



Historic Preservation Commission 03-03-26 Agenda
City Council Chambers, City Hall, 612 N. Main Street
March 3, 2026

- 1. 5:30 PM Call to Order**
- 2. Roll Call**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda**
- 5. Approval of Previous Minutes: October 28, 2025**
- 6. Review and Comment: Proposed Revision to the Mitchell Historic Commercial District**
- 7. Review of South Dakota Open Meeting Materials**
- 8. Other Business:**
- 9. Public Input:**

If you need to address the Board 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.
- 10. 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.



Historic Preservation Commission 10-28-25
City Council Chambers, City Hall, 612 N. Main Street
October 28, 2025

1. Call to Order

Jenniges called the October 28, 2025 Historical Preservation Commission meeting to order at 5:30 P.M. in the Council Chambers, City Hall, 612 N Main Street.

2. Roll Call

Quorum is met, simple majority vote required for all items.
Present: Bradley, Buechler, Clark, Genzlinger, Jirsa, Luczak, Schwalm.
Absent: Logan, Pooley
Staff Present: Jenniges, Schroeder.

3. Election of Officers

Election of Chairperson for a 1-year term from July 1, 2025, to June 30, 2026.
Motion by Clark, seconded by Bradley to nominate Logan as Chairperson.

There being no other nominations, a motion by Genzlinger, seconded by Jirsa, that nominations cease, and a unanimous ballot be cast. All present voting aye; motion carried.

Election of Vice-Chairperson for a 1-year term from July 1, 2025, to June 30, 2026.
Motion by Genzlinger, seconded by Luczak to nominate Clark as Vice-Chairperson.

There being no other nominations, a motion by Schwalm, seconded by Luczak, that nominations cease, and a unanimous ballot be cast. All present voting aye; motion carried.

Election of Secretary for a 1-year term from July 1, 2025, to June 30, 2026.
Motion by Genzlinger, seconded by Jirsa to nominate Jenniges as Secretary.

There being no other nominations, a motion by Genzlinger, seconded by Jirsa, that nominations cease, and a unanimous ballot be cast. All present voting aye; motion carried.

4. Declaration Of Conflicts Of Interests

None.

5. Approve Agenda

Motion by Buechler, seconded by Jirsa to approve the proposed agenda. All present voting aye; motion carried.

6. Approval of Previous Minutes: October 4, 2023

Motion by Clark, seconded by Genzlinger to approve the proposed minutes of the October 4, 2023, Historic Preservation Commission meeting. All present voting aye; motion carried.

7. Review and Comment: Proposed Revision to the Mitchell Historic Commercial District-Draft

Jenniges stated he had someone reach out with a question about removing their property from the historic boundary. Jenniges said he reached out to Liz Almlie from SHPO about the process, and she stated there hadn't been an update to the boundary since 2013 and there are some buildings that have been demolished and some status changes, so an amendment to the district should be considered.

Almlie gave a description of the proposed amendments to the district.

Boyd Reimnitz said he was in favor of his property being eliminated from the district.

Jenniges said he talked with the church at 310 N Rowley St about adding the north half of their property to the district and their board of trustees is not in favor. The addition of the building would not be considered a contributing portion of the building.

The board agreed with all the proposed changes except that they would like to try to keep 201 E 2nd Ave in the district even though it could be looked at as a gerrymandering border. Almlie doesn't believe the federal board deems it an eligible historic candidate by itself.

Almlie said she will continue to work on the proposed amendments and letters to building owners will be sent out in February for official comments for a state board review meeting in April. Jenniges stated that Mitchell's board will meet in February or March to give their official recommendation to the final proposed amendments.

8. Other Business:

None.

9. Public Input:

None.

10. Adjourn

Secretary Jenniges asked for a motion to adjourn the meeting. Motion by Schwalm, seconded by Clark, to adjourn the meeting at 6:05 P.M. All present voting aye; motion carried.

Pat Clark
Historical Preservation Commission Vice-Chairperson

February 18, 2026

RE: Proposed revision to the Mitchell Historic Commercial District

The South Dakota State Historic Preservation Office (SHPO) of the South Dakota State Historical Society is amending the Mitchell Historic Commercial District National Register of Historic Places Nomination. The district was listed in the National Register in 1974 and amended in 1995 and 2013. Periodic updates of older nominations are one of the responsibilities of the SHPO.

The proposed amendment includes:

- Boundary Increase: To include the full, rather than partial, parcel associated with the First United Methodist Church
- Boundary Decrease: To remove the east half of Block 12, along N. Lawler St. between 1st and 2nd Ave. comprised of Non-Contributing resources and vacant lots.
- An updated description of 208 and 210 N. Main that in January 2023 had their status changed from Non-Contributing to Contributing during historic rehabilitation.
- Status Change: Changing 100 North Main, 118 North Main, and 514 North Main from Contributing to Non-Contributing after non-historic alterations.
- Note of Demolitions within the district boundary: 301-303 N. Main, 305 N. Main, 307 N. Main, 512 N. Main, and 522 N. Main.

The proposed draft will be discussed at a meeting of the Mitchell Historic Preservation Commission on March 3, 2026 at 5:30 P.M. in Council Chambers. After which the Mitchell Historic Preservation Commission will send their recommendation and comments to SHPO for their review. The proposal is available @ <https://mitchellsd.portal.civicclerk.com/> You are welcome to attend and share comments at the meeting or send written comment to mark.jenniges@cityofmitchellsd.gov or at the address listed above to share with SHPO. If you have any questions about the meeting, please feel free to contact me.

The State Review Board meeting which the nomination will be considered at will be on March 20, 2026 at 9:00 a.m. at the Cultural Heritage Center (900 Governors Dr) in Pierre. Those wishing to attend and comment virtually must register by 5:00 p.m on March 19, 2026 by emailing Braeden Kluver, braeden.kluver@state.sd.us with you full name, the entity you are representing, and the topic or board agenda item you are attending.

