home State of South Dakota after 30+ years in the military and working in the VA. We chose the home we live in because of its beauty and historic charm. (See photos below. Obviously, we are ready for Halloween.)





During the purchase process, we asked the real estate agent if the property behind our home, the subject property Mr. Bechen is proposing to rezone to commercial, was for sale. The real estate agent told us the owner wasn't interested in selling. Our dream was to make this home our forever home and make it even more beautiful. Sadly, tragically, we're now faced with the possibility of having an ugly industrial commercial structure immediately behind our home and the associated additional commercial traffic and other annoyances. In turn, we may have no choice but to sell and leave the Mitchell area, most likely at a loss because no one we ever met wants to buy a home next to an industrial business. We do not want to live in a community that gives preferential treatment to industrial construction type businesses over that of residential neighborhoods.

Mr. Bechen's personal greed clouds his moral and ethical values and consideration of how a commercial industrial business will negatively impact an entire neighborhood. His sole reasoning is his unwillingness to pay fair market value prices for industrial district property. And, there is plenty of property available more suitable for his business less than a mile away off the same W 8th Avenue he proposes to build his industrial structure. (See photos below. Note the street sign – W 8th Ave - and the same kind of structures as Mr. Bechen proposes to build. Do you see the similarities and understand the reason Mr. Bechen's business does not belong in a residential district?)



Instead he'd rather buy property in a residential district at a lower price, imposing his will upon an entire neighborhood and community regardless of the negative consequences to the surrounding property owners. In short, this is the kind of unpleasantness we have moved into, which from our viewpoint, does not reflect well on the City of Mitchell and especially the moral and ethical values of Mr. Bechen. Finally, we are willing to buy the subject property at a **fair and reasonable** price to preserve it and add some trees to obscure the unsightly electric substation. We would think the City of Mitchell would be more interested in making the residential areas in relatively close proximity to the Corn Palace and the Mitchell Middle School more attractive to tourists and those seeking to move to Mitchell, not degrading the area with unsightly industrial commerce. There is a reason industry is kept more isolated.

So Mr. Bechen is proposing to turn this



. Into this:



(see more on next page)



Our closing questions to all of you are simple: How many of you are willing to have this kind of a commercial industrial business located next to your home?? If you're not willing to have such, then why would you impose such upon our neighborhood and my family? We observed that Mr. Bechen appears to have ample room on his own residential property, so why doesn't he build his business there? If our residential area is good enough for him based on cost, his own property should be exponentially less expensive, saving him tens, if not hundreds, of thousands of dollars.

Sincerely,

A stylized, cursive handwritten signature in blue ink, appearing to read 'D. Stadler'.

Dwight D. Stadler

A cursive handwritten signature in blue ink, clearly legible as 'Barbara M. Stadler'.

Barbara M. Stadler



October 10, 2018

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that the City Planning Commission and the City Council will consider the application of Dave Bechen & Mitchell Concrete Inc to rezone the following property: Lots 1, 2, 3, 4, 13, 14 & N 200 feet of the alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District and the Official Zoning Map is to be changed to reflect the same. Mr. Bechen is proposing construction of a commercial building.

YOU ARE FURTHER NOTIFIED, that the following hearings will be held by the Planning Commission on October 22, 2018 at 12:00 pm and the City Council will hold first reading on November 5, 2018 at 6:00 pm and second reading and adoption is scheduled for November 19, 2018 at 6:00 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

I/We Fran and Janel Contreras
OWNER

710 W 7th Ave. Mitchell
ADDRESS

 APPROVE

~~X~~ DISAPPROVE

No response will indicate approval.

COMMENTS:

Outside expectations

Neil Putnam

From: Janel Contreras <mypartyofsix@hotmail.com>
Sent: Thursday, October 11, 2018 5:08 PM
To: Neil Putnam
Subject: Rezoning meeting

Neil, please forward this on to the committee members,

Thank you, Janel Contreras

Hello to all,

Unfortunately I am unable to attend the meeting to have lots 1, 2, 3, 4, 13, & 14 of Bock 24, Subdivision of Outlot 6, M.H. Rowley's Second Addition to the City of Mitchell, Davison County, South Dakota rezoned. So I am writing to you plead with you to think long and hard about your decision.

The Project Outlined will severely affect my family and my neighbors in so many ways. I think it poses a danger to the children walking and riding their bikes to and from school, all the joggers, walkers, people out walking their dogs, all the traffic on the corner of 8th and Minnesota. There is talk of Mr Bechen removing the trees north of my property which will take away the protection from the wind and snow and will give me full view of the electrical substation (which now I can hardly see, due to that coverage). I am also concerned that then it will be decided to open up the alley, which has been maintained at my own expense the entire 19+ years we have owned property at this address (located between my house and my neighbors, which right now appears to be my driveway). It would then expose my property to anyone that see fits to use that access roadway. Not to mention the unattractive look that comes with having a commercial building/property adjacent to us. Which most assuredly will lower our property values on the block. He stated to me that the deal was to reasonable to pass up, therefore shows to me he has little regard about the neighborhood. He should build in a commercial zone like the bypass so his signage and commercial implement will not mar the neighborhood and his traffic will route to commercial circuits. I am hoping to live at this residence for many, many years to come but unsure if that will be possible if this rezoning will take place, sad.

Sincerely,
Janel Contreras
710 W 7th Ave.

