City Council Meeting Agenda
City Council Chambers, City Hall, 612 N. Main Street
May 1, 2023

1. **6:00 PM Call to Order**
2. **Pledge Of Allegiance**
3. **Invocation: Harvest Community**
4. **Roll Call**
5. **Approval Of Consent Agenda Items**
   Items appearing on the Consent Agenda may be removed by a City Council Member for discussion at the beginning of the formal agenda items.
   - **A. City Council Minutes**
   - **B. Committee Reports**
   - **C. Automatic Supplements**
     1. To General Fund-Police in the amount of $14,000.00 from grant funds
     2. To General Fund-Library in the amount of $1,500.00 from a donation of funds
   - **D. Raffle Permits**
   - **E. Approve Property Tax Abatement for 2021 taxes payable in 2022**
   - **F. Declare Items Surplus to be Sold on Purple Wave-Community Services/Nutrition**
   - **G. Declare Items Surplus to be Sold on Purple Wave-Fire/EMS**
   - **H. Special Event Permit For Touch-a-Truck (Mitchell Public Library - Summer Reading Program), on Wednesday, June 14th, 2023**
     Parking Lot Closure
   - **I. Special Event Permit For DWU Graduation Reception on Sunday, May 7th, 2023**
     Parking Lot Closure
   - **J. Authorization to Apply for 2024 Law Enforcement Grant for Speed Enforcement**
   - **K. Authorization to Apply for 2024 Law Enforcement Grant for South Central Alcohol Task Force**
   - **L. Authorization to Apply for a Sam F Weller Family Foundation Grant**
   - **M. Change Order #1 - West Harmon Utility Improvement Project to H&W Contracting, LLC Project #2021-16**
   - **N. Change Order #2 - Mueller Lumber Company for Rec Center Fitness Room Phase II Project #2022-50**
   - **O. Set date of May 15, 2023 for Hearing and Action on the application to transfer**

RL-5756 Retail (On-Sale) Liquor License from Mitchell Hotel, LLC dba Ramada Inn, 1525 W Havens Ave to Melissa Tuttle dba Love Every, LLC 1525 W Havens

P. Approval of Gasoline & Fuel Quotes

Q. Pay Estimates

R. Approve Bills, Payroll, Salary Adjustments and New Hires, and Authorize Payment of Recurring and Other Expenses in Advance as Approved by the Finance Officer.

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

7. Citizens Input

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

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

A. Hearing and Action on an Application for Cully Evers-Conditional Use Permit

Cully Evers has applied for a conditional use permit to operate a Telecommunication Tower, located at 2700 N Main St, legally described as Lot 1 of Brig Addition, a subdivision of Irregular Tract 12 in the SW 1/4 of Section 10, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

B. Hearing and Action on an Application for Cully Evers-Variance Permit

Cully Evers has applied for a variance permit for height of 174' vs 65' for construction of a telecommunication tower, located at 2700 N Main St, legally described as Lot 1 of Brig Addition, a subdivision of Irregular Tract 12 in the SW 1/4 of Section 10, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

C. Hearing and Action on an Application for Erika Hennessey-Conditional Use Permit

Erika Hennessey has applied for a conditional use permit to operate a childcare, preschool and nursery, located at 1325 Palmer Place, legally described as Lot 5 and West 3' of Lot 4, Block 8, Gardenview Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

D. Hearing and Action on an Application for Kelly Jones-Variance

Kelly Jones has applied for a variance permit for rear yard (road side) setback of 20' vs 30' for construction of a house and attached garage, located at 84 N Harmon Dr, legally described as Lot 42 of Bayside Subdivision, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District District.

E. Action to Set Date for Board of Adjustment Hearing 5-15-23

Jensen Capital and Development LLC has applied for a conditional use permit to construct Multi-Family Dwelling Units, located at 1303 S Ohlman St, legally described as the E625' of Lot X Lying North of X-2 in SE ¼ of NE 1/4 of Section 29, T 103 N, R 60 W of 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

9. **RECONVENE AS CITY COUNCIL: Entertain a Motion For The Board of Adjustment To Adjourn And The City Council To Reconvene In Regular Session**

10. **Hearing and Action on the following Alcohol License Applications**
    a. On the application to transfer RL-28511 Retail (On-Sale) Liquor License from Jeremy Andersen, 909 N Ohlman Suite 3 to V.V. Inc, dba The Garage, 909 N Ohlman, Suite 3 (This License is inactive)
    b. On the application to transfer RB-28510 Retail (On-Off Sale) Malt Beverage & SD Farm Wine License from Jeremy Andersen, 909 N Ohlman Suite 3 to V.V. Inc, dba The Garage, 909 N Ohlman Suite 3 (This License is inactive)
    c. On the application to transfer PL-4686 Package (Off-Sale) Liquor License from IYS Ventures LLC, dba IMART Stores USA, 512 S Sanborn to Kareem Inc dba IMART Stores USA, 512 S Sanborn
    d. On the application to transfer RB-25873 Retail (On-Off Sale) Malt Beverage & SD Farm Wine License from IYS Ventures LLC dba IMART Stores USA, 512 S Sanborn to Kareem Inc dba IMART USA, 512 S Sanborn

11. **Action to Award Bid for Rock Chips Project #2023-10**

12. **Action to Award Bid for Petroleum Products Project #2023-13**

13. **Action to Award Bid for Paving & Overlay Project #2023-15**

14. **Action to approve Electric Easement at Above Ground Water Storage Site**

15. **Request for Reimbursement from Mitchell Area Housing, Inc. in the amount of $28,317 to offset the cost to purchase, demo, and clean up a lot located at 622 N Duff in Mitchell, SD.**

16. **Action to Approve Agreement #A2023-15, TID #28 Developer Agreement (Flats on Havens)**

17. **Action to Approve Resolution #R2023-25, Dissolving Tax Increment District #7**

18. **Action to Approve Resolution #R2023-26, Plat of Lot 4 in Tract D, Wild Oak Golf Club Addition**

19. **Action to Approve Resolution #R2023-27, Plat of Lot 5 of North Maui's First Addition and Sara Ave, a subdivision of Lot 4 in the east 1/2 of the west 1/2 of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota**

20. **Action to Approve Resolution #R2023-28, Plat of Lot 10, Block 4 of the Woods First Addition**

21. **Action to Approve Resolution #R2023-29, Plat of Lot C, Block 1 and Lot 1, Block 3, of Lakeridge Addition**

22. **Action on Resolution #R2023-30, Historic Preservation Commission Findings to the**

Property at 116 and 118 E 1st Ave

23. **Approval of Resolution #R2023-31, A Resolution Designating the Lake Fund as the Appropriate Depository for Certain Revenue**
24. **Second Reading on Ordinance #O2023-03, Establishing the Discretionary Formula for Certain Classes of Real Property and Setting Boundaries for Certain Districts Relating Thereto**
25. **Motion to Adopt Ordinance #O2023-03, Request Public Comment, Roll Call**
26. **Second Reading on Ordnance #O2023-04, Updating City of Mitchell Comprehensive Plan-WILL RETURN AS RESOLUTION ON MAY 15, 2023**
27. **Lake Mitchell Phase 2 Design Project Update Presentation by Barr Engineering**
28. **Motion to Enter into Executive Session According to SDCL 1-25-2 (3) Legal and (4) Negotiations**
29. **Adjourn**

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