Sincerely,

Mark Jenniges
City Planner

312 LAWLER LLC
1118 STRYKER AVE
WEST ST PAUL MN 55118

412 INVESTMENTS LLC
25308 404TH AVE
MITCHELL SD 57301

A1B7 LLC
PO BOX 234
AUSTIN MN 55912-0234

ACCESS ENTERTAINMENT GROUP LLC
117 S LAWLER ST
MITCHELL SD 57301

JOHN B & DIANE G ADAMO
3150 H ST
SACRAMENTO CA 95816

JOHN ADAMO & MARCELLO JULIAN
ADAMO
3150 H ST
SACRAMENTO CA 95816

D & J SABERS PROPERTIES LLC
3150 H ST
SACRAMENTO CA 95816

MICHAELS TOGGERY INC
3150 H ST
SACRAMENTO CA 95816

EDWARD & EILEEN ANDERSON
412 WILDWOOD AVE
MITCHELL SD 57301

BATES RENTALS LLC
112 N MAIN ST
MITCHELL SD 57301

BK PROPERTIES 2 LLC
817 N SANBORN BLVD
MITCHELL SD 57301

BRADLEY THEME LLC
103 N HARMON DR
MITCHELL SD 57301

CJG PROPERTIES LLC
909 N MAIN ST
MITCHELL SD 57301

CASEYS RETAIL COMPANY
PO BOX 54288
LEXINGTON KY 40555

CITY OF MITCHELL
612 N MAIN ST
MITCHELL SD 57301

CLARKE COMPANIES LLC
47035 250TH ST
BALTIMORE MD 21286

CORN PALACE CITY POST #2750 VETS
OF FOREIGN WARS OF US INC
215 N MAIN ST
MITCHELL SD 57301

D&E HOLDINGS LLC
305 N LAWLER ST
MITCHELL SD 57301

DAVISON COUNTY
200 E 4TH AVE
MITCHELL SD 57301

DEL FAVERO HOLDINGS LLC
2019 W 8TH AVE
MITCHELL SD 57301

DIKUN PROPERTIES LLC
24668 S GARFIELD AVE
DELL RAPIDS SD 57022

BRANDON & RACHEL DYKSTRA
1010 S MILLER AVE
MITCHELL SD 57301

MELVIN C & BRENDA J EILTS
821 KYNETTE PL
MITCHELL SD 57301

EKKLESIA
42771 244TH ST
CANOVA SD 57321

ETERNAL HOPE LLC
311 E 3RD
MT VERNON SD 57363

EXECUTIVE INVESTMENTS LLC
314 N MAIN ST
MITCHELL SD 57301

FINGERPRINT GROUP LLC
316 N MAIN ST
MITCHELL SD 57301

FINGERPRINT GROUP LLC
PO BOX 601
MITCHELL SD 57301

DAVE FINNELL
320 N MAIN ST
MITCHELL SD 57301

FIRST UNITED METHODIST CHURCH
310 N ROWLEY ST
MITCHELL SD 57301

GOING POSTAL LLC
1522 PINEHURST AVE
MITCHELL SD 57301

GOLD KEY PROPERTIES LLC
1660 E 8TH AVE
MITCHELL SD 57301

KELLY L GROSS
110 E 2ND AVE
MITCHELL SD 57301

DAN J HAUSER & BRENDA L OLESEN
412 N MAIN ST
MITCHELL SD 57301

BRADLEY S & DONNA M JAMISON
24131 389TH AVE
PLANKINTON SD 57368

DORIS E JAMISON
1001 MITCHELL BLVD
MITCHELL SD 57301

JOHNSON BLOCK LLC
421 N PHILLIPS AVE UNIT 4
SIOUX FALLS SD 57105

JAMES H JOHNSTON
67 S HARMON DR
MITCHELL SD 57301

JX4 LLC
200 N MAIN ST
MITCHELL SD 57301

KCM ENTERPRISES LLC
609 W WALNUT
PARKSTON SD 57366

KL CITY PROPERTIES
119 N MAIN ST
MITCHELL SD 57301

BENJAMIN & LORI KALOVSKY
723 E 5TH AVE
MITCHELL SD 57301

KIRCH REAL ESTATE LLC
323 N MAIN ST
MITCHELL SD 57301

KROHMER PROPERTIES LLC
PO BOX 1264
MITCHELL SD 57301

LAURITSEN LEGACY PROPERTIES LLC
2111 QUIETT LANE
MITCHELL SD 57301

LEFT FOOT PROPERTIES LLC
1300 E 4TH AVE
MITCHELL SD 57301

LIFEQUEST INC
804 N MENTZER
MITCHELL SD 57301

MITCHELL AREA HISTORICAL SOCIETY
119 W 3RD AVE
MITCHELL SD 57301

MITCHELL MASONIC BUILDING
ASSOCIATION
PO BOX 443
MITCHELL SD 57301

NORWEST BANK NA C/O DELOITTE TAX
LLP
PO Box 2609
CARLSBAD CA 92018

BRENDA L OLESEN & DAN J HAUSER
721 W HANSON AVE
MITCHELL SD 57301

ON SIGHT STORAGE LLC
120 S LAWLER ST
MITCHELL SD 57301

ERIC D PALMER & NICOLE MEBIUS-
PALMER JNT TRUST
105 ANDREWS ST
MITCHELL SD 57301

PEPES PAINTING LLC
301 S CORY PL
SIOUX FALLS SD 57110

BOYD A & KAY L REIMNITZ
817 N SANBORN BLVD
MITCHELL SD 57301

BOYD A REIMNITZ SR & BOYD
ANTHONY REIMNITZ
817 N SANBORN BLVD
MITCHELL SD 57301

RISK MANAGEMENT INC C/O GERALD
CAREY
PO Box 1105
MITCHELL SD 57301

SLM PROPERTIES LLC
1301 EITEL DR
MITCHELL SD 57301

SABERS PROPERTIES LLC
27 ARROWHEAD PASS
MITCHELL SD 57301

PATTY SASKER & TAMMY VAN DYKE
201 W MAIN
PIPESTONE MN 56164

ARLEN SCHUH
112 E 2ND AVE
MITCHELL SD 57301

ARLEN L & PARTIRCIA J SCHUH
41280 ROCK CREEK DR
MITCHELL SD 57301

DAVID & MELISSA SCHWALM
711 W 16TH AVE
MITCHELL SD 57301

TOBINS TRANSFER INC
PO BOX 639
MITCHELL SD 57301

UNTAMED PLAY LLC
414 S 2ND
ETHAN SD 57334

V F RAILROAD PROPERTIES LLC
PO BOX 1163
MITCHELL SD 57301

MARK A & LOUISE G VAN DEN HOEK
JOINT TRUST
3220 N MAIN ST
MITCHELL SD 57301

VOLESKY PROPERTIES LLC
404 HOMER CT UNIT 4
MITCHELL SD 57301

WORD OF LIFE CHRISTIAN MINISTRIES
INC
420 N MAIN ST
MITCHELL SD 57301

**United States Department of the Interior
National Park Service**

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: Mitchell Historic Commercial District (Additional Documentation, Boundary Increase, and Boundary Decrease)

Other names/site number: _____

Name of related multiple property listing: _____

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: Roughly bounded by Lawler St., Railroad Ave., Rowley St., and 6th Ave.

City or town: Mitchell State: SD County: Davison

Not For Publication: Vicinity:

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this X nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national ___ statewide X local

Applicable National Register Criteria:

X A ___ B X C ___ D

<p>_____ Signature of certifying official/Title:</p> <p>_____ State or Federal agency/bureau or Tribal Government</p>	<p>_____ Date</p>
<p>In my opinion, the property ___ meets ___ does not meet the National Register criteria.</p>	
<p>_____ Signature of commenting official:</p> <p>_____ Title :</p>	<p>_____ Date</p> <p>_____ State or Federal agency/bureau or Tribal Government</p>

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4. National Park Service Certification

I hereby certify that this property is:

- entered in the National Register
- determined eligible for the National Register
- determined not eligible for the National Register
- removed from the National Register
- other (explain:) _____

Signature of the Keeper

Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

Category of Property

(Check only one box.)

- Building(s)
- District
- Site
- Structure
- Object

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Number of Resources within Property: ADDITIONAL DOCUMENTATION

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>62</u>	<u>20</u>	buildings
<u>0</u>	<u>0</u>	sites
<u>0</u>	<u>0</u>	structures
<u>0</u>	<u>0</u>	objects
<u>62</u>	<u>20</u>	Total

Number of contributing resources previously listed in the National Register N/A

6. Function or Use

Historic Functions

(Enter categories from instructions.)

- COMMERCE: business
- COMMERCE: professional
- COMMERCE: financial institution
- COMMERCE: specialty store
- GOVERNMENT: courthouse
- GOVERNMENT: post office
- GOVERNMENT: city hall
- RECREATION AND CULTURE: auditorium
- TRANSPORTATION: rail-related
- RELIGION: religious facility
- EDUCATION: library

Current Functions

(Enter categories from instructions.)

- COMMERCE: business
- COMMERCE: professional
- COMMERCE: financial institution
- COMMERCE: specialty store
- COMMERCE: restaurant
- GOVERNMENT: courthouse
- GOVERNMENT: post office
- GOVERNMENT: city hall
- RECREATION AND CULTURE: auditorium
- RECREATION AND CULTURE: museum
- TRANSPORTATION: rail-related
- RELIGION: religious facility

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7. Description

Architectural Classification

(Enter categories from instructions.)

LATE VICTORIAN: Romanesque

LATE VICTORIAN: Italianate

LATE 19TH AND 20TH CENTURY REVIVALS: Classical Revival

LATE 19TH AND 20TH CENTURY REVIVALS: Beaux Arts

LATE 19TH AND EARLY 20TH CENTURY AMERICAN MOVEMENTS: Prairie School

LATE 19TH AND EARLY 20TH CENTURY AMERICAN MOVEMENTS: Commercial Style

MODERN MOVEMENT: Art Deco

Materials: (enter categories from instructions.)

Principal exterior materials of the property: BRICK

STONE: Sioux Quartzite

STONE: Limestone

STONE: Granite

CONCRETE

METAL: Aluminum

GLASS

CERAMIC TILE

TERRA COTTA

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

The Mitchell Historic Commercial District is a substantially intact core group of commercial buildings that represent the early history of Mitchell and reflect local and regional architectural trends for late nineteenth and early twentieth century commercial architecture. The city of Mitchell is located in the center of Davison County, in southeastern South Dakota, along the James River and Interstate-90. Its historic commercial district extends seven blocks north from the railroad track along Main Street between Railroad Avenue and 6th Avenue. The district also, at points, extends west to Rowley Street and east one block across Lawler Street. Further north on Main Street there is more modern commercial development and to the east and west are residential areas. Architectural styles throughout the district are predominantly one- or two-story masonry commercial blocks, with a few architect-designed Romanesque, Neoclassical, Beaux Arts, Prairie School, and Art Deco style examples throughout the district. Most of the buildings are substantially brick or concrete, but several use Sioux quartzite (local to southeastern South

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Dakota), limestone, sandstone, or other cut stone. Significant modernized facades and storefronts from the mid-twentieth century use large panes of glass, aluminum, mosaic tile, and polished stone.

The Mitchell Historic Commercial District was originally listed in the National Register of Historic Places as NRIS #75001716 (later updates assigned #95000275 and #13000042). With this update, the nomination for the Mitchell Historic Commercial District is revised to update the contributing/non-contributing status for several properties, note demolished properties within the district boundary, add to the boundary area to include a c.1978 addition to the First United Methodist Church (the main section of which is already within the boundary), reduce the district boundary for a concentrated area that has lost integrity, and provide an updated map.

The historic district continues to have sufficient integrity overall to convey significance to the histories of architecture, commerce, transportation, politics/government, and entertainment/recreation for the city of Mitchell. Of eighty-two (82) total buildings that remain in the district, sixty-two (62) are contributing buildings that were constructed or had historically significant alterations within the period of significance between 1883 and 1963, and which retain sufficient integrity to contribute to the district's significance. There are twenty (20) buildings that do not contribute to the historic district, because they were constructed outside of the period of significance or because they have lost integrity.

Narrative Description

The sixty-two (62) buildings that contribute to the significance of the district reflect the evolving character of the district between 1883 and 1963. There was an initial building boom in the 1880s, when the new city of Mitchell experienced rapid growth, and then a second wave of development between 1900 and 1930, corresponding with general economic health as property owners invested in more substantial buildings with more masonry and new metal internal structural systems. In the 1930s, landmark governmental buildings were constructed in the Art Deco style using federal work relief funds, and, from 1944 to 1963, there was a trend to modernize downtown businesses by redesigning their storefronts. About twenty-seven percent of the buildings within the Mitchell Historic Commercial District were either built or had significant modernizations in that latter period.

The visually prominent Corn Palace sits near the north boundary of the historic district, while the 1909 railroad depot sits on the southern boundary. The Corn Palace is, at its core, an auditorium/gymnasium, but the exterior is styled with rotating cycles of artist-designed murals composed of corn cobs, husks, etc. The core of the Mitchell Historic Commercial District runs along Main Street, which is a wide, two-lane street with parking lanes on both sides of the street. The iconic Corn Palace has inspired the city to erect fluted streetlights lining Main Street that are set on square concrete pedestals with corn designs in relief on all four sides. Wide sidewalks exist along Main Street, making the area friendly for foot traffic. Most buildings are set along the sidewalks of the street, excepting some of the landmark public buildings, like the courthouse, Carnegie library and the former post office, and some of the non-historic modern banks and gas

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stations, which have deeper setbacks from the sidewalks. The Carnegie library additionally has a short, wrought iron fence.

The eligibility of contributing and non-contributing resources was determined according to the National Register Criteria for Evaluation. Properties that were constructed within the period of significance, contribute to the significance of the district, and retain sufficient integrity were deemed to be contributing resources within the district. Properties with alterations, such as mid-century storefront modernizations, that have achieved significance in their own right and retain sufficient integrity to the period of significance (through 1963) are included as contributing resources. Non-historic alterations to storefronts, upper stories, and roof lines were weighed against the surviving significant features of the building in evaluating contributing and non-contributing status.