Mitchell, SD



Virus-free. www.avg.com

OPPOSE REZONING LOTS 1, 2, 3, 4, 13, 14 & N 200' OF ALLEY IN BLOCK 24, ROWLEY'S 2ND ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA FROM R-2 SINGLE FAMILY RESIDENTIAL TO TWC TRANSPORTATION, WAREHOUSING TO CONSTRUCT AN INDUSTRIAL COMMERCIAL CONTRACTOR'S WORKSHOP AND STORAGE FACILITY

We, the undersigned citizens of the City of Mitchell, South Dakota petition the Planning and Zoning Commission and City Council to reject and disapprove Dave Bechen's, owner of Bechen Electric, and co-signer Mr. Dean Robideau's, owner of Mitchell Cement, application to change the zoning district classification of the real property legally described as Lots 1, 2, 3, 4, 13, 14, and N 200 feet of alley in Block 24, M.H. Rowley's Second Addition, City of Mitchell, Davison County, South Dakota from an R-2 Single-Family Residential District to a TWC Transportation, Warehousing, and Commercial District and the official zoning map to reflect the same. for constructing an industrial contractor's workshop and storage facility.

Mr. Dave Bechen's, owner of Bechen Electric, and co-signer Mr. Dean Robideau's, owner of Mitchell Cement, application is not in keeping with the City Code of maintaining the harmony, safety and welfare, preventing congestion, and preserving property values of the area. The R-2 Single-Family Residential District designation already affords numerous permitted and conditional uses described in City Code, Title 10, Chapter 5, Article C, Section 10-5C-2 and 10-5C-3 which are better suited for this location under the concept of mixed conditional uses. Rezoning the subject property to TWC Transportation, Warehousing, and Commercial to construct an industrial corrugated metal contractor's workshop and storage facility is, at the very least, extremely unattractive, and contributes no aesthetic or economic value to the neighborhood or the city at this location. Amongst the myriad of negative impacts it would be completely out of place; contrary to the integrity of the neighborhood, the beautiful Mitchell Middle School complex and Cadwell Park located on the north side of West 8th Avenue; create multiple ingress/egress points thus impeding traffic flow; create additional traffic and safety hazards for children in the school zone and surrounding streets, especially on Minnesota Street, West 7th Avenue, Montana Street, and West 8th Avenue; add more industrial commercial traffic to the already heavily traveled Minnesota Street, West 7th Avenue and West 8th Avenue; add disruptive unwanted noise from equipment and traffic; possibly destroy parts of two residential properties to construct an alley to the business; remove trees that currently provide a protective and visual barrier between single-family dwellings on West 7th Avenue and the electrical substation located on West 8th Avenue; and result in diminishing residential property values.

We, the undersigned citizens of the city Mitchell, South Dakota hereby demand that the Planning and Zoning Commission reject and disapprove Mr. Bechen's and co-signer Mr. Dean Robideau's application to rezone said lots 1, 2, 3, 4, 13, 14, and N 200 feet of alley in Block 24, M.H. Rowley's Second Addition to the City of Mitchell, Davison County, South Dakota from an R-2 Single-Family Residential District to a TWC Transportation, Warehousing, and Commercial District to construct an industrial contractor's workshop and storage facility.

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DAVISON COUNTY, SOUTH DAKOTA FROM R-2 SINGLE FAMILY RESIDENTIAL TO TWC TRANSPORTATION, WAREHOUSING TO
CONSTRUCT AN INDUSTRIAL COMMERCIAL CONTRACTOR'S WORKSHOP AND STORAGE FACILITY

Name	Address	Phone #	Signature
Douglas Plaster	1600 N. Minn. St.	996-1188	Douglas Plaster
Lisa M. Kelly	220 W 13 th	630-4725	Lisa M. Kelly
Christopher C. Rieck	829 W Birch	787-612-9773	Chris Rieck
Kent Schopf	619 S. Montana St	933-0003	Kent Schopf
John Zobel	612 S Duff Mitchell	292-0679	John Zobel
Rhonda Lantz	1400 W Williams Mitchell	680-5550	Rhonda Lantz
Maribeth Lantz	704 S. Kimball Mitchell	605-999-7856	Maribeth Lantz
Trish Spinsky	212 West Pine Ave	605-770-3847	Trish Spinsky
Stephanie Shelton	600 W 1 st	999-0868	Stephanie Shelton
David Johnson	901 N. Rowley	996-6028	David Johnson
Scott Pollreis	916 W 15 th	999-8292	Scott Pollreis
Tray Jones	605 S Kimball	999-8976	Tray Jones
Freddy Ellis	1523 S. Miller, Mitchell	770-9326	Freddy Ellis
Polo Felix	503. N Sanborn BLV	630-3707	Polo Felix
Mark Harrington	701 W 5 th	499-9475	Mark Harrington

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[illegible]

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[illegible]

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Name	Address	Phone #	Signature
Janel Contreras	710 W 7 th	999-9988	Janel Contreras
Fran Contreras	710 W 7 th	630-4277	fr Contreras
Dwight D. Stadler	700 W 7 th Ave	933-1745	COIT COIT
Brian M. Stadler	700 W. 7 th Ave	933-1745	Brian Stadler
Jaqueline Berggren	715 W 7 th Ave	996-7881	Jaqueline Berggren
Angela Wirth	714 W 7 th Ave	838-753	Angela Wirth
Amber Kutenbach	801 W 7 th Ave	999-1056	Amber Kutenbach
SANDY-Gerstenecker	809-W-7	996-6848	Sandy Gerstenecker
Kay LaBreehe	620 W 7 th	999-9203	Kay LaBreehe
Jeremy Strong	622 North Minnesota	618-513-8884	Jeremy Strong
CHRIS HART	619 N. MINNESOTA ST.	605-770-6642	Chris Hart
Josh Kutenbach	701 W 7 th	605-499-1070	Josh Kutenbach
Alice Hebron	622 N Minnesota		Alice Hebron
Josh Kory	712 N. Montana	618-3918-3148	Josh Kory
Brett Kahn	709 N WISCONSIN	605-770-5810	Brett Kahn
Stanley D. Hefner	615 N Wisc.	605-996-7613	Stanley D. Hefner
Renae Trisco	611 N Wisconsin	507-930-ant	Renae Trisco
Maria Arias	622 W CAVE	402-942-4615	Maria Arias

