

Unapproved Minutes  
Council Special Joint Meeting with County Commissioners  
June 20, 2023  
Tuesday 6:00 p.m.

The special Joint Meeting with Clay County Commissioners and the Vermillion City Council, City of Vermillion, South Dakota was held on Tuesday, June 20, 2023 at 6:00 p.m. at the City Hall Council Chambers.

1. Roll Call

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

Absent: Hellwege

2. Adoption of Agenda

193-23

Council Member Price moved approval of the agenda. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

3. Visitors to be Heard

4. Public Hearing

A. Second Reading of Ordinance 1481 - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2 Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction

Jose Dominguez, City Engineer, reported on the Second reading of Ordinance No. 1481. 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 March 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 Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance was created with the intent of allowing 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 noted that the proposed amendments would create a table that specifies the zoning district a property enters when coming into the JJZA. This would only affect property that is directly affected when the JJZA boundary is enlarged.

194-23

Second reading of title to Ordinance No. 1481, entitled An Ordinance Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2 Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction for the City of Vermillion, South Dakota

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1481 entitled An Ordinance Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2 Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a meeting called of the Governing Body on the 15th day of May, 2023 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day of June, 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 1481

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2 DISTRICTS AND BOUNDARIES; SECTION 2.07 CLASSIFICATION OF LAND COMING WITHIN THE JOINT ZONING JURISDICTION.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 2: Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction be amended to include a table dictating into which zoning district land comes into when the boundary of the Joint Zoning Jurisdiction is expanded. All other portions of Chapter 2: Districts and Boundaries will remain as they are. Following is the amendment:

2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction

All land coming within the jurisdiction of these regulations shall be placed in the following zoning district:

Currently zoned in Clay County Zoning Ordinance and When coming into this jurisdiction

From NRC: Natural Resource Conservation District To NRC: Natural Conservation District

From A-1: Agricultural District To A-1: Agricultural District

From RR: Rural Residential District To RR: Rural Residential District

From C-1: Commercial District To C: Commercial District

From I-1: Light Industrial District To LI: Light Industrial District

From I-2: General Industrial District To HI: Heavy Industrial District

Dated at Vermillion, South Dakota this 20th day of June 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: Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Murra -Y, Mayor Cole-Y.

Motion carried 8 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second Reading of Ordinance 1482 - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses

Jose Dominguez, City Engineer, reported on the second reading of Ordinance No. 1482. 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 March 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 Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance was created with the intent of allowing 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 noted that the proposed amendments would move uses that may be seen as offensive by adjoining residential uses from "permitted" to "conditional." Moving the uses into the conditional use category would require having a public hearing for the proposed use. This would allow the public to comment on the proposed use and, if necessary, for the Planning Commissions to place conditions on the proposed use. Jose stated that only two uses are recommended to be removed, one is the "Billboard Signs" and the other is "Storage Facility." This is because the signs

are addressed in Chapter 152 of the 2008 Revised Code of Ordinances of the City of Vermillion, and "Storage Facility" is already allowed in the district as a "warehouse, mini-warehouse."

195-23

Second reading of title to Ordinance No. 1482, entitled An Ordinance Amending 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1482 entitled An Ordinance Amending 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a meeting called of the Governing Body on the 15th day of May, 2023 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day of June, 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 1482

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 6 LIGHT INDUSTRIAL DISTRICT; SECTION 6.01 PERMITTED USES; AND SECTION 6.02 CONDITIONAL USES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 6: Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses be amended to remove some uses from Section 6.01 Permitted Uses and add uses to Section 6.02 Conditional Uses. All other portions of Chapter 6: Light Industrial District will remain as they are. Following is the amendment:

2.01 Permitted Uses

Permitted Uses Applicable Standards

- Wholesale Trade 11.01, 11.03, 11.04, 11.05
- Public Utility Facility 11.01, 11.03, 11.04, 11.05
- Office Building 11.01, 11.03, 11.04, 11.05
- Frozen Food Locker 11.01, 11.03, 11.04, 11.05

Printing Plant 11.01, 11.03, 11.04, 11.05  
Motor Vehicle Service Station 11.01, 11.03, 11.04, 11.05

Electrical Substation 11.01  
Opaque screen, six feet in height, located as far back as all setback lines.

Warehouse, Mini-Warehouse 11.01, 11.03, 11.04, 11.05  
The materials stored on the premises shall have a Level 1 or below in the Fire Protection Guide on Hazardous Materials.

Lumberyard 11.01, 11.03, 11.04, 11.05  
Subject to screening of all outdoor storage from view when abutting a residential district.

Truck/Bus Wash 11.01, 11.03, 11.04, 11.05  
All water from the truck or bus wash being contained on the site.

Truck Repair, Sales, and Service 11.01, 11.03, 11.04, 11.05  
Subject to no unscreened outdoor storage of parts.