Boundary Increase

This amendment increases the district boundary a small amount to include an addition on the north elevation of the First United Methodist Church, the main portion of which is already in the district. The addition is part of that resource, and the boundary should not bisect the resource. This does not impact the Resource Count (above) for the district. Below is an expanded description of the church that includes the addition.

310 North Rowley Street First United Methodist Church	DV00400092	Contributing	1907
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This building is a two-story Richardsonian Romanesque style church built using a hip roof with prominent cross gables, rough-cut and coursed purple and pink-colored Sioux quartzite masonry, a large square bell tower at the southwest corner, and a raised basement. The west façade has three entrances with concrete steps. The central recessed entrance has a heavy round-arch surround and is flanked by one-story polygonal bays with asphalt shingle tower roofs, then by two higher entrances with round arch surrounds. In each gable end, stained glass windows are set behind exterior square-paned glass within massive Romanesque arches. The prominent gables have stone finials and corner turrets with rounded caps. Other windows, of varied size and placement, have purple quartzite sills and lintels. There are purple stone courses in the wall and a pink stone dentil band beneath the eaves. The bell tower has a pyramidal roof with two rows of dentils above three tall narrow arched openings on each side. On the east end of the south façade, there is a wing with a tall arched entrance, stained glass gable, and a canted corner. Concrete block planters have been installed at the sidewalk level on the south façade. The architect of the church was the Sioux City firm Eisentraut, Colby & Pottenger, and the contractor was A.J. Garner. Construction plans included the use of Spencer granite (quartzite) and Kettle River sandstone.¹

A low-profile single-story addition was built to the north in c.1978. It is considered a non-historic section of the church as it is outside the district’s period of significance. The addition has a flat roof and red brick walls. It has three sections; the lowest section abuts the historic

¹ *Improvement Bulletin* 32 (May 12, 1906), 20; *Madison Daily Leader* (SD), June 24, 1907.

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church and has a recessed entrance door at the south end, the center section is slightly taller and has two recessed vertical bands of stained-glass windows at either end, and the small northern section is only half the width and has a long concrete ramped walk leading from the street sidewalk to double doors in a glass enframingent.

Boundary Decrease

This amendment reduces the district boundary, cutting a half-block area that has lost integrity along N. Lawler St. between E. 1st and E. 2nd Ave. This area includes nine properties from the 2013 district amendment, listed below. Six of those along E. 1st Ave. (five Contributing and one Non-Contributing) have recently been demolished. Some of the demolitions were a consequence of a vehicle collision that caused structural instability. They were mostly one- and two-story brick commercial buildings, several of which had altered storefronts and fenestration.

In the reduction area are also three resources on that same half-block that do not contribute to the district. Two are of recent construction and the building at 123-135 East 2nd Avenue is an early building but has had extensive alterations to its wall surfaces, now stucco, as well as its windows and storefront.

Properties to be removed from the historic district:			
Address	SHPO ID	2013 Status	Note
112 East 1st Avenue	DV00400135	Contributing	Demolished in November 2023
114 East 1st Avenue	DV00400141	Contributing	Demolished in November 2023
116 East 1st Avenue	DV00400137	Contributing	Demolished in November 2023
118 East 1st Avenue	DV00400138	Contributing	Demolished in November 2023
120 East 1st Avenue	DV00400153	Contributing	Demolished in November 2023
124 East 1st Avenue	DV00400152	Non-Contributing	Demolished in May 2021
113-115 East 2nd Avenue	DV00400129	Non-Contributing	Extant, built or new exterior in c.2000
123-135 East 2nd Avenue Central Hotel	DV00400113	Non-Contributing	Extant, built 1879 ² (Photos follow)
117 North Lawler Street	DV00400119	Non-Contributing	Extant, built c.2000

² This was listed in the 2013 nomination amendment with an estimated construction date of c.1945, but was actually an earlier house moved from Firesteel to Mitchell in 1879 by R.F. Alterton for use as a hotel and expanded over the years. Early names: Forrest City Hotel, Gleason House, Arlington House, Plotner House (Plotner Hotel), and Hotel Waverly (Waverly House). Appears on the Sanborn Fire Insurance maps in 1898-1923. *Daily Republic* (Mitchell SD), April 10, 2017.

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Central Hotel, 123-135 E. 2nd Ave., then and now. Historical photo courtesy of the Mitchell Area Historical Society, Carnegie Resource Center, Mitchell SD.

Additional Documentation

Below are updated descriptions for 208 and 210 North Main. These were previously amended to a Contributing status in a Supplemental Listing Record added to the district’s National Register listing (NRIS #13000042) in January 2023 following the removal of non-historic coverings at their cornices, upper-floor windows, and storefront transoms.

208 North Main Street Becker Building; J.J. Newberry Co.	DV00400068	Contributing	1906
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The Becker Building at 208 North Main Street is a two-story commercial block. The west façade has a c.1970 storefront with two recessed entrances, both flanked by plate glass display windows with light-colored brick veneer surrounds. To either side of the storefront, the brown brick side piers of the façade have historic tall bases of stone with carved moldings at their caps. The six windows on the second floor are one-over-one wood sash windows with transoms, as well as stone sills and lintels. The parapet cornice has a stone cap and central raised section with three corbelled pilasters with stone peaked caps. The center pilaster has a cut stone block that reads “1906,” and centered on the section is a cut stone block reading “BECKER” between two ornamental square blocks with carved flower motifs. The side bays of the cornice have shallow corbelled dentils, and each end has a tall pier with a peaked stone cap. In 1929, owner Emil Becker sold the building to the J.J. Newberry Co. (department stores).³

210 North Main Street Larrison Drug Store; D.T. Becker Building	DV00400023	Contributing	1906, 1930
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The D.T. Becker Building is a two-story commercial block. The storefront has wood bulkheads, overhanging glass display cases, and a deeply recessed entrance flanked by cantilevered, aluminum-frame plate glass display windows. Above the storefront is a transom window with a brick surround that has rounded corners. An additional recessed entry to the south of the storefront provides access to the second floor, which is

³ *Mitchell Republic* (SD), January 21, 2023.

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communicating with the adjacent 208 North Main. Above the recessed doorway is a tall transom with a two-light wood window. Although the south edge of the building meets directly against 208 North Main, the other points of the wall that reach the ground feature a low concrete base with a beveled top edge. The second floor has four windows; the three northernmost are six-over-one with stone sills and transoms. The southernmost window has been replaced with a one-over-one window that also has a stone sill and transom. A band of stone spans the width of the façade just above those transoms. A stone sign plate is framed in brick with small square stone tiles and reads “19-D.T. Becker-30,” from when Delvan T. Becker bought the building for the Becker clothing store and remodeled the façade.⁴ The parapet cornice has a concrete cap that steps up slightly at the center over a band of soldier-bond brick.

Below are updated descriptions for 100 North Main, 118 North Main, and 514 North Main, which this amendment changes from Contributing to Non-Contributing status. Alterations to their exterior façades have resulted in a loss of integrity of design, materials, workmanship, and feeling.

100 North Main Street	DV00400031	Non-Contributing	c.1950
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This building is a single-story commercial block with an asymmetrical west facade. The façade had blond Roman brick, which was covered in 2024 by a manufactured board cladding. The recessed angled entry has three fixed metal frame glass display windows, door, and sidelight. These replaced a mid-20th century aluminum framed storefront with brick base. An aluminum display case on the northern corner of the storefront was removed. A large sign panel is angled forward above the storefront. It was refinished with a manufactured board product colored to look like dark stained wood. The south elevation has common blond brick and a long horizontal band of windows with a concrete sill and soldier brick lintel, and two single doorways. The windows were glass block and are now fixed rectangular lights with opaque glass. The east end of the south elevation has an additional storefront with a central entry flanked by plate glass display windows in a soldier brick surround. The historic integrity of the façade has been affected by remodeling in 2024, which included, as noted above: new cladding that affected material and design of the Roman brick and sign panel, replacement of original storefront windows/door, loss of the corner display case, and replacement of glass block windows along the south elevation.

118 North Main Street	DV00400049	Non-Contributing	1920, c.1950
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This building is a single-story concrete block commercial building. A recessed entry at the northwest corner has large, fixed angled display windows to the south. A fixed flat metal canopy spans the width of the storefront. The parapet roof slopes down to the east. In 2021, the façade was remodeled with a new canopy over the storefront, new display windows with thicker frames, brown brick veneer at the base and sides of the storefront windows, wide

⁴ *Mitchell Republic* (SD), January 21, 2023.

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manufactured board siding over the upper part of the façade, and removal of the perpendicular, programmatic neon sign.

514 North Main Street Northwestern Public Service Co.	DV00400001	Non-Contributing	1961
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This building is a single-story commercial building with a polygonal northwest corner. A deeply recessed entrance bay with a single-leaf door and an integrated planter is located at the south end of the west façade. This entrance area was reduced in size, the door relocated to face west, and the planter replaced with a red brick version during remodeling in 2024. The south wall of the entranceway was removed and a square metal support post added. Window units have three tall lights, surrounded by vertical board cladding. The historic beige and dark brown glazed tile block walls and horizontal banding above and below the storefront area were covered with manufactured board cladding along the upper section and metal coping along the banding. Additionally, a rooftop dining area was added to the front west half of the roof. It features a smaller central rooftop walled addition and metal railing near the building edges; on the south side of the building an exterior metal staircase to the roof was also added at a midpoint on the building. On the north elevation, after an adjacent building (522 N. Main) was demolished, two doors, four large window units, and a fenced ground-level dining patio were added to this building.

Inventory

Below is a full list of the buildings remaining within the district, including both those with new descriptions above (noted with an asterisk [*]) as well as those previously listed and described in the 2013 nomination amendment.

As in the 2013 amendment, they are arranged in numerical order by street: working from the southernmost street, Railroad Avenue, north to 5th Avenue, and then from the easternmost street, Lawler Street, west to Rowley Street. Their State Historic Preservation Office identification numbers, current contributing/non-contributing status, as well as dates of construction and historically significant alterations are noted for each resource.

Historic names and architects/builders have been added if known. Some dates of construction are adjusted to align with research from the Mitchell Area Historical Society and the Mitchell Historic Preservation Commission.