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Name	Address	Phone #	Signature
Brook Matthews	608 N Minnesota St	605-630-4763	Brook Matthews
Daniel Zard	604 N Minnesota St	605-999-6492	Signature
Stan Haidle	920 N Minnesota St	605-999-5067	Stan Haidle
Ruth Haidle	920 N Minnesota St	605-999-7352	Ruth Haidle
Dan Mastel	719 W 7 th Ave	605-254-6763	Dan Mastel
Liz Feldman	121 LAKEVIEW Lane	609-996-9108	Liz Feldman
Randy Haussen	719 Kynette Place	605-770-9088	Randy Haussen
Frank Skofca	1704 N Minnesota St	605-933-1629	Frank Skofca
Chris Line	830 W 7 th Ave	605-630-6501	Chris Line
Stephanie Killian	820 W 7 th Ave	605-630-8727	Stephanie Killian
Jesse Killian	820 W 7 th Ave	605-630-8149	Jesse Killian
Randolph J. Shank	812 W 7 th Ave	605-999-0762	Randolph J. Shank
Jasmine Feldhaus	717 N Montana St #17	605-630-5183	Jasmine Feldhaus
Keri Kelly	717 N Montana #19	605-299-6094	Keri Kelly
Kim Wick	717 N. Montana #22	605-770-6761	Kim Wick
Mackenzie Cobb	716 N Iowa St #25	605-630-2128	Mackenzie Cobb
Arcia Schroeder	716 N Iowa #28	605-999-4030	Arcia Schroeder
Timothy Green	716 N. Iowa #2	229-848-2407	Timothy Green

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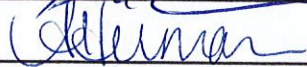
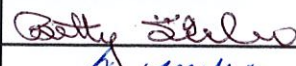
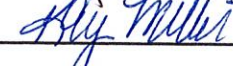
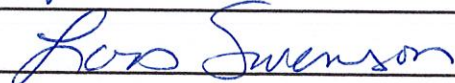
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Name	Address	Phone #	Signature
Thad Herman	609 N Minnesota St	605-553-3307	
Alyssa Herman	609 N. Minnesota St.	605-553-0353	
Jeremy Andersen	712 West 6 th	605 999-2499	
Tepi Benson	806 West 6 th Ave	605-999-4923	
Cam Penne	809 West 6 th	605-999-6081	
Jessica Hammond	810 W 6 th	605-983-0207	
Chris Wermers	824 W 6 th	605-996-6352	
Tom Miller	824 W 6 th	605-996-5760	
Betty Seiler	829 W 6 th	605-996-3060	
Aly Miller	Aly Miller 824 W 6 th	605-770-8486	
Lois Swenson	720 West 6th Ave	605-770-1065	
Lois Swenson	720 West 6 th Ave	605-770-1065	

