

Unapproved Minutes  
Council Special Joint Meeting with County Commissioners  
April 3, 2023  
Monday 6:30 p.m.

The special Joint Meeting with Clay County Commissioners and the Vermillion City Council, City of Vermillion, South Dakota was held on Monday, April 3, 2023 at 6:30 p.m. at the City Hall Council chambers.

1. Roll Call

Present: Holland, Humphrey, Hellwege, Jennewein, Letellier, Murra, Price, Ward, Mayor Cole

2. Adoption of Agenda

82-23

Council Member Price moved approval of the agenda. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

3. Visitors to be Heard - None

4. Public Hearing

A. Second Reading of Ordinance 1479 - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 14 Amendments and Change of Zone; Section 14.03 Hearing by Planning Commissions; and Section 14.04 Hearing by Board of County Commissioners and City Council

Jose Dominguez, City Engineer, reported on the second reading of Ordinance No. 1479. Jose noted that the City and the County governing bodies met June 1, 2022 to discuss how to improve the Joint Zoning agreement between the City and the County. At the conclusion of that meeting, the governing bodies asked staff to bring forward amendments to improve the process for rezoning and possible amendments to the LI: Light Industrial District found in the JJZA.

Jose stated that the City and County Planning and Zoning Commissions met jointly several times in 2022 to discuss possible amendments to the zoning ordinance. The changes discussed would be to Chapters 2, 6, 14, and 19.

Jose noted that on February 27, 2023 the City and County Planning Commissions met to consider the amendments being proposed. After review and public comments, the City's Commission recommended unanimously that

the City Council adopt the ordinance as proposed. The County's Planning Commission made a similar recommendation to the County's Board of Commissioners.

Jose stated that the City Council considered the ordinance at the March 20th meeting. After public comments, the Council moved the ordinance to second reading to consider the amendment with the County Board of Commissioners. No changes have been made to the ordinance since the first reading.

Jose stated that the Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The 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 noted that the JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. 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 stated that the proposed amendments would make all meetings joint rather than both governing bodies meeting separately for the first reading of an ordinance and then jointly for the second reading of the ordinance. Additionally, the proposed amendment would require notification to affected property owners regarding all changes of zone requests in the JJZA, including requests initiated by government agencies.

Discussion followed on signage.

83-23

Mayor Cole read the title to the above-named Ordinance, and Council Member Holland moved adoption of the following amended resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1479 entitled An Ordinance Amending The 2012 Joint Zoning Regulations For Clay County And The City Of Vermillion, Chapter 14 Amendments And Change Of Zone; Section 14.03 Hearing By Planning Commissions; And Section 14.04 Hearing By Board Of County Commissioners And City Council, Clay County, South Dakota, 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 20th day of March, 2023 and that the title was again read at this meeting, being a special called meeting of the Governing Body on this 3rd day of April, 2023 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 1479

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 14 AMENDMENTS AND CHANGE OF ZONE; SECTION 14.03 HEARING BY PLANNING COMMISSIONS; AND SECTION 14.04 HEARING BY BOARD OF COUNTY COMMISSIONERS AND CITY COUNCIL.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 14: Amendments and Change of Zone; Section 14.03 Hearing by Planning Commissions be amended to include language setting the notification requirements when a change of zone is initiated; and Section 14.04 Hearing by Board of County Commissioners and City Council be amended to include language making all public hearings to be conducted jointly between the City Council and the Board of County Commissioners. All other portions of Chapter 14: Amendments and Change of Zone will remain as they are. Following is the amendment:

14.03 Hearing by Planning Commissions

Upon the filing of an application for a request of zoning district classification change, the Clay County Zoning Administrator shall set a date for a public hearing, at which time and place the County and City Planning Commissions shall meet jointly to consider the zoning classification changes. Said public hearing shall comply with the provisions of SDCL Chapters 11-2, 11-4 and 11-6.

A. Signs. A sign(s) to be provided by the Clay County Zoning Administrator shall be posted on the property at least seven days prior to the scheduled hearing.

B. The applicant must notify adjoining property owners of record by registered or certified mail at least 10 days before the public hearing by the Planning Commissions. If the change of zone is initiated by either the City or the County the property owner(s) shall be notified in the same manner.

C. Recommendations from Planning Commissions. The County and City Planning Commissions shall, respectively, make a recommendation to the Board of County Commissioners and City Council on those applications for zoning district classification changes which have been considered and all other amendments to these regulations.

14.04 Hearing by Board of County Commissioners and City Council

The Board of County Commissioners and the City Council shall jointly conduct all public hearings for all readings of an ordinance to act on all applications which have been processed and forwarded to them for public hearings as provided in these regulations. The County Auditor shall cause to be published all notices of the time and place when and where all persons interested shall be given a full, fair, and complete hearing. Said public hearing shall comply with the provisions of SDCL Chapters 11-2, 11-4 and 11-6.

A. Supplementary Notice. Supplementary to the published notice, a sign(s) to be provided by the Clay County Zoning Administrator shall be posted on the property at least seven days prior to the scheduled hearing.

B. Hearing. Upon the day of any public hearing, the Board of County Commissioners and the City Council shall review the decisions and recommendations of their respective Planning Commissions on all applications coming before them as provided in these regulations. At the final reading, the Board of County Commissioners and the City Council must each vote in favor of the proposed action before any changes or modifications are made in the regulations, restrictions, or zoning map.

C. Reapplication. No application requesting a zoning district classification change on any property whose application includes any such property either entirely or substantially the same as that which has been denied by the Board of County Commissioners and City Council, shall again be considered by the Planning Commissions before the expiration of six months from the date of the final action of the Board of County Commissioners and City Council.

Dated at Vermillion, South Dakota this 3rd day of April, 2023.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
Jonathan D. Cole, Mayor

ATTEST:  
BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Humphrey. 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, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Ward-Y, Price-Y, Murra- Y, Mayor Cole-Y.

5. Adjourn

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Council Member Murra moved to adjourn the Council special session at 6:43 p.m. Council Member Hellwege seconded the motion. Motion carried 9 to 0. President Holland declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of April, 2023.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
Jonathan D. Cole, Mayor

ATTEST:

BY \_\_\_\_\_  
Katie E Redden, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.