Address (Historic Name)	SHPO ID	Status	Date
112 East Railroad Avenue Mitchell Furniture Co.	DV00400142	Contributing	1907 ⁵
115 East 1st Avenue	DV00400158	Contributing	c.1908
117 East 1st Avenue	DV00400155	Contributing	c.1952

⁵ Granite basement and concrete block upper walls, masonry contract to Gottlieb Scheurenbrand; carpentry contract to John Slater. *Mitchell Capital* (SD), May 17, 1907.

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119 East 1st Avenue	DV00400131	Contributing	1910
110 East 2nd Avenue O.L. Branson & Co. Bankers; Branson Bank Building; Mitchell Abstract Co. (1929) <i>Architect: Purcell & Elmslie⁶</i>	DV00400055	Contributing	1916
112 East 2nd Avenue J.R. Reihsen Building	DV00400130	Contributing	1911
114 East 2nd Avenue	DV00400132	Contributing	c.1920, 1949
201 East 2nd Avenue Mitchell Steam Laundry	DV00400156	Contributing	1910
119 West 3rd Avenue Mitchell Carnegie Library <i>Architect: W.L. Dow & Sons</i> <i>Builder: A.J. Kings⁷</i>	DV00400096	Contributing	1903
112 East 3rd Avenue	DV00400116	Non-Contributing	c.1920
113 East 3rd Avenue Dakota Central Telephone Co.	DV00400136	Contributing	1912
115 East 3rd Avenue	DV00400117	Contributing	c.1925, c.1960
116 East 3rd Avenue	DV00400118	Non-Contributing	c.1970
117-123 East 3rd Avenue Johnson Furniture Co. Building <i>Architect & Engineer: (1922) Luvine O. Berg⁸, (1928) Walter J. Dixon</i>	DV00400128	Contributing	1922, 1928-1929
117 East 4th Avenue U.S. Post Office (former) <i>Architect (Treasury): James Knox Taylor⁹</i> <i>Builder: Moore & Danner¹⁰</i>	DV00400090	Contributing	1909, c.1920
200 East 4th Avenue Davison County Courthouse <i>Architect: Kings & Dixon</i> <i>Builder: Peter W. Kuipers</i> PWA Project No. 4045	DV00400101	Contributing	1936
112 East 5th Avenue Mitchell Masonic Temple <i>Architect: Kings & Dixon¹¹</i>	DV00400066	Contributing	1924-1925

⁶ *The Prairie School Review* 2(1) (January 1965), 17.

⁷ *Improvement Bulletin* 26 (August 16, 1902), 17; *South Dakota Library Bulletin* 49 (1963), 53.

⁸ *The American Contractor* 43 (May 20, 1922), 72.

⁹ *Mitchell Capital* (SD), April 5, 1907.

¹⁰ *Mitchell Capital* (SD), January 13, 1910.

¹¹ *The American Contractor* 43 (December 23, 1922), 61A.

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109 South Lawler Street	DV00400123	Contributing	1910, 1925
117 South Lawler Street	DV00400125	Contributing	1948
120 South Lawler Street	DV00400143	Contributing	1920
205-209 North Lawler Street	DV00400120	Non-Contributing	c.2005
215 North Lawler Street	DV00400121	Contributing	c.1925
300-312 North Lawler Street W.H. King Automobile Co.; King Building	DV00400144	Contributing	1919
305 North Lawler Street	DV00400122	Non-Contributing	c.1965
309 North Lawler Street Educator School Supply Co.	DV00400140	Contributing	1911
403 North Lawler Street	DV00400170	Non-Contributing	c.1987
100 South Main Street *	DV00400172	Non-Contributing	c.2000
101 South Main Street Navin Hotel; T.P. Navin Building; Hotel Roberts (1945) ¹² <i>Architect: S.C. Wherry</i> ¹³	DV00400109	Contributing	1911-1912, c. 1956
122 South Main Street The Cassem Building	DV00400041	Contributing	1913
124 South Main Street Mitchell Motor Co.	DV00400043	Contributing	1914, c.1958
210 South Main Street Chicago, Milwaukee, & St. Paul Depot <i>Architect: J.A. Lindstrand</i> ¹⁴	DV00400094	Contributing	1909
100 North Main Street	DV00400031	Non-Contributing	c.1950
104 North Main Street	DV00400034	Non-Contributing	c.1900
106 North Main Street Michels Building	DV00400037	Non-Contributing	1912
108 North Main Street	DV00400039	Non-Contributing	1918
112 North Main Street	DV00400044	Contributing	c.1905, c.1937
114 North Main Street	DV00400045	Non-Contributing	c.1915
116 North Main Street	DV00400047	Non-Contributing	c.1915
118 North Main Street *	DV00400049	Non-Contributing	1920, c.1950
121 North Main Street	DV00400107	Contributing	1910

¹² *Daily Republic* (Mitchell SD), July 27, 2015.

¹³ *Mitchell Capital* (SD), April 28, 1910; *Madison Daily Leader* (SD), May 3, 1911.

¹⁴ *Mitchell Capital* (SD), February 4, 1909–May 27, 1909.

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123 North Main Street First National Bank; Branson Building <i>Architect: S.C. Wherry</i> ¹⁵ <i>Builder: R.K. Hafsos</i> ¹⁶	DV00400106	Contributing	1906-1907 ¹⁷
200 North Main Street <i>Architect (1916): Purcell & Elmslie</i> ¹⁸	DV00400053	Contributing	1887, 1916
203-205 North Main Street Medical Arts Building <i>Architect: Walter J. Dixon</i>	DV00400105	Contributing	1936
206 North Main Street	DV00400079	Contributing	c.1928
207 North Main Street Kresge Co. Building; Geyerman's Building	DV00400084	Contributing	1931, c.1961
208 North Main Street * Becker Building	DV00400068	Contributing	1906
210 North Main Street * D.T. Becker Building	DV00400023	Contributing	1906, 1930
211 North Main Street Toggery Building	DV00400030	Contributing	1944
212 North Main Street	DV00400036	Contributing	1883, 1950s
213 North Main Street	DV00400022	Contributing	1883, 1950s
214 North Main Street G.A. Clark Building	DV00400021	Contributing	1886, c.1953
215 North Main Street J. Harrer Building	DV00400104	Contributing	1892, c.1946
216 North Main Street	DV00400082	Contributing	c.1910, 1951
217 North Main Street Mitchell National Bank <i>Architect: A.J. Van Duesen</i> ¹⁹ <i>Builder: A.J. Kings & Son</i> ²⁰	DV00400093	Contributing	1907
218 North Main Street	DV00400080	Contributing	1886, 1960-1962
223 North Main Street Western National Bank; Western Bank	DV00400102	Contributing	1906-1907

¹⁵ *Mitchell Capital* (SD), March 23, 1906.

¹⁶ *Mitchell Capital* (SD), November 2, 1906.

¹⁷ Built with quartzite stone from Sioux Falls, Missouri sandstone, and pressed brick. *Mitchell Capital* (SD), November 2, 1906–April 12, 1907.

¹⁸ *The Prairie School Review* 2(1) (January 1965), 17.

¹⁹ Alt: VanDusen. Front façade of white stone from Carthage, Missouri. *Improvement Bulletin* 32 (May 12, 1906), 22; *Mitchell Capital* (SD), May 25, 1906, June 28, 1907.

²⁰ *Mitchell Capital* (SD), May 17, 1907, June 28, 1907.

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Building; J.C. Penney's (1926) <i>Architect:</i> F.H. Ellerbe ²¹ <i>Builder:</i> A.J. Kings & Son ²²			
300 North Main Street Realty Building (Baron Brothers); Woolworth's (1916) <i>Architect:</i> W.W. Beach ²³ <i>Builder:</i> H.E. Bjodstrup ²⁴	DV00400111	Contributing	1915-1917 ²⁵
308 North Main Street J.W. Elliott Building	DV00400075	Contributing	1912, c. 1956
310 North Main Street	DV00400073	Non-Contributing	c.1890
312 North Main Street	DV00400057	Non-Contributing	c.1885
314 North Main Street	DV00400070	Non-Contributing	1909
316 North Main Street	DV00400161	Non-Contributing	c.1910
317 North Main Street Feinstein Brothers	DV00400087	Contributing	1908, c.1949
318 North Main Street	DV00400086	Contributing	1900, 1959
319 North Main Street	DV00400063	Contributing	c.1905
320 North Main Street	DV00400013	Non-Contributing	c.1915
322 North Main Street J.N. Crow Building <i>Architect:</i> F.C.W. Kuehn ²⁶	DV00400027	Contributing	1900
323 North Main Street S.T. Greene Building	DV00400026	Contributing	1908
400-408 North Main Street Beckwith Building; Midtown Plaza <i>Builder:</i> Fred Bjodstrup ²⁷	DV00400025	Contributing	c.1915, 1961
401 North Main Street	DV00400024	Contributing	1938
405 North Main Street	DV00400019	Non-Contributing	c.1922
412 North Main Street J.C. Penney's Department Store	DV00400020	Contributing	1960
413 North Main Street	DV00400091	Contributing	c.1902, c.1954

²¹ Ellerbe of St. Paul, Minnesota. *Mitchell Capital* (SD), June 28, 1907.

²² *Mitchell Capital* (SD), April 26, 1907–April 10, 1908.

²³ *Mitchell Capital* (SD), November 18, 1915.

²⁴ *Mitchell Capital* (SD), November 18, 1915.

²⁵ *Mitchell Capital* (SD), November 18, 1915–January 25, 1917.

²⁶ *The American Contractor* 35 (June 6, 1914), 94.

²⁷ *The American Contractor* 37 (October 7, 1916), 110.