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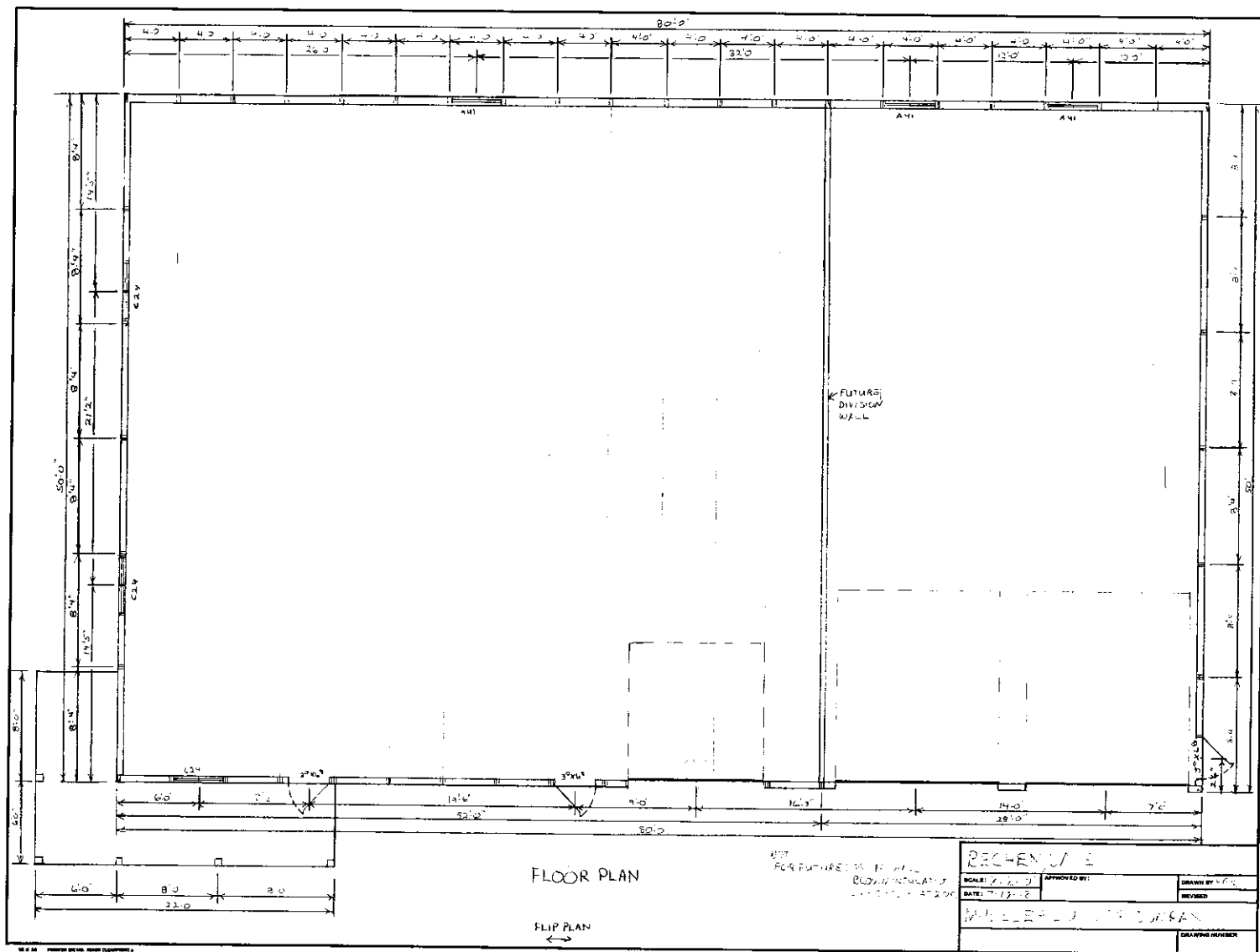
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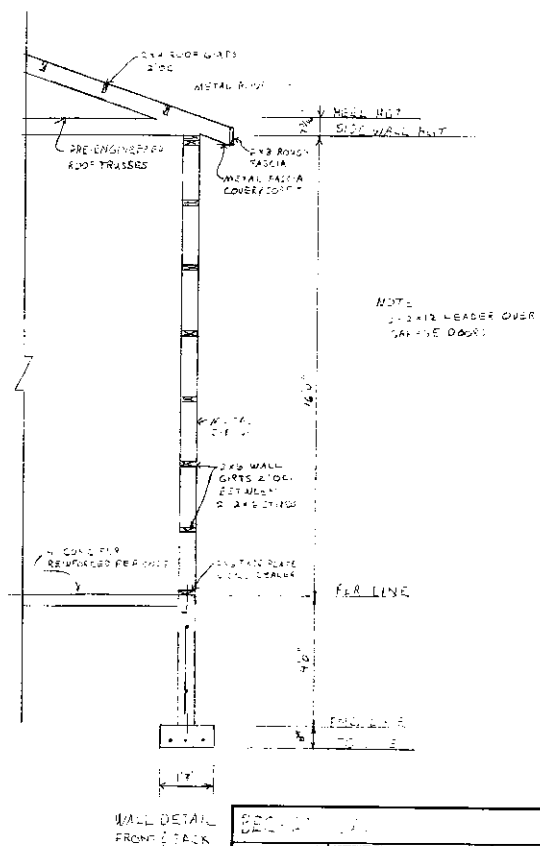
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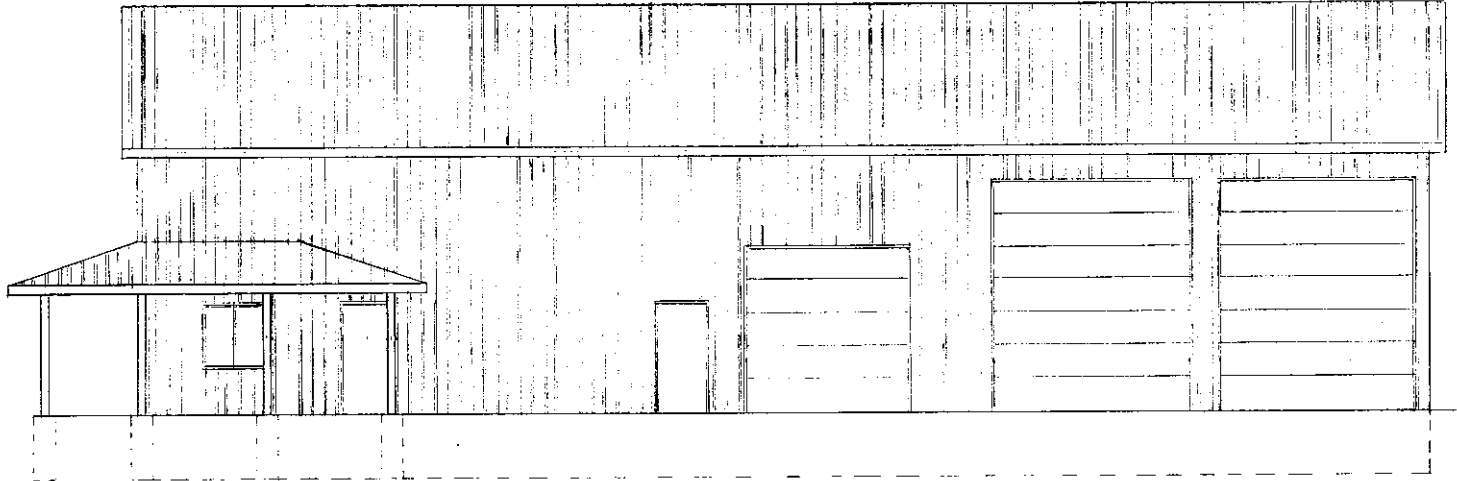
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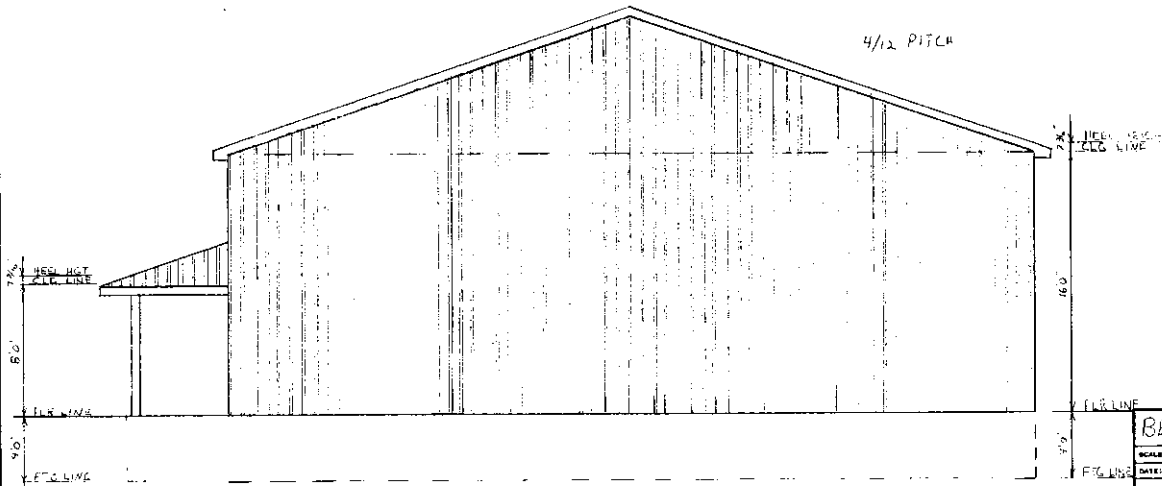




