

REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
MITCHELL, SOUTH DAKOTA

JANUARY 17, 2006

7:30 P.M.

**PRESENT:** Britt Bruner, Allen Lepke, Doug Molumby, Bev Robinson,  
Bill Rubendall, Terry Timmins, Jerald Toomey, Ken Tracy

**PRESIDING:** Mayor Alice Claggett

**AGENDA:**

Moved by Tracy, seconded by Toomey, to approve the agenda as prepared with an addendum. Motion carried.

**MINUTES:**

Moved by Robinson, seconded by Rubendall, to approve the minutes of the regular City Council meeting held on January 3, 2006. Motion carried.

**DISCUSSION:**

Davison County Commissioners and state officials were present to discuss a proposed road swap. The Davison County Commissioners would like the state to take over a 16 mile stretch of County Road 41, previously designated as a state highway. In return for taking over County Road 41, the state would like the City to take responsibility for two portions of state roads, Havens Street from Ohlman to Foster and Burr Street from Havens to Interstate 90. The state would also convert Spruce Street between Rowley and Ohlman into a three lane road with curb and gutter, install permanent traffic lights at the I-90 and Highway 37 intersection and the Highway 37 and Spruce Street intersection. Discussion followed between city, county, and state officials. Moved by Robinson, seconded by Lepke, to continue the discussion at a later date. Motion carried.

**ORDINANCE:**

Ordinance #2186, Rezoning Joseph W. Ellwein property, East of Highway 37 between 250<sup>th</sup> and 251<sup>st</sup> Streets has been withdrawn by the applicant.

**BOARD OF ADJUSTMENT:**

Moved by Rubendall, seconded by Molumby, for the City Council to adjourn and sit as the Board of Adjustment. Motion carried.

It was advised that this is the date and time set for hearing on the application of Joseph W. Ellwein Inc. and Schoenfelder Construction for a conditional use permit to mine for gravel east of Highway 37 between 250<sup>th</sup> Street and 251<sup>st</sup> Street, legally described as the East ½ of the West ½ of the West ½ of

Section 3-103-60, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application with the following conditions: (1) trees are to be planted on the project line separating the mining activities from the land not being disturbed, (2) the access to South Dakota Highway 37 be approved by the South Dakota Department of Transportation, and (3) the conditional use permit be only issued to the current owner (non-transferable). Discussion followed between property owners and neighbors. Moved by Robinson, seconded by Molumby, to approve said application with Planning Commission recommendations and also including the following conditions the permit is reviewed in one year, the hours of operation are Monday through Saturday from 7:30 am to 6:00 pm, only one acre is mined at a time and the area is reclaimed, and there is no stockpiling of gravel or sand. Motion carried.

It was advised that this is the date and time set for hearing on the application of Larry Koster for a variance to move a 24 x 44 ½ foot four car garage from 421 East 11<sup>th</sup> Avenue to 2341 West 23<sup>rd</sup> Avenue, legally described as the North 435 feet of the West 150 feet of the West ½ of the Northeast ¼ except Lot H1-N, Northeast Section 17-103-60, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application. Application has been withdrawn by applicant.

Moved by Rubendall, seconded by Bruner, that the 6<sup>th</sup> day of February, 2006 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Alicia Nelson for a conditional use permit to operate a daycare center in her home at 1805 North Wisconsin, legally described as Lot 2, Block 9, Fullerton Properties Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Molumby, seconded by Lepke, that the 6<sup>th</sup> day of February, 2006 at 7:30 p.m. in the Council Chambers of City Hall be the date and time set for hearing on the application of Larry Thompson for a variance to construct a garage at 916 Kippes Cove, legally described as Lot 5, Nelson's Addition and to direct the Finance Officer to give notice according to statute. Motion carried.

Moved by Timmins, seconded by Molumby, for the Board of Adjustment to adjourn and the City Council to reconvene in regular session. Motion carried.