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415 North Main Street	DV00400065	Contributing	c.1920, 1954
423 North Main Street Montgomery Ward & Co.	DV00400018	Contributing	1951 ²⁸
424 North Main Street Elks Home; Elks Lodge #1059 <i>Architect:</i> S.C. Wherry ²⁹ <i>Builder:</i> A.J. Kings & Son ³⁰	DV00400069	Contributing	1910-1911
425 North Main Street Pence Buick; Western Chevrolet Co.; Montgomery Ward & Co.	DV00400058	Contributing	1914
501 North Main Street Wilson Motor Co.	DV00400060	Contributing	c.1920
514 North Main Street *	DV00400001	Non-Contributing	1961
604 North Main Street Corn Palace Auditorium <i>Architect:</i> Rapp & Rapp ³¹	DV00400061	Contributing	1921
612 North Main Street Municipal Armory; U.S. National Guard Armory; City Hall <i>Architect:</i> (1937) Floyd F. Kings; (1960) J.E. Peterson with Dixon ³²	DV00000038	Contributing	1937, 1960
310 North Rowley Street * First United Methodist Church <i>Architect:</i> Eisentraut, Colby & Pottenger ³³ <i>Builder:</i> A.J. Garner ³⁴	DV00400092	Contributing	1907

The following five properties are still within the historic district boundary but have been demolished. Their lots are currently vacant or used for parking.

Address	SHPO ID	Status	Note
301-303 North Main Street	DV00400100	Contributing	demolished in November 2019, following the partial collapse of its south elevation
305 North Main Street	DV00400076	Contributing	demolished in November 2019 with 301-303 N. Main

²⁸ *Daily Republic* (Mitchell SD), September 26, 2016.

²⁹ *Mitchell Capital* (SD), November 15, 1907, October 6, 1910.

³⁰ *Mitchell Capital* (SD), November 15, 1907, October 6, 1910.

³¹ *The American Contractor* 41 (December 11, 1920), 59.

³² *Daily Republic* (Mitchell SD), July 6, 1960.

³³ *Mitchell Capital* (SD), May 4, 1906; *Improvement Bulletin* 32 (May 12, 1906), 20.

³⁴ Of Madison, South Dakota. *Mitchell Capital* (SD), March 15, 1907–August 30, 1907.

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307 North Main Street	DV00400099	Contributing	demolished in November 2019 with 301-303 N. Main
512 North Main Street	DV00400059	Contributing	demolished in October 2018
522 North Main Street	DV00400162	Non-Contributing	demolished in September 2024

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8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

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Areas of Significance

(Enter categories from instructions.)

- COMMERCE
- TRANSPORTATION
- POLITICS/GOVERNMENT
- ENTERTAINMENT/RECREATION
- ARCHITECTURE

Period of Significance

1883-1963

Significant Dates

- 1907
- 1909
- 1921
- 1936
- 1937

Significant Person

(Complete only if Criterion B is marked above.)

N/A

Cultural Affiliation

N/A

Architect/Builder

- Beach, Wilford W. (architect)
- Dixon, Walter J. (architect)
- Dow, Wallace L. (architect)
- Ellerbe, Franklin H. (architect)
- Eisentraut, Colby & Pottenger (architect)
- Kings, Andrew J. [& Son] (builder)
- Kings and Dixon (architect)
- Kuehn, F.C.W. (architect)
- Lindstrand, J.A. (architect)
- Purcell and Elmslie (architect)
- Rapp and Rapp (architect)
- Steele, William (architect)
- Wherry, S.C. (architect)

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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

The Mitchell Historic Commercial District has local significance under Criterion A in the areas of Commerce, Transportation, Politics/Government, and Entertainment/Recreation. The Mitchell Historic Commercial District is also eligible for the National Register of Historic Places under Criterion C for Architecture because it embodies important local expressions of trends in architectural forms, styles, and functions. Mitchell's downtown was established with the railroad in the late nineteenth century, grew exponentially from 1900 to 1930, and then participated in the national trend of modernizing storefronts and facades in the automobile age of the 1940s-1960s. Its buildings represent trends in commercial forms and modernization, as well as Romanesque, Neoclassical, Beaux Arts, Prairie Style, and Art Deco stylistic influences on commercial and institutional architecture. The district conveys a historical sense of time and place through its architecture and setting. The district contains an intact core of local commercial resources from the latter decades of the nineteenth century to the mid-twentieth century. The period of significance of 1883-1963 reflects the full expanse of resources, from the earliest constructed buildings to mid-century modernizations, that speak to the significant periods of development in downtown Mitchell.

Justification for Boundary Increase

This amendment increases the district boundary to include a c.1978 addition on the north elevation of the First United Methodist Church, the main section of which is already in the historic district. The addition is part of that resource, and the boundary should not bisect the resource. This does not impact the Resource Count (in Section 5) for the district.

Justification for Boundary Decrease

This amendment to reduce the boundary for the historic district encloses the historic core of downtown Mitchell and eliminates a half-block area on the southeast edge of the district that has lost integrity. In that area, a row of buildings along E. 1st Street have been demolished. There are also three modern or substantially altered Non-Contributing buildings on the same half-block that will be removed.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

The Mitchell Historic Commercial District remains eligible for the National Register of Historic Places under Criterion A for its association with Mitchell's early commercial development, trends in transportation, county and municipal politics and government, and the Corn Palace's significant role in state tourism and entertainment. The district is eligible for the National Register of Historic Places under Criterion C as the buildings that were constructed in downtown Mitchell during active and important periods in the town's history accurately reflect local and regional trends in architectural form, style, and function. They represent historically significant

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changes over time. The district consists of commercial buildings that reflect the historic commercial development of the town as well as core buildings that reflect the political and social life of city residents.

The construction dates of the buildings correspond with the periods of economic prosperity and opportunity in the Mitchell area, with the first buildings being constructed in the early 1880s as the town was established and another large group constructed between 1900 and 1930 during a period of economic growth. The erection of Art Deco public landmarks in the 1930s and the modernization of commercial storefronts through the 1940s to the early 1960s correspond with periods of transition when owners continued to strive for downtown development despite the respective challenges of economic depression and a shifting commercial landscape as businesses moved to developing highway routes outside the city core. Early-twentieth century photos show a downtown characterized by two-part commercial blocks and large fabric awnings over the sidewalks. Photos from the automobile age show a greater diversity in building forms, a transition from awnings to metal canopies, and the popularity of perpendicularly hung neon signs.

The Mitchell Historic Commercial District is most significant for its association with local commercial development from the first buildings constructed on Main Street through its first wave of modernized storefronts. The first extant building in the district dates from 1883, shortly after the town was made county seat in 1879 and received a railroad line in 1880. Commercial developments in downtowns show the interconnectedness of early Midwestern towns—how governmental and transportation activity brought with it economic health. Similarly, business leaders worked as boosters to attract additional political and recreational activity.

By 1884, Mitchell's downtown already stretched along Main Street from Railroad Avenue to 4th Avenue within the original 1879 platted boundaries, and the densest part of the downtown remained in those four blocks for much of the early twentieth century. The earliest businesses of hotels, saloons, lumber companies, and mills served both rail travelers and area farmers coming to trade. Economic successes and societal growth led to the construction of specialty stores like millinery, jewelry, furniture, hardware, and drug stores as well as banks and meeting halls for fraternal organizations. Industrial development occurred horizontally along the two railroad lines at Railroad Avenue and 8th Avenue with warehouses, coal sheds, mills, and foundries. Eventually, in the early twentieth century, businesses opened between 4th and 7th Avenues in Rowley's First and Second Additions; they were often larger buildings (including the Corn Palace) and constructed at a lower density. In that same era, harness shops and liveries were replaced with automotive showrooms and filling stations, opera houses were replaced with air-conditioned movie theatres, and storeowners replaced iron and wood storefronts with neon signs, aluminum, colored panels, and open-front display cases.

The district's significance in the area of transportation begins with Mitchell's actual location—chosen to fall along the prospective route of the Chicago, Milwaukee, and St. Paul Railroad. The town incorporated in 1879, and the rail line reached it in 1880. In 1884, the establishment of Milwaukee Road's division headquarters and maintenance shop, as well as the 1887 arrival of the Chicago, St. Paul, Minneapolis, and Omaha line, further tied the town's work force to either the railroad itself or the businesses that catered to travelers and traders. These two rail lines set

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the initial geographical boundaries for commercial development between their depots along Railroad Avenue to the south and 8th Avenue to the north. The extant Milwaukee Road depot, built in 1909, represents this historic tie between Mitchell's transportation and commercial history even though other railroad buildings have been demolished or have lost the ability to convey their significance to the district.

The Davison County Courthouse, Mitchell Armory (City Hall), the Carnegie Public Library, and the U.S. Post Office made downtown Mitchell the hub for county and municipal civic activities. The 1902 Carnegie library was constructed through financing from city government and the Carnegie Corporation. It succeeded an 1884 wood shack library run by the Women's Christian Temperance Union and the storage of books at the YMCA. In 1909, the Classical style architecture Post Office reflected the central civic role of that institution. The Post Office constructed a new facility and relocated in the early 1960s, at which time the city school district's administrative offices moved into the 1909 building. It is currently occupied by a private business. The current 1936 Davison County Courthouse was designed by the local firm of Floyd F. Kings and Walter J. Dixon and replaced a previous 1883 building. Mitchell's Armory, built in 1937 next to the Corn Palace, served as training facilities, offices, and storage for the National Guard until the building became City Hall in 1960. Both the courthouse and Armory are the most prominent examples of Art Deco architecture in the district and reflect a push in the 1930s for public improvements that used federal relief funding.

The Mitchell Historic Commercial District is significant in the area of entertainment and recreation because of the long history of the Corn Palace in the city's development and its many entertainment functions. The city built the first Corn Palace in 1892 to display the area's agricultural richness for the Corn Belt Exposition. The current structure was built in 1921 and designed by Chicago-based firm, Rapp and Rapp, who primarily specialized in movie palaces. Its exterior walls are decorated with corn and other grains in murals designed by different artists over time including Alexander Rohe, William Kearney, Oscar Howe, Arthur Amiotte, and others. Since 1892 (with intermittent skipped years during the early period), the Corn Palace has served as an auditorium hall for music concerts, dances, sporting events, exhibitions, and political lectures. It still hosts events, from major concerts to basketball tournaments, and is one of South Dakota's best-recognized tourist attractions. After the Corn Palace became a permanent building, the city has continued to hold an exposition or celebration for Corn Palace Week that also extends out along Main Street and includes a variety of exhibition booths, performances, and a traveling carnival.