SCALE: 1/2" = 1'-0" DATE: 7/1/77			APPROVED BY:	DRAWN BY:
7/1/77			REVISION:	REVISION:
DRAWING NUMBER:				DRAWING NUMBER:

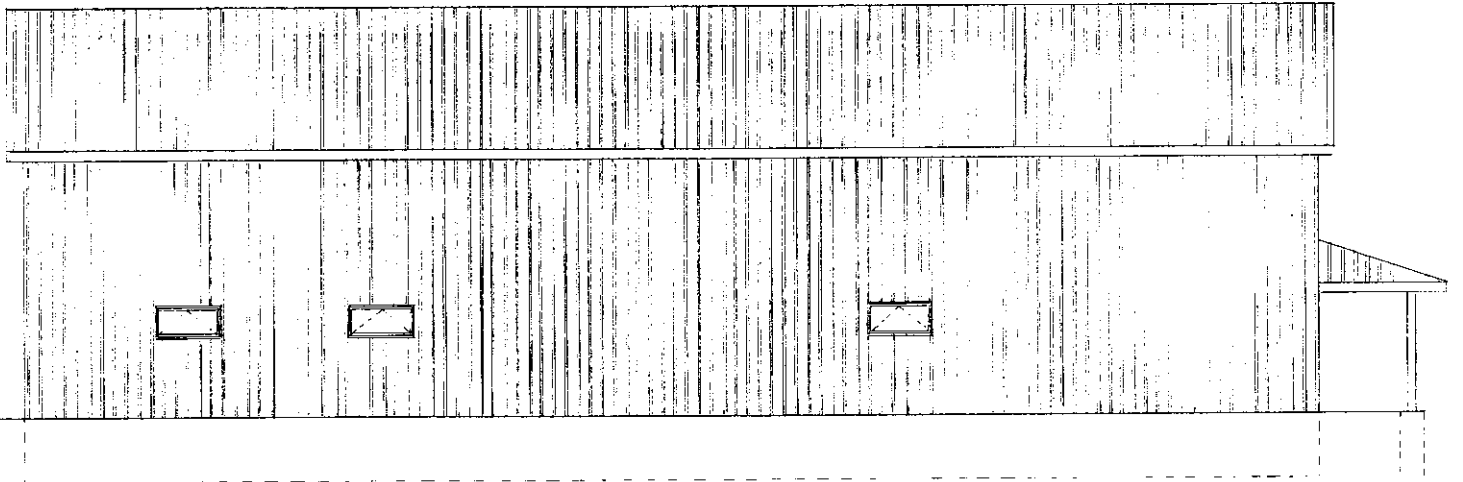


FRONT ELEVATION
FLIP PLAN

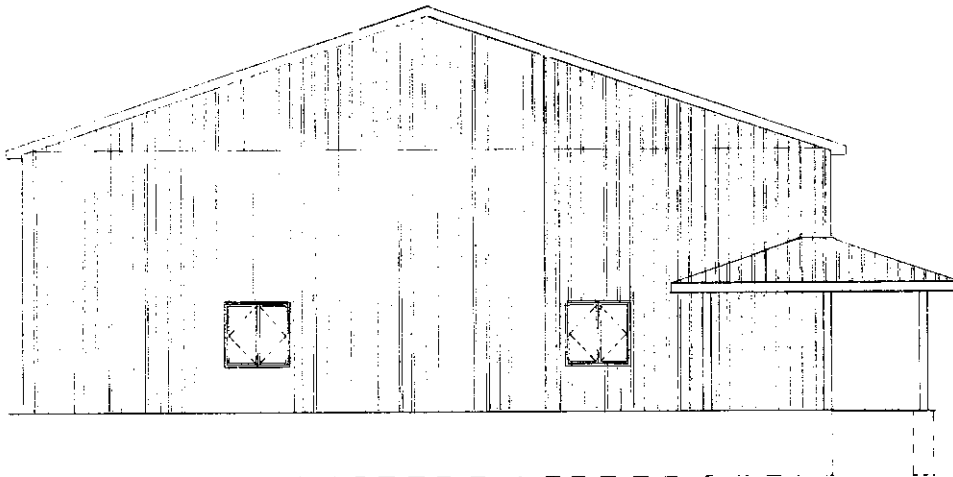


RIGHT ELEVATION
FLIP PLAN

BECHER CASE		
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY: K.J.
DATE: 7-2-77	REVIEWED:	
MUELLEN LINE - CONF.		
		QUANTITY NUMBER



