

Unapproved Minutes
Council Special Joint Meeting with County Commissioners
June 1, 2022
Wednesday 7:00 p.m.

The special Joint Meeting with Clay County Commissioners and the Vermillion City Council, City of Vermillion, South Dakota was held on Wednesday, June 1, 2022 at 7:00 p.m. at the City Hall Council Chambers.

1. Roll Call

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

Absent: Letellier

2. Adoption of Agenda

173-22

Council Member Price moved approval of the agenda. Council Member Ward seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

3. Visitors to be Heard - None

4. Intergovernmental Communications

A. Sharing of agendas, minutes, and standing items

Council Member Holland presented the idea of each government sharing agendas, minutes, and standing items with each other. Holland noted that, if there are any issues to be considered that the other body thinks will affect them, they can then address it before the meeting.

County Commissioner Packard stated that County Auditor Carri Crum could add the Council Members to the email that is sent out to the Commissioners before their meetings.

Mayor Collier-Wise noted that the City also has their agenda sent via email the Friday before the meetings.

B. ICAP Business meeting

Council Member Holland presented the idea of having a quarterly meeting with the County, City, School District, USD, Hospital, VCDC, local businesses, and other individuals involved within the City. Holland noted that this meeting would present ideas for improvement, have public

feedback, and hopefully find solutions for issues in the area. Holland stated that the meeting would be run by a moderator or a member of ICAP. Holland noted that it would cost about \$1,000 per meeting to host the breakfast meeting and each organization involved would take turns covering that fee. Holland noted that the USD Foundation has said that they would donate the first \$1,000 for this event.

Discussion followed on a group meeting idea.

5. Joint Jurisdiction Zoning Area

A. Problems with Joint Jurisdiction

County Commissioner Mockler stated that the first problem he sees is having meetings together.

Mayor Collier-Wise noted that City Manager John Prescott had an idea to have all meetings together and invited John to present his idea.

John Prescott, City Manager, stated that other communities having joint areas are Dell Rapids with Minnehaha County and Sioux Falls with Minnehaha County. He stated that these communities have the same procedure that Clay County and the City of Vermillion currently follow. John noted parameters that he used when trying to come up with a joint meeting plan such as how to get the best participation from the community and the best way for the applicants to participate. John presented that there be four meetings: first meeting is the Joint Planning and Zoning Commission meetings, second meeting is a public input meeting with both the County Commissioners and City Council, third meeting would be a joint first reading of the ordinance, and fourth meeting would be a joint second reading of the ordinance.

Mayor Collier-Wise noted that to streamline this process it would be beneficial to have a constant joint meeting date, for example, an hour before regular City Council meeting days. Mayor Collier-Wise noted that this would be easier than trying to set up special meeting days. Discussion followed on logistics of how many meetings would need to take place.

County Commissioner Mockler asked why there needs to be three joint meetings.

John noted that the first joint meeting would be for public comment and no decision would be made at that time.

Discussion followed on the number of meetings needed with an agreement to have the Joint Planning and Zoning meeting, a joint first reading, and a joint second reading.

Commissioner Mockler asked if there needed to be a vote to amend the agreement.

Council Member Hellwege stated that the language should be amended to clearly state the meeting process. Discussion followed.

Mayor Collier-Wise stated that Staff look at an ordinance to put into place for this.

County Commissioner Mockler stated that the other issue that has come up was a policy that was put into place that was not run through the two governing bodies.

Jose Dominguez, City Engineer, noted that this issue came about at a Planning and Zoning meeting. Jose stated that, based on the strict interpretation of the adopted comprehensive plan, it seems that the intended use should not be allowed to occur. Jose noted that he uses this policy for rezones to make it uniform throughout all applications including the ones in the JJZA. Jose stated that this policy is used to give a recommendation to the Council.

Council Member Ward asked to get some clarification from Jose. Ward noted that this policy is used to bring a recommendation to the Council meeting. Ward noted that the Council may or may not act on the recommendation.