The significant architectural styles in the Mitchell Historic Commercial District cover a range of late nineteenth and early twentieth century commercial blocks that used Italianate, Neoclassical, Romanesque, Commercial (Chicago) Style, and Prairie School. Landmark buildings used Richardsonian Romanesque, Neoclassical, Beaux Arts, Prairie School, and Art Deco architecture. The district includes mostly two-part commercial blocks with retail space on the first floor and residential or office space above, one-part commercial blocks with decorative cornices, and several free-standing landmark buildings. Through the 1940s to the early 1960s, the trend to modernize commercial storefronts swept through Mitchell and many businesses remodeled their storefronts, rearranged display cases and plate glass windows, and added large

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signboards to attract consumers in the automobile age. Of the buildings in the district, about twenty-five percent have modernized storefronts or facades from that period. Architects that contributed to the district include the national firms of Purcell & Elmslie, J.A. Lindstrand, and Rapp & Rapp. There are also notable examples by regional and local architects Kings & Dixon; S.C. Wherry; F.C.W. Kuehn of Huron SD; William Steele of Sioux City IA; Eisentraut, Colby & Pottenger of Sioux City IA; F.H. Ellerbe of St. Paul MN, and Wallace L. Dow & Son of Sioux Fall SD; as well as the prolific local builder Andrew J. Kings (& Son).

[Additional historic context in 2013 nomination update.]

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9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

The American Contractor 35 (June 6, 1914), 94; 37 (September 30, 1916), 85; 37 (October 7, 1916), 110; 41 (December 11, 1920), 59; 43 (May 20, 1922), 72; 43 (December 23, 1922), 61A.

Daily Republic (Mitchell SD), July 6, 1960; July 27, 2015 – July 29, 2020.

Improvement Bulletin 26 (August 16, 1902), 17; 32 (May 12, 1906), 20, 22.

Madison Daily Leader (SD), June 24, 1907 – May 3, 1911.

Mitchell Capital (SD), January 8, 1904 – October 6, 1910.

Mitchell Historic Preservation Commission, *Historic District Walking Tour* (brochure).

Mitchell Republic (SD), January 21, 2023 – June 7, 2025.

The Prairie School Review 2(1) (January 1965), 17.

Sanborn Fire Insurance Co. Mitchell, South Dakota, 1898-1923.

South Dakota Library Bulletin 49 (1963), 53.

[More sources accompany the expanded historic context in the 2013 update.]

Previous documentation on file (NPS):

preliminary determination of individual listing (36 CFR 67) has been requested

previously listed in the National Register

previously determined eligible by the National Register

designated a National Historic Landmark

recorded by Historic American Buildings Survey # _____

recorded by Historic American Engineering Record # _____

recorded by Historic American Landscape Survey # _____

Primary location of additional data:

State Historic Preservation Office

Other State agency

Federal agency

Local government

University

Other

Name of repository: _____

Historic Resources Survey Number (if assigned): Noted with each in Section 7

Mitchell Historic Commercial District (AD, BI, BD)
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10. Geographical Data

Acreeage of Property: 32.2 acres
Acreeage previously listed in the National Register: 34.2 acres
Acreeage of boundary increase: 0.5 acre
Acreeage of boundary decrease: 1.2 acres

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates

Datum if other than WGS84: _____

(enter coordinates to 6 decimal places)

- | | |
|--------------|------------|
| 1. Latitude: | Longitude: |
| 2. Latitude: | Longitude: |
| 3. Latitude: | Longitude: |
| 4. Latitude: | Longitude: |

Or

UTM References

Datum (indicated on USGS map):

NAD 1927 or NAD 1983

- | | | |
|--------------|-----------------|-------------------|
| 1. Zone: 14 | Easting: 578505 | Northing: 4840725 |
| 2. Zone: 14 | Easting: 578603 | Northing: 4840728 |
| 3. Zone: 14 | Easting: 578607 | Northing: 4840507 |
| 4. Zone: 14 | Easting: 578717 | Northing: 4840510 |
| 5. Zone: 14 | Easting: 578720 | Northing: 4840409 |
| 6. Zone: 14 | Easting: 578608 | Northing: 4840409 |
| 7. Zone: 14 | Easting: 578611 | Northing: 4840343 |
| 8. Zone: 14 | Easting: 578647 | Northing: 4840345 |
| 9. Zone: 14 | Easting: 578648 | Northing: 4840297 |
| 10. Zone: 14 | Easting: 578610 | Northing: 4840298 |
| 11. Zone: 14 | Easting: 578615 | Northing: 4840182 |
| 12. Zone: 14 | Easting: 578660 | Northing: 4840183 |
| 13. Zone: 14 | Easting: 578661 | Northing: 4840141 |
| 14. Zone: 14 | Easting: 578615 | Northing: 4840142 |
| 15. Zone: 14 | Easting: 578616 | Northing: 4840172 |

Mitchell Historic Commercial District (AD, BI, BD)
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16. Zone: 14	Easting: 578564	Northing: 4840182
17. Zone: 14	Easting: 578567	Northing: 4840061
18. Zone: 14	Easting: 578616	Northing: 4840061
19. Zone: 14	Easting: 578618	Northing: 4839965
20. Zone: 14	Easting: 578682	Northing: 4839966
21. Zone: 14	Easting: 578684	Northing: 4839923
22. Zone: 14	Easting: 578531	Northing: 4839950
23. Zone: 14	Easting: 578532	Northing: 4839880
24. Zone: 14	Easting: 578450	Northing: 4839897
25. Zone: 14	Easting: 578454	Northing: 4839919
26. Zone: 14	Easting: 578499	Northing: 4839913
27. Zone: 14	Easting: 578500	Northing: 4840032
28. Zone: 14	Easting: 578453	Northing: 4840034
29. Zone: 14	Easting: 578453	Northing: 4840054
30. Zone: 14	Easting: 578499	Northing: 4840057
31. Zone: 14	Easting: 578499	Northing: 4840139
32. Zone: 14	Easting: 578451	Northing: 4840140
33. Zone: 14	Easting: 578447	Northing: 4840237
34. Zone: 14	Easting: 578399	Northing: 4840237
35. Zone: 14	Easting: 578399	Northing: 4840356
36. Zone: 14	Easting: 578442	Northing: 4840357
37. Zone: 14	Easting: 578443	Northing: 4840535
38. Zone: 14	Easting: 578490	Northing: 4840535

Verbal Boundary Description (Describe the boundaries of the property.)

The Mitchell Historic Commercial District begins along N. Main St. at E. 7th Ave. and extends east to N. Lawler St. From there it goes south to E. 5th Ave. and around the Davison County Courthouse block going east to N. Kimball St., south to E. 4th Ave. and returning west to N. Lawler St. Mid-block it goes east and south and returns to N. Lawler St. along E. 3rd Ave., to encompass 300-312 N. Lawler St. At E. 2nd Ave., the boundary turns east to encompass 201 E. 2nd Ave. returning to 2nd Ave then west to the alley between Main and Lawler Sts. At the alley it goes south to E. 1st Ave. where it runs east to N. Lawler St. Past mid-block, it goes east and south to E. Railroad Ave., to encompass 120 S. Lawler St. The boundary then runs along E. Railroad Ave. to a point before S. Main St. where it turns south and goes around the depot building at 210 S. Main St. before returning

Mitchell Historic Commercial District (AD, BI, BD)
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to the intersection of Main St. and Railroad Ave. It then goes north until turning west, north at the alley, and then returning to Main St., to encompass the building at 101 S. Main St. It continues north until a point turning west and north along the alley to encompass 121 and 123 N. Main St. It continues along the alley to the center of the 200-block where it turns west to N. Rowley St. It follows N. Rowley St. and turns east to the alley after encompassing the First United Methodist Church and its addition. The boundary continues north along the alley past E. 5th Ave and turns east after 501 N. Main St. At Main St. it goes north until reaching the starting point at E. 7th Ave.

Boundary Justification (Explain why the boundaries were selected.)

The boundary for this district has been selected to encompass the historic core of the downtown Mitchell area. This amendment reduces an area along N. Lawler St. between E. 1st and 2nd Aves. that has lost integrity with demolished properties and vacant lots, non-contributing resources, and a contributing building that has lost continuity to the historic district because of losses in its vicinity.

11. Form Prepared By

name/title: Liz Almlie, Historic Preservation Specialist
organization: South Dakota State Historic Preservation Office
street & number: 900 Governors Drive
city or town: Pierre state: SD zip code: 57501
e-mail: shpo@state.sd.us
telephone: 605-773-3458
date: 6 January 2026