BACK ELEVATION
FLIP PLAN
←→



RIGHT ELEVATION
FLIP →

BECHER, DAVE		
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY: KRS
DATE: 7-19-12		REVIEWED
MUELLER CONCRETE CORP.		
		DRAWING NUMBER

RESOLVED by the City Council of the City of Mitchell, South Dakota, as follows:

As it has been brought to the attention of the City Council of the City of Mitchell, South Dakota, that the vehicle garage and concrete patio situated near and along the east property line of the East 1/2 of Lots 9 through 12, Block 24, Subdivision of Outlot 6, M.H. Rowley's 2nd Addition to the Town, now City, of Mitchell, Davison County, South Dakota, encroaches upon the adjoining dedicated but not opened alley right of way located adjacent to and on the east boundary of said Block 24, to the extent of up to 2.95', the City acknowledges the existence of said encroachment, and finds that there is no present requirement for the abatement or removal of said encroachment; provided, however, that at any time in the future, if it is determined by the City of Mitchell or its governing body that a need exists for the abatement and removal of the said encroachment, then it shall be the responsibility of the present or future owner of said described property to clear the alley right of way of the said referenced encroachment. No property right is hereby granted by the City of Mitchell in respect to said encroachment. This resolution and waiver of present objection is subject to the condition that the present and future owners, or other parties in interest in respect to the above-described real property, assert no property right in respect to said encroachment; and further subject to the condition that the present and future owners, or other parties in interest in respect to the above-described real property, hold the City of Mitchell, South Dakota, harmless from any damages occurring to the improvements situated upon the public right-of-way.

Adopted this 19th day of April, 1999.

Alan Claggett
Mayor

ATTEST:

Maureen Wilson
Finance Officer

(SEAL)

State of South Dakota } ss.
County of Davison
I hereby certify that I have carefully examined the within instrument and compared the same with the original now on file in my office and that it is a true and correct copy of the same.

Dated this 20th day of April 1999.

Maureen Wilson
City Finance Officer

STATE
OF
SOUTH DAKOTA

FILED FOR RECORD
MICROFILM
DAVISON COUNTY

2:25 PM.

MAY 4 1999

FEE 00

\$12.00

Debra A. Young
REC'D DEEDS



DESCRIPTION: A BUILDING ON LOT SURVEY OF THE EAST 1/2 OF LOTS 9, 10, 11 AND 12, BLOCK 24, SUBDIVISION OF OUTLOT 8, M.H. ROWLEY'S 2ND ADDITION TO THE TOWN, NOW CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

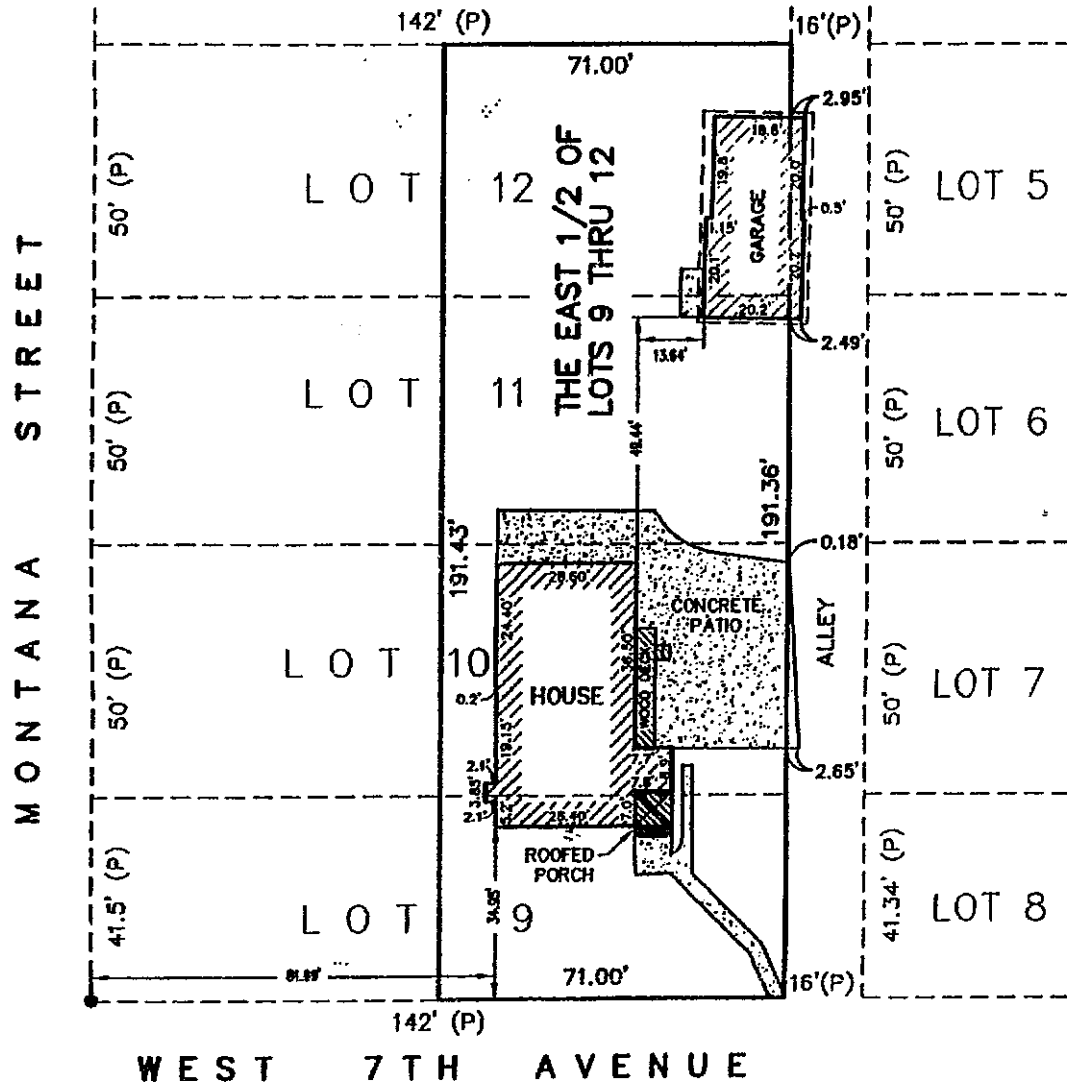
DATE: April 2, 1999

LEGEND

- 100.0 (P) PLATTED DISTANCE
- FOUND IRON MONUMENT
- SET NAIL



SCALE: 1" = 30'