Jose noted that it is a fair and equal way for staff to process applications.

Cindy Aiden, County Planning and Zoning Commission President, stated that it would be a good idea for the two governing bodies to meet before the Zoning Commission meets so those commissions can have a better understanding of what is wanted or needed.

Council Member Hellewege stated that the bodies should have a joint comprehensive plan and update it regularly together. Hellwege presented putting together a subcommittee that can discuss issues before being presented to the Planning and Zoning Commission. Discussion followed on staff policies being renamed to parameters.

Council Member Price asked if the Commission has subcommittees.

Commissioner Hammond stated that there are other boards, but they do not have subcommittees.

Council Member Price noted that maybe a subcommittee would be best because that way they do not have to be public meetings and things can be discussed before being presented to the Planning and Zoning Commission. Discussion followed on forming a subcommittee with the County, City, and both Planning and Zoning Commissions.

Mayor Collier-Wise asked if we should move to the next item on the agenda.

County Commissioner Mockler stated that they have move problems that need to be addressed. Mockler noted that, for this to work, we are going to have to stop saying things about each other at meetings.

Mayor Collier-Wise stated that Mockler noted he did not trust the City.

County Commissioner Mockler stated that he did say he did not trust the City and he still does not fully trust them.

Commissioner Smith called for a point of order and stated that personal grievances should not be in meetings and to follow Roberts Rules.

Commissioner Hammond stated that to be productive and move forward they should not dig into the past.

Council Member Price noted that the two issues of concern were communication problems and misaligned priorities. Price noted that the things discussed put them on the path to resolve these problems.

Marty Gilbertson, 419 Park Lane, stated that a subcommittee would be a good thing for the JJZA. Marty noted that the process is flawed, but there needs to be people that want to dive into the JJZA agreement and understand it. Discussion followed.

B. Pros and Cons regarding Joint Jurisdiction

Council Member Holland noted that a pro is that the state statute says the City has territorial jurisdiction one mile outside of City limits if the JJZA was not in place, but the City does not want that. Holland noted that the JJZA promotes harmonious work together because the governing bodies are talking together.

Commissioner Mockler stated that the County has not been able to find the statute that grants the City the one mile.

Jose stated that state statues 9-29-1, 9-33-4, and 9-33-4.1 outline how municipalities handle the extraterritorial area around the city if there is not JJZA. Jose read SDCL 9-29-1 regarding the policing powers the City has. Jose noted that there is a 1981 Attorney General opinion regarding this issue as well. Discussion followed on the municipality's powers without the JJZA in place.

Commission Mockler asked for that opinion to be sent to him.

Discussion followed on the pros and cons of the JJZA.

6. Bridge painting resolution

A. John Prescott, City Manager, presented an idea that each of the governing bodies adopt a resolution to ask the DOT to paint the bridge that is currently a rust orange color. John noted that the approved colors are black, green, and blue. John noted that, if each governing body would like to see the bridge painted, City Staff can write up a resolution to be presented to each Board. Discussion followed on the color and resolution to be presented.

Kevin Myron, 715 Brooks Drive, asked if he could have public comment. Kevin stated that he appreciates the two governing bodies getting together to discuss the rezoning problem. Kevin stated that, as an applicant, it was confusing and there is resentment between everyone due to that. Kevin also stated that applicants do not need the ordeal and unfairness between the two governing bodies. Kevin noted that this is causing the City and Council to lose a lot of industrial businesses due to the issues.

Council Member Hellwege stated that the City created a new light industrial district to help promote businesses to come to the City. Hellwege noted that the lack of fairness is that the County represents everyone in the City along with those outside of City limits and there is fair representation. Hellwege noted that the timeline is disappointing and different issues bring up different procedures.

7. Adjourn

174-22

Council Member Holland moved to adjourn the Council Meeting at 8:56 p.m. Council Member Ward seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of June, 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 _____.