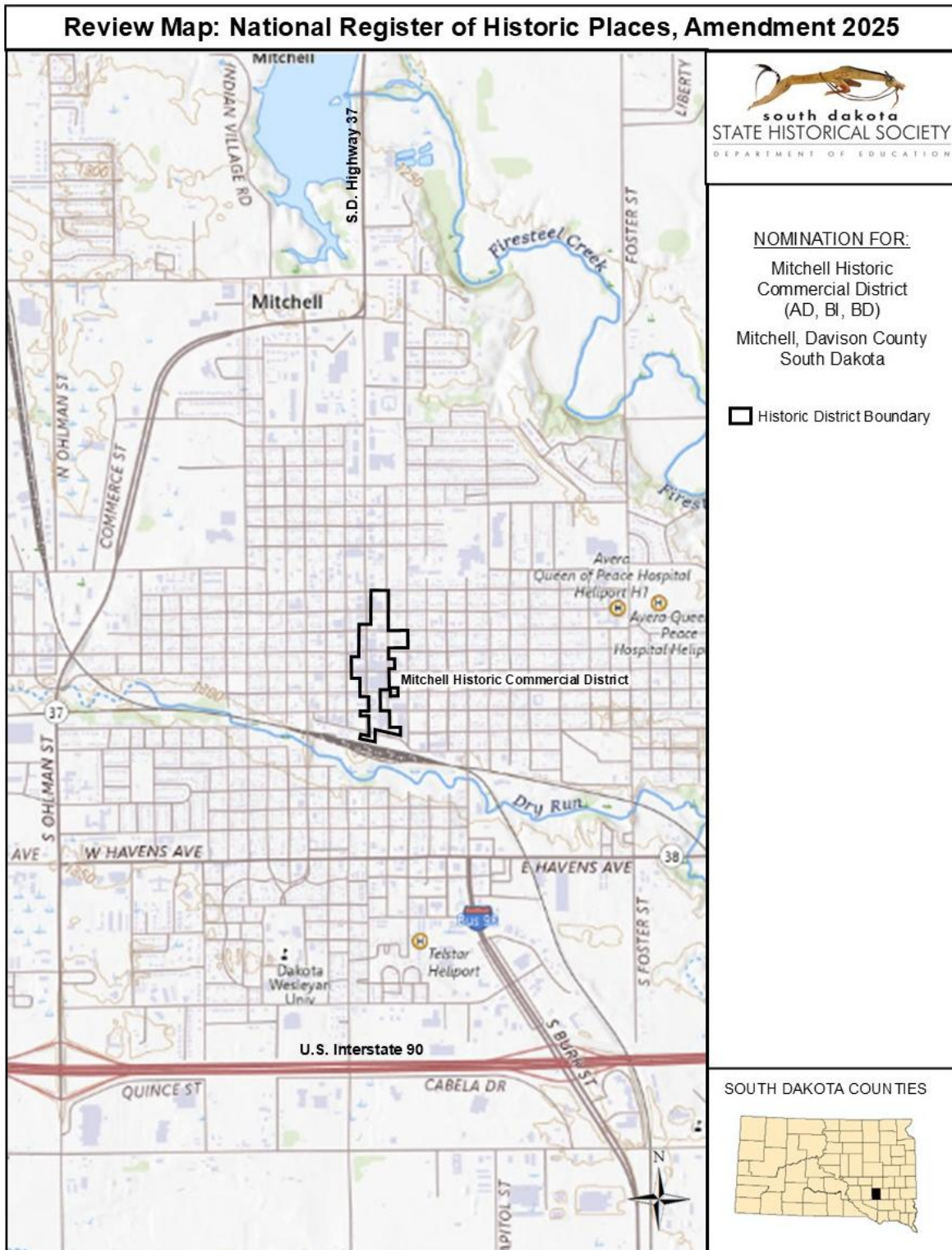
Additional Documentation

Submit the following items with the completed form:

- **Maps:** A USGS map or equivalent (7.5 or 15 minute series) indicating the property's location.

Mitchell Historic Commercial District (AD, BI, BD)
Name of Property

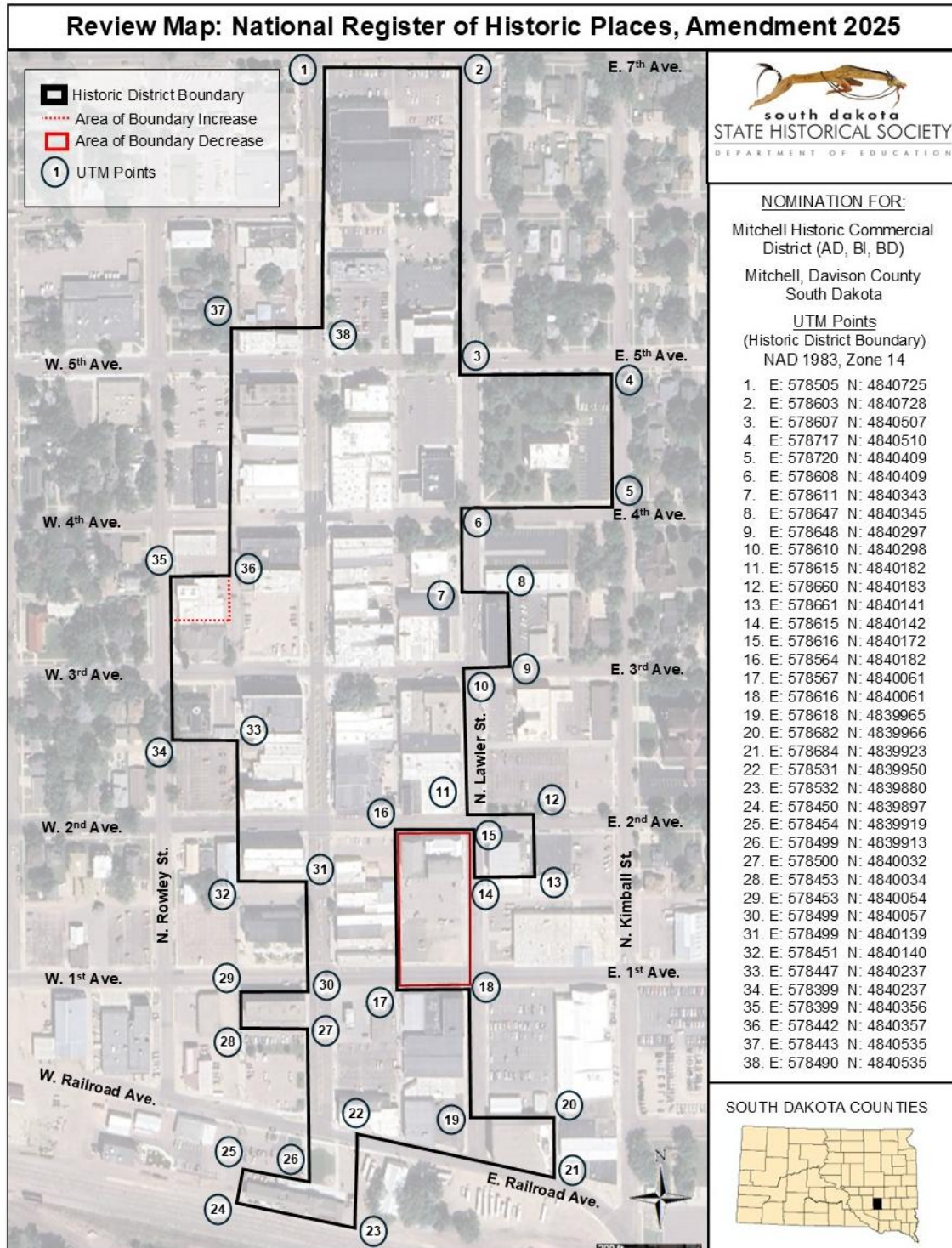
Davison County, SD
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Mitchell Historic Commercial District (AD, BI, BD)
 Name of Property

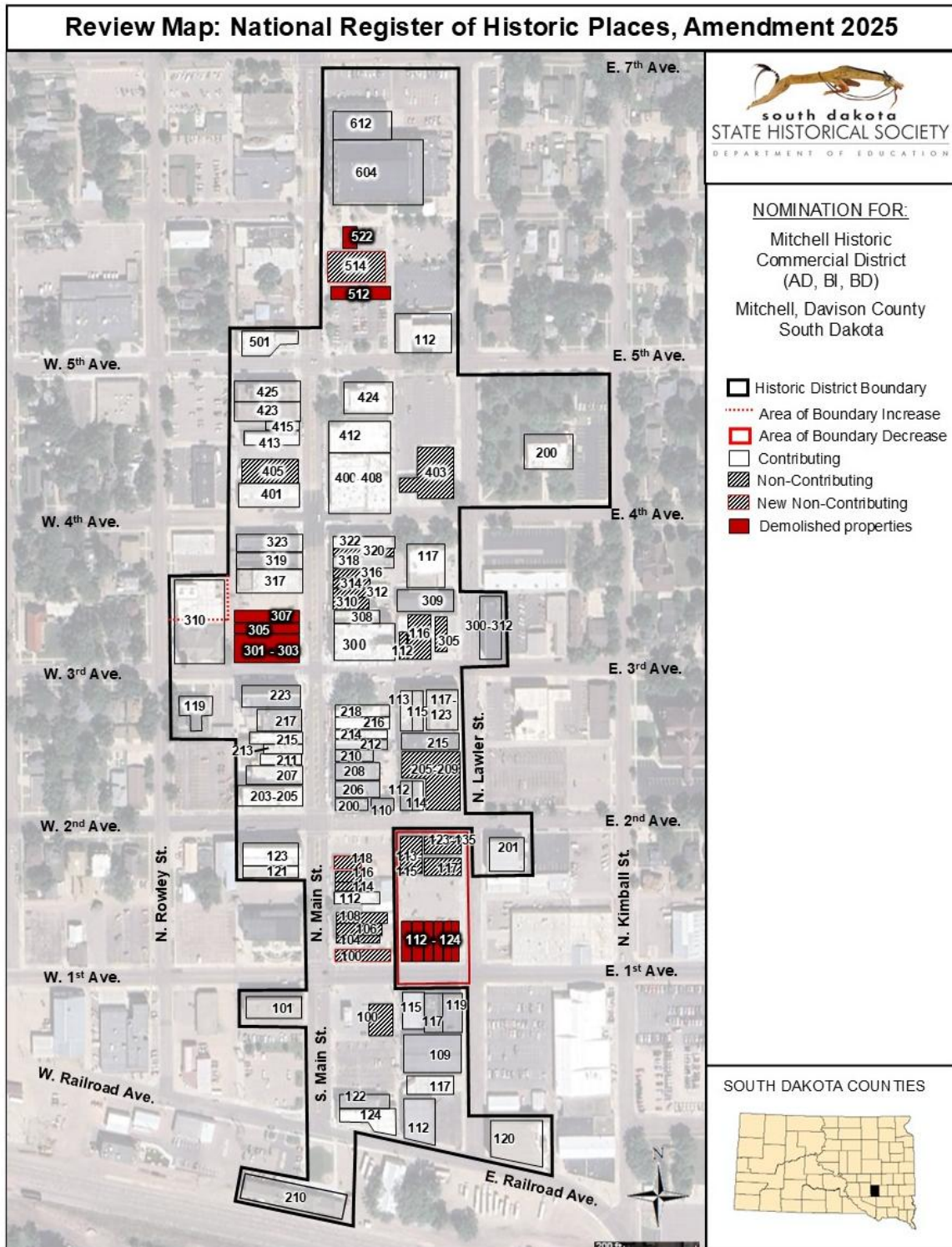
Davison County, SD
 County and State

- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.