SURVEYOR'S CERTIFICATE

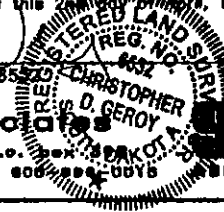
I Christopher D. Geroy, do hereby certify that I am a Licensed Land Surveyor in and for the State of South Dakota. I did perform a survey for purchase and/or mortgage purposes only as requested by Commercial Bank. Responsibility or liability is subject to the following exclusions, reservations, conditions or restrictions: lines shown are deed lines as located from deeds, plats or other information furnished to the Surveyor; existing monumentation as shown was located: there are no apparent building encroachments onto sold land; the garage and the 1.1' garage roof overhang and portions of the concrete patio appear to encroach into the alley as shown; measurements were not taken with regard to fences, trees, hedges, drainage structures, utilities, and improvements that may encroach onto sold land, except as shown; Surveyor assumes no liability to Owner, Occupant, or Other Third Parties and the above drawing shall not be used for construction purposes.

In my professional opinion and to the best of my knowledge, information and belief this drawing correctly shows the location of the exterior building walls on sold described property as of this 2nd day of April, 1999.

Registered Land Surveyor # SD 65520

schmucker, paul, nohr & associates

ENGINEERS-PLANNERS-SURVEYORS - 620 North Lawler P.O. Box 1000 Mitchell, South Dakota, zip 57301 - PHONE 605-996-7761 FAX 605-996-0055



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, October 22, 2018 at 12:00 pm, the City Council will consider 1st Reading of the Ordinance on Monday, November 5, 2018 at 6:00 pm and 2nd Reading and Adoption on Monday, November 19, 2018 at 6:00 pm, all meetings will be held in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD. All interested parties are encouraged to attend the meetings.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Block 52. Block 53, Lots 6-10, Block 54, Capital Addition, City of Mitchell, Davison County, South Dakota from TWC Transportation Warehousing and Commercial to R4 High Density Residential District and the official zoning map be changed to reflect the same.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1: THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Block 52. Block 53, Lots 6-10, Block 54, Capital Addition, City of Mitchell, Davison County, South Dakota from TWC Transportation Warehousing and Commercial to R4 High Density Residential District and the official zoning map be changed to reflect the same.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this the _____ day of _____, 2018.

MAYOR

ATTEST:

FINANCE OFFICER

{SEAL}

FIRST READING:
SECOND READING:
ADOPTION:

Published three times: October 11, 25, & November 8, 2018,

Approximate Costs:



October 10, 2018

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED, that AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Block 52, Block 53, Lots 6-10, Block 54, Capital Addition, City of Mitchell, Davison County, South Dakota from TWC Transportation Warehousing and Commercial to R4 High Density Residential District and the official zoning map be changed to reflect the same.

YOU ARE FURTHER NOTIFIED, that the following hearings will be held by the Planning Commission on October 22, 2018 at 12:00 pm and the City Council will hold first reading on November 5, 2018 at 6:00 pm and second reading and adoption is scheduled for November 19, 2018 at 6:00 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

I/We Pierson Properties LLC / Mike Pierson
OWNER

507 W. 9th Ave

ADDRESS

X APPROVE

 DISAPPROVE

No response will indicate approval.

COMMENTS:



October 10, 2018

TO WHOM IT MAY CONCERN:

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I/We Christi Pierson
OWNER

420 W 9th Ave
ADDRESS

☒ APPROVE

☐ DISAPPROVE

No response will indicate approval.

COMMENTS:



October 10, 2018

TO WHOM IT MAY CONCERN:

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I/We

Westview Apartments
OWNER

Dakota Counseling

816 N Minnesota

ADDRESS

☒ APPROVE

☐ DISAPPROVE

No response will indicate approval.

COMMENTS:



October 10, 2018

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that the City Planning Commission and the City Council will consider the application of Dave Bechen & Mitchell Concrete Inc to rezone the following property: Lots 1, 2, 3, 4, 13, 14 & N 200 feet of the alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to TWC Transportation, Warehousing and Commercial District and the Official Zoning Map is to be changed to reflect the same. Mr. Bechen is proposing construction of a commercial building.

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I/We Westview Apartments [Signature]
OWNER Dakota Counseling

816 N Minnesota

ADDRESS

☒ APPROVE

☐ DISAPPROVE

No response will indicate approval.

COMMENTS:



October 10, 2018

TO WHOM IT MAY CONCERN:

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I/We

Hattie Runt
OWNER

514 W 9th Mitchell, SD
ADDRESS

 APPROVE

 ✓ DISAPPROVE

No response will indicate approval.

