

Unapproved Minutes
Council Special Joint Meeting with County Commissioners
March 8, 2022
Tuesday 5:30 p.m.

The special Joint Meeting with Clay County Commissioners and the Vermillion City Council, City of Vermillion, South Dakota was held on Tuesday, March 8, 2021 at 5:30 p.m. at the City Hall Council Chambers.

1. Roll Call

Present: Hellwege, Humphrey, Jennewein, Price, Ward, Mayor Collier-Wise

Absent: Holland, Letellier,

2. Adoption of Agenda

72-22

Council Member Price moved approval of the agenda. Council Member Humphrey seconded the motion. Motion carried 6 to 0. Mayor Collier-Wise declared the motion adopted.

3. Visitors to be Heard - None

4. Public Hearing

A. Second Reading of Ordinance 1454 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 LI: Light Industrial District, Purpose; Section 6.02 Conditional Uses; and Section 6.02 Applicable Standards

Jose Dominguez, City Engineer, reported that, on December 27, 2021, the City and County Planning Commissions met jointly to discuss possible changes to the LI: Light Industrial District (LI District) of the Joint Zoning Regulations for Clay County and the City of Vermillion. Jose stated that the proposed changes were due to a recent rezoning request for land in the Joint Jurisdictional Zoning Area where the request was seeking to make an existing use conforming. Jose noted that, although the rezoning request was later withdrawn by the applicant, the County and the City were willing to consider amendments to the zoning ordinance to allow the existing use within the LI: Light Industrial District. Jose noted that, if the amendments were to be adopted, the owner would then be able to request the property, or parts of it, to be rezoned into the LI District to make the current use conforming.

Jose stated that the City Planning and Zoning Commission considered this item at a Joint meeting with the Clay County Planning Commission on

January 24, 2022 and they unanimously recommended that the City Council adopt the proposed amendment. Jose noted that the Joint Jurisdictional Zoning Area (JJZA) was created by the County and the City in 2012 and the zoning ordinance was created with the intent to allow the County and the City to each have a say in existing and proposed land uses in an area that would directly impact the City's growth. Jose stated that the JJZA tries to maintain the rural characteristics of the surrounding area while allowing for some light development. Jose noted that the ordinance's intent, based on the adopted comprehensive plan for the JJZA, is to direct development towards areas within City limits, or areas that can be annexed by the City and serviced with municipal infrastructure. Jose noted that the proposed amendments to the LI District include "grain terminal/grain processing" and "agribusiness" uses as conditional uses. Jose stated that these two changes would allow for additional agricultural uses to be possible in the LI District. Jose noted that the statement describing the purpose of the district would be amended by removing portions from the second sentence and this change would better describe the uses that are not allowed in the LI District.

Jose noted that the first reading of the ordinance by the City Council occurred on February 7, 2022. Jose noted that, at that meeting, the City Council approved the first reading and moved for the second reading to be considered at a joint meeting. Jose stated that the County Commission had first reading of the ordinance on February 22, 2022.

73-22

Second reading of title to Ordinance No. 1454, entitled AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT for the City of Vermillion, South Dakota.

Mayor Collier-Wise read the title to the above named Ordinance, and Council Member Hellwege moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1454 entitled AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 7th day of February, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 8th day of March, 2022 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE 1454

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 6 LI: Light Industrial District for the Joint Zoning Jurisdiction Area of Clay County and the City of Vermillion be amended by modifying the "Purpose" of the district and including "Grain Terminal/Grain Processing" and "Agribusiness" uses as conditional uses. All other portions of Chapter 6 LI: Light Industrial District will remain as they are. Following is the amendment:

Purpose of district:

The purpose of this district is to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park like setting. These uses do not include residences, apartments, or commercial uses, which are primarily retail in nature. It is the intent of this district to provide high amenity industrial development along the major roads, while allowing for slightly heavier development in the interior of the industrial areas. The LI Light Industrial District, where permitted, shall generally be located where provisions can be made to adequately handle the sewage disposal, where the value of the land for agricultural use is marginal, and where the water supply, roads, and emergency services are easily and economically available.

6.02 Conditional Uses

Conditional Uses	Applicable
Grain Terminal/Grain Processing	11.01, 11.03, 11.04, 11.05, 16.01
Agribusiness	11.01, 11.03, 11.04, 11.05, 16.01

Dated at Vermillion, South Dakota this 8th day of March 2022.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Ward. Thereafter the question of the adoption of the Ordinance was put to a roll call

vote of the Governing Body, and the members voted as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Price-Y, Ward-Y, Mayor Collier-Wise-Y.

Motion carried 6 to 0. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second Reading of Ordinance 1455 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 3 A-1: Agricultural District; Section 3.02 Conditional Uses; and Section 3.02 Applicable Standards

Jose Dominguez, City Engineer, reported that, on December 27, 2021, the City and County Planning Commissions met jointly to discuss possible changes to the A-1: Agricultural District (A-1 District) of the Joint Zoning Regulations for Clay County and the City of Vermillion. Jose noted that the proposed changes would correct an error found recently in the A-1 District that accidentally excluded "telecommunications tower" use. Jose stated that the City Planning and Zoning Commission considered this item at a joint meeting with the Clay County Planning Commission on January 24, 2022. Jose noted that, at that meeting following the public hearing, the City's Planning and Zoning Commission voted to unanimously recommend that the City Council adopt the proposed amendment.

Jose stated that the Joint Jurisdictional Zoning Area (JJZA) was created by the County and the City in 2012 and the zoning ordinance was created with the intent to allow the County and the City to each have input in existing and proposed land uses in an area that would directly impact the City's growth. Jose noted that the JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. Jose stated that the proposed amendment to the A-1 District will include "telecommunications tower" as a conditional use. Jose noted that staff believes that the exclusion of this use from this district in the original adoption of the JJZA zoning ordinance was in error since another similar use is already found as a conditional use in this district (e.g., "broadcast tower").

Jose noted that the first reading of the ordinance by the City Council occurred on February 7, 2022. Jose noted that, at that meeting, the City Council approved the first reading and moved for the second reading to be considered at a joint meeting. Jose stated that the County Commission had first reading of the ordinance on February 22, 2022.

74-22

Second reading of title to Ordinance No 1455, entitled AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT for the City of Vermillion, South Dakota.

Mayor Collier-Wise read the title to the above named Ordinance, and Council Member Price moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No, 1454 entitled AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 3 A-1: AGRICULTURAL DISTRICT was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 7th day of February, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 8th day of March, 2022 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE 1455

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 3 A-1: AGRICULTURAL DISTRICT.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 3 A-1: Agricultural District for the Joint Zoning Jurisdiction area of Clay County and the City of Vermillion be amended by including "telecommunications tower" use as a conditional use. All other portions of Chapter 3 A-1: Agricultural District will remain as they are. Following is the amendment:

11.02 Conditional Uses

Conditional Uses	Applicable Standards
Telecommunications Tower	11.01, 11.03, 11.05, 11.08, 16.01

Dated at Vermillion, South Dakota this 8th day of March 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Kelsey Collier-Wise, Mayor

ATTEST:
BY _____
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Ward. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Price-Y, Ward-Y, Mayor Collier-Wise-Y.

Motion carried 6 to 0. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

5. Adjourn

75-22

Council Member Hellwege moved to adjourn the Council special session at 5:36 p.m. Council Member Ward seconded the motion. Motion carried 6 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 8 day of March, 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E Redden, Finance Officer

Published once at the approximate cost of _____.