Mitchell Historic Commercial District (AD, BI, BD)
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- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Mitchell Historic Commercial District (AD, BI, BD)
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Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

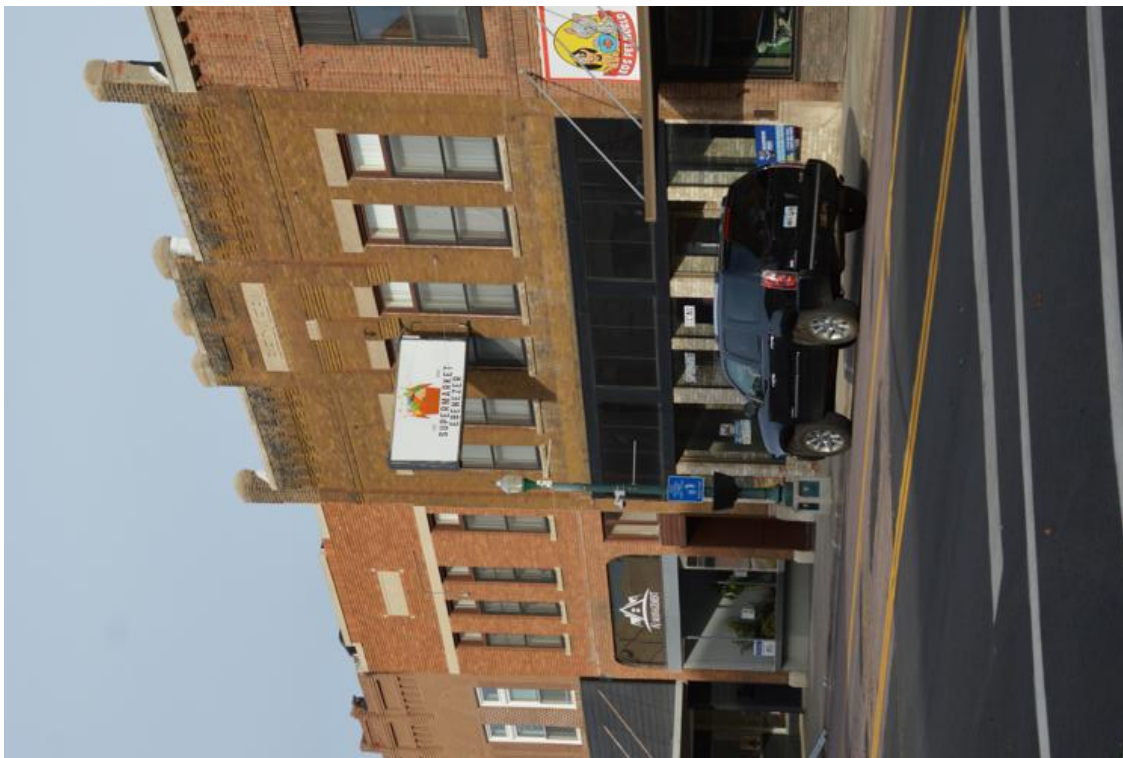
Name of Property: Mitchell Historic Commercial District (boundary decrease; additional documentation)

City or Vicinity: Mitchell

County: Davison State: SD

Photographer: Liz Almlie

Description of Photograph(s) and number, include description of view indicating direction of camera:



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0001
View of 210 and 208 N. Main Street, camera looking northeast. Date photographed: October 28, 2025.

Mitchell Historic Commercial District (AD, BI, BD)
Name of Property

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SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0002
View of 100 N. Main, camera looking northeast. Date photographed: October 28, 2025.



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0003
“Before” view of 100 N. Main, camera looking east. Date photographed: August 31, 2012.

Mitchell Historic Commercial District (AD, BI, BD)
Name of Property

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SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0004
View of 118 N. Main, camera looking southeast. Date photographed: October 18, 2025.



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0005
"Before" view of 118 N. Main, camera looking southeast. Date photographed: September 3, 2008.

Mitchell Historic Commercial District (AD, BI, BD)
Name of Property

Davison County, SD
County and State



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0006
View of 514 N. Main Street (512 and 522 N. Main – demolished) with Corn Palace in background, camera looking northeast. Date photographed: September 29, 2025.



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0007
“Before” view of 514 N. Main Street (edges of 512 and 522 N. Main – now demolished), camera looking east. Date photographed: September 3, 2008.

Mitchell Historic Commercial District (AD, BI, BD)
Name of Property

Davison County, SD
County and State



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0008
View of west side of 300-block N. Main Street (In background: First United Methodist Church at left and Feinstein Brothers [317 N. Main] at center-right), camera looking northwest. Date photographed: September 29, 2025.



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0009
View of north side of 100-block E. 1st Ave. at Lawler St. (Area of boundary decrease), camera looking northwest. Date photographed: September 29, 2025.

Mitchell Historic Commercial District (AD, BI, BD)
Name of Property

Davison County, SD
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SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0010
View of south side of 100-block E. 2nd Ave. at Lawler St. (Area of boundary decrease),
camera looking southwest. Date photographed: September 29, 2025.



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0011
View of 201 E. 2nd Ave. at Lawler St., camera looking southeast. Date photographed:
October 28, 2025.

Mitchell Historic Commercial District (AD, BI, BD)
Name of Property

Davison County, SD
County and State



SD_Davison County_Mitchell Historic Commercial District (AD, BI, BD)_0012
View of First Methodist Church addition (Area of boundary increase), camera looking
southeast. Date photographed: September 29, 2025.

Paperwork Reduction Act Statement: This information is being collected for nominations to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Estimated Burden Statement: Public reporting burden for each response using this form is estimated to be between the Tier 1 and Tier 4 levels with the estimate of the time for each tier as follows:

- Tier 1 – 60-100 hours
- Tier 2 – 120 hours
- Tier 3 – 230 hours
- Tier 4 – 280 hours

The above estimates include time for reviewing instructions, gathering and maintaining data, and preparing and transmitting nominations. Send comments regarding these estimates or any other aspect of the requirement(s) to the Service Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive Fort Collins, CO 80525.



Open Meetings Laws in South Dakota

Updated
November 2025

SDCL 1-25-13

In 2025, the legislature enacted SDCL 1-25-13 which requires an annual review of:

- (1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and
- (2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

Open Meeting Basics

South Dakota political subdivisions exercising sovereign power are required to follow the state's open meetings laws. This includes ensuring official meetings are open to the public, providing adequate notice to the public of meetings, and allowing public comment periods at official meetings.

This presentation is intended to highlight common issues, not cover all open meetings laws in detail.

For more information, please refer to the South Dakota Attorney General's Office brochure entitled "Conducting the Public's Business in Public" which has been provided for review.

Who must follow open meetings laws?

SD open meetings laws apply to political subdivisions of South Dakota which exercise sovereign power.

This means that any public body of the City that has the authority to exercise sovereign power, such as implementing taxes, creating regulations, imposing penalties, etc., must comply with the open meetings laws. Public bodies that are advisory only are not required to comply with the open meetings laws.

Each public body of the city that has the authority to exercise sovereign power must also review the open meetings laws annually.

What are open meetings?

Open meetings include all official meetings of the political subdivision. This is when a quorum of members are present and official business or public policy of the body is discussed or decided.

Open meetings include in person meetings, but also teleconferences, group texts, and group emails that include a quorum where official business or public policy of the political subdivision is discussed or decided.

How is the public notified?

Generally, a political subdivision is required to post a notice for an official meeting at least 24 hours in advance. Less than 24 hours' notice is permitted under certain circumstances, but as much notice as possible should still be provided.

The notice must include the date, time, and location of the meeting and the items proposed to be discussed. The notice must be posted at political subdivision's principal office and on its official website. It must also be delivered to all local news media that have asked to be notified.

The political subdivision is also required to provide meeting materials on its website at least 24 hours in advance or when the materials are provided to board members, whichever is later.

How can the public participate?

The public is entitled to attend open meetings and may record the meetings if the recording is reasonable, obvious, and not disruptive.

The political subdivision must also allow public comment at official meetings, except for those held exclusively for certain purposes. The political subdivision may limit public comment as to the time allowed for each topic, and as to the total time allowed for public comment.

The public is not entitled to attend or participate in a political subdivision's executive sessions.

When can a meeting be closed?

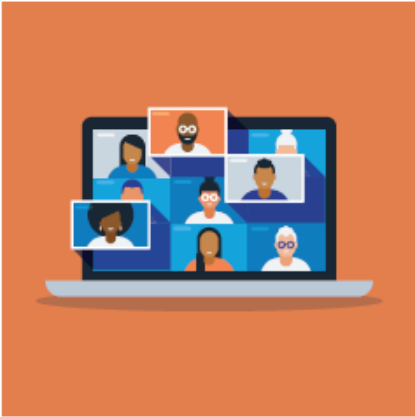
A political subdivision can hold private, executive sessions that are closed to the public and media. SDCL 1-25-2 provides several categories of discussions that may be done in executive session. Executive session may also be held when the federal or state constitution or federal or state statutes require or permit it.

To enter executive session, the political subdivision must make a motion to enter executive session and cite the statute that applies to the discussions to be held. Discussions in executive session are limited to the cited statute.

No action may be taken during executive session. Any action to be taken relative to matters discussed in executive session must be done once the political subdivision has returned to open session.

Questions/Comments/Discussion

For more information, please refer to the South Dakota Attorney General's Office brochure entitled "Conducting the Public's Business in Public" and South Dakota Codified Laws Chapter 1-25.



Conducting the Public's Business in Public

A guide to South Dakota's
Open Meetings Laws
(Revised 2025)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
South Dakota NewsMedia Association
1125 32nd Ave. Brookings, SD 57006

Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of “local news media” in SDCL ch. 1-25. “News media” is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that “local news media” is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student’s participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. “pursuant to SDCL 1-25-2(3).” Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state “motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter,” or “motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or any audio and visual recording must be made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

PERTINENT S.D. OPEN MEETINGS STATUTES
(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1.16. MEETING PACKETS AND MATERIALS.

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.