COMMENTS:

Outside expectations

MITCHELL SCHOOL DISTRICT
800 W 10TH AVE
MITCHELL SD 57301

MUSICK PROPERTIES LLC
3201 N OHLMAN ST
MITCHELL SD 57301

JERRY STILES
407 N MAIN ST
MITCHELL SD 57301

BOYD & KAY REIMNITZ
407 N MAIN ST
MITCHELL SD 57301

KRIS BUTRUM
520 W 9TH AVE
MITCHELL SD 57301

ERIC KRIETLOW
516 W 9TH AVE
MITCHELL SD 57301

KATIE PUHT
514 W 9TH AVE
MITCHELL SD 57301

LARRY & KARLA PHILLIPS
411 OAKMOND AVE
MITCHELL SD 57301

CYNTHIA KEIPER
504 W 9TH AVE
MITCHELL SD 57301

RODNEY & RONDA LOU TIEDE
500 W 9TH AVE
MITCHELL SD 57301

CHRISTI J PIERSON
25098 413TH AVE
ETHAN SD 57334

MILO & LORI HANSEN
600 S LANGDON ST
MITCHELL SD 57301

GEORGE & SHERRY MORGAN
940 N HARMON DR
MITCHELL SD 57301

MATTHEW VAWSER
404 W 9TH AVE
MITCHELL SD 57301

STUART HAYEN
909 N SANBORN BLVD
MITCHELL SD 57301

DENNIS & LINDA PIERSON
2020 S 1ST AVE
SIOUX FALLS SD 57105

KENNETH & MARY JO WITTSTRUCK
813 N SANBORN BLVD
MITCHELL SD 57301

KRISTINA BAYSINGER
2238 MCDONALD DR
HURON SD 57350

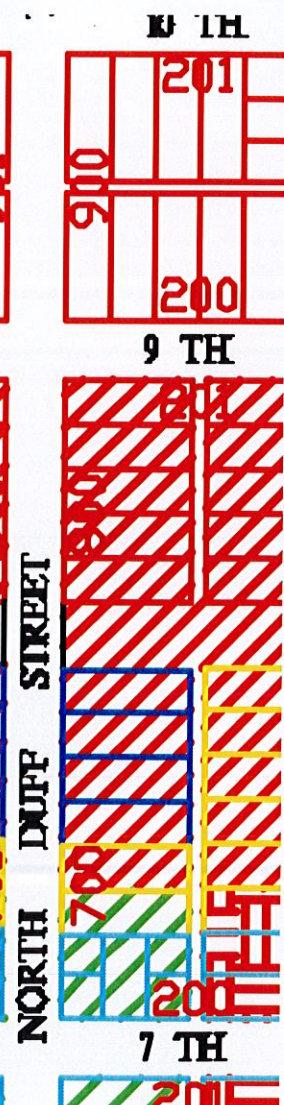
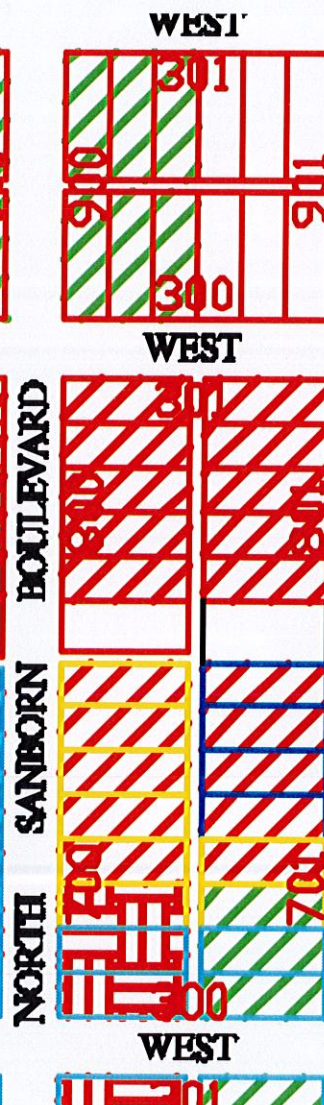
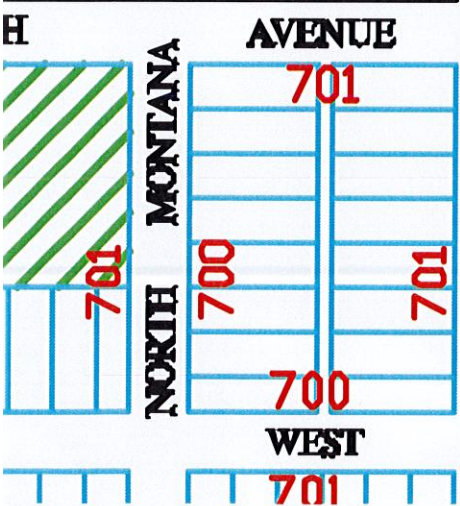
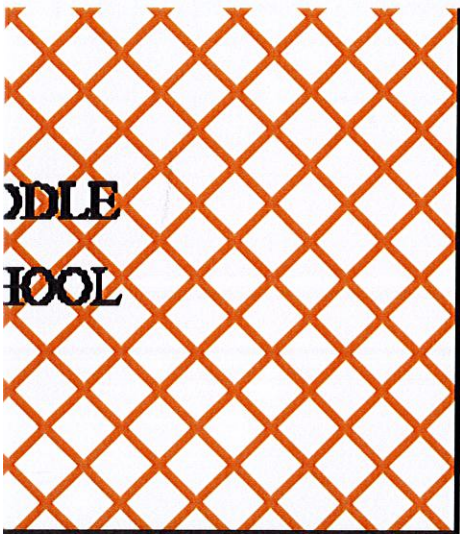
JERRY & CHRISTEN GUFFEY
801 N SANBORN BLVD
MITCHELL SD 57301

MITCHELL CONCRETE PRODUCTS
721 N EDMUNDS
MITCHELL SD 57301

DEAN ROBIDEAU
2500 SHANARD RD
MITCHELL SD 57301

WILLIAM & CHERI HAMILTON
1400 E 5TH AVE
MITCHELL SD 57301

ROBIDEAU CONSTRUCTION LLC
305 W 6TH AVE
MITCHELL SD 57301



Click text location.