### **COMMITTEE REPORTS:**

#### **Traffic Commission:**

The Traffic Commission met on January 17, 2006 at 6:15 p.m. in the Council Chambers of City Hall. The commission was informed of new signs which will be placed on Main Street and one block on each side from 1<sup>st</sup> to 6<sup>th</sup> Avenue.

#### **Public Health & Safety Committee:**

The Public Health & Safety Committee met on January 17, 2006 at 6:20 p.m. in the Council Chambers of City Hall. The committee reviewed a nuisance property, approved lighting at the 2<sup>nd</sup> and Lawler city parking lot, and discussed a proposed fence ordinance.

It was advised that this is the date and time set for hearing on the application of Jenny Van Overschelde for a conditional use permit to operate a daycare center in her home at 1101 East 4<sup>th</sup> Avenue, legally described as Lot 6, Block 8, Gleeson's Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application with the conditions the permit is not transferable and will expire if not operated in a six month period. Moved by Bruner, seconded by Allen, to approve said application with Planning Commission recommendations. Motion carried.

It was advised that this is the date and time set for hearing on the application of Mike Titze for a variance to construct an addition/garage at 316 West 6<sup>th</sup> Avenue, legally described as the East ½ of Lot 7 and the East ½ of the South ½ of Lot 8, Block 11, Rowley's 2<sup>nd</sup> Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application. Moved by Tracy, seconded by Barington, to approve said application. Motion carried.

Moved by Lepke, seconded by Molumby, to authorize the continued operation of the Joseph W. Ellwein and Schoenfelder Construction's conditional use permit to mine for gravel east of Highway 37 between 250<sup>th</sup> Street and 251<sup>st</sup> Street, legally described as the East ½ of the West ½ of the West ½ of Section 3-103-60, Davison County, South Dakota with no further review. Motion carried.

Moved by Lepke, seconded by Barington, for the Board of Adjustment to adjourn and the City Council to reconvene in regular session. Motion carried.

### **COMMITTEE REPORTS:**

#### **Traffic Commission:**

The Traffic Commission met on January 16, 2007 at 7:05 p.m. in the Council Chambers of City Hall. The commission denied a request for additional speed limit signage in the Court Merrill area following the completion of a speed study.

#### **Finance Committee:**

The Finance Committee met on January 16, 2007 at 7:20 p.m. in the Council Chambers of City Hall. The committee approved the request of the Mitchell Public Library to apply for grant funds for a computer purchase.

Moved by Smith, seconded by Allen, to approve the committee reports. Motion carried.

### **DEPARTMENT REPORTS:**

Moved by Lepke, seconded by Molumby, to approve the following department reports: Police Department Report for November, Fire/EMS Reports for October and November, Building Permits Issued in December and 2006, Palace Transit Report for December, Water Department Report for December, Airport Report for December, Airport Board Minutes from December 12, 2006, Library Board Minutes from December 12, 2006, and Parks, Recreation, and Forestry Board Minutes from November 14, 2006. Motion carried.

**Schoenfelder Construction Inc.**  
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**Phone (605) 996-3254**

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1-4-2006

Mitchell City Planning Commission

We are requesting a rezone and conditional use permit to mine sand from land owned by Joseph W. Ellwein Inc. We are proposing to go in to the area off of highway 37 using an existing driveway into the property. We would be building a driveway and culvert over a waterway to access the area. We plan on mining the area using the process of stripping black dirt off the top for use in reclamation. We would then direct load the material into trucks as needed and haul out to projects. We would be doing this in small areas, replacing black dirt and replanting grass.

We are furnishing a map of the area for your information. If you have any questions you would like to ask prior to the meeting please feel free to call the office at 996-3254, Norm's cell at 770-3255 or Cal Muilenburg the office manager cell at 770-3254. We would gladly answer any questions or take you out to the site for a tour.

Thanks

Sincerely Yours



Schoenfelder Construction Inc.  
Cal Muilenburg  
Office Manager