Farm Store or Feed Store 11.01, 11.03, 11.04, 11.05  
Only accessory storage of fertilizer or farm chemicals on the site.

Recycling Collection Facility 11.01, 11.03, 11.04, 11.05  
Screening of all recyclable material from view.

Farm Implement Sales, Display and Service 11.01, 11.03, 11.04, 11.05  
Screening of all outdoor storage of parts from view.

Broadcast Tower 11.01, 11.03, 11.04, 11.05  
Located at least 300 feet from a residential district.

## 6.02 Conditional Uses

### Conditional Uses Applicable Standards

Wireless Communication Facility 11.01, 11.08, 16.01

Telecommunications Tower 11.01, 11.08, 16.01

Ready-Mix Plant 11.01, 11.03, 11.05, 16.01

Wind Energy Conversion System 11.01, 11.13, 16.01

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

Light Manufacturing 11.01, 11.03, 11.04, 11.05, 16.01

Contractor's Shop and Storage Yard 11.01, 11.03, 11.04, 11.05, 16.01

Bus/Truck Terminal 11.01, 11.03, 11.04, 11.05, 16.01

Located 300 feet from a residential district to minimize effects of diesel fumes and noise.

Recycling Processing Facility 11.01, 11.03, 11.04, 11.05, 16.01

Screening of all recyclable material from view.

Automobile Storage Yard 11.01, 11.03, 11.04, 11.05, 16.01

Screening of the storage yard with fence, berm, vegetation, or placement on the lot.

Motor Vehicle Repair Shop 11.01, 11.03, 11.04, 11.05, 16.01

An adequate number of parking spots to store the cars and screen parts and materials from view.

Dated at Vermillion, South Dakota this 20th day of June 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: Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Murra -Y, Mayor Cole-Y.

Motion carried 8 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second Reading of Ordinance 1483 - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 19 Definitions; Section 19.02 Definitions.

Jose Dominguez, City Engineer, reported on the second reading of Ordinance No. 1483. 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 March 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 Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance was created with the intent of allowing 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 add definitions to uses found in the LI: Light Industrial District that are currently not defined. These are: frozen food locker; grain processing; lumberyard; mini-warehouse; and truck repair, sales, and service. Additionally, the definition for agriculture, concentrated animal feeding-operation, farm implement dealer, and storage facility are being modified to better describe their intent.

196-23

Second reading of title to Ordinance No. 1483, entitled An Ordinance Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 19 Definitions; Section 19.02 Definitions for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1483 entitled An Ordinance Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 19 Definitions; Section 19.02 Definitions for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a meeting called of the Governing Body on the 15th day of May, 2023 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day of June, 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 1483

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 19 DEFINITIONS; SECTION 19.02 DEFINITIONS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 19: Definitions; Section 19.02 Definitions be amended to remove, modify, or add definitions to Section 19.02 Definitions. All other portions of Chapter 19: Definitions will remain as they are. Following is the amendment:



## 19.02 Definitions

AGRICULTURE - The production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crop; dairy animals and dairy products; poultry and poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. This definition shall not include agricultural activities including packing plants, animal rendering operations, concentrated animal feeding operations, or agribusiness activities.

CONCENTRATED ANIMAL FEEDING OPERATION - A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 90 days or more during any 12-month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. For the purpose of these regulations, a concentrated animal feeding operation size is defined in Section 11.14 Concentrated Animal Feeding Operations Table 1.

FARM IMPLEMENT SALES, DISPLAY AND SERVICE - The use of any building or land area for the display and sale of new and used farm implements, including any warranty repair work and other repair service conducted as an accessory use.

FROZEN FOOD LOCKER - A place where the animal and/or food product is dressed and packaged, where no rendering or refining is done.

GRAIN PROCESSING - A series of physical activities carried out for refining agricultural grains into foods for human consumption, animal feeds, nutraceuticals, personal care products, and various other by-products.

LUMBERYARD - The use of land and/or buildings for the storage and retail sale of building materials.

MINI-WAREHOUSE - A completely enclosed building consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for the storage of residential, recreational, or commercial oriented goods.

STORAGE FACILITY - A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. These include warehouses and mini-warehouses.

TRUCK REPAIR, SALES, AND SERVICE - The use of any building, land area, or premises, for the display, sale, of new or used trucks, and including any warranty repair work and other repair service conducted as an accessory use. The sale and display of inoperable trucks is not allowable as part of this use category.

Dated at Vermillion, South Dakota this 20th day of June 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 Price. 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: Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Murra-Y, Mayor Cole-Y.

Motion carried 8 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

7. Adjourn

197-23  
Council Member Murra moved to adjourn the Council special session at 6:11 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of June 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 \_\_\_\_\_.