SULLY COUNTY BOARD OF COMMISSIONERS SPECIAL MEETING FEBRUARY 26, 2015

The Board of Sully County Commissioners held a special mtg on Thurs, Feb 26, 2015. Chairman Bill Floyd called the meeting to order. Other members present: Jerry Richards, Judy Pullman & Beverly Zebroski. Joe Fanger joined the mtg by telephone. Also in attendance were Warren Wilson, Tim Luken, Mark Barber, Ed Eller, Craig Smith, Clark Guthmiller, Marileen Tilberg, Greg Lorenz, Lance Nixon, Patty McGee, Susan Lamb, Janet Schmahl-GIS/Planning & Zoning Director, & Emily Sovell, Sully County States Attorney.

Sovell read aloud a letter received by the Auditor's office addressed to the Chairman of the Board alleging that the County failed to meet the requirement of posting the mtg notice for the February 26th mtg on a county website. The letter was received approximately one hour before the mtg. Sovell explained that SDCL 1-25-1.1 requires posting of public notices on a public body's website only if such a website exists. The following factors were discussed and considered: The County does not have a website that is regularly updated; there is a website that lists county office contact information, ordinance information and other data, which was created by an employee of the sheriff's office outside of his role with the sheriff's department; the website is not stated anywhere as an official website for the County; the website has not been updated or maintained at the direction of any County official; the notices for the current mtg were properly published in the newspaper and the agenda was posted in more than one conspicuous location for the public to see inside of and outside of the courthouse; Marileen Tilberg, Editor of the Onida Watchman, reported that the mtg notice was posted on SDpublicnotices.com; No County website has been updated in many months and the County Commissioners have no recollection of designating an official website.

Chmn Floyd asked for a motion regarding continuation or discontinuation of the special mtg. Motion by Pullman to proceed with the mtg pursuant to the posted agenda, seconded by Zebroski. All members voting aye. Motion carried.

The Commissioners next addressed the pending recommendation from the Sully County Planning and Zoning Commission. State's Attorney Sovell explained that, pursuant to SDCL section 11-2-30, the Board of County Commissioners shall by ordinance or resolution, whichever is applicable, either adopt or reject the change or modification recommended. All members of the Board of County Commissioners reported attendance at the previous hearing before the Planning & Zoning Commission. The Commissioners reviewed the exhibits presented at that hearing. Zoning Administrator Schmahl reviewed the information and exhibits presented to the Zoning Commission with the Board of Commissioners.

Motion by Richards, seconded by Fanger to adopt the recommendation set forth by the Sully County Planning Commission regarding the Petition from Oahe Grain Corporation to change the existing zoning ordinances transferring from Agricultural District B into Agricultural District A the following described parcel of land:

A 42.5 acre (more or less) tract of land described as the E1/2NE1/4 lying East of the Railroad Right of Way of Section 14, Township 114 North, Range 77 West of the 5th P.M., Sully County, South Dakota.

Roll call vote: Richards-aye, Pullman-aye, Fanger-aye, Zebroski-aye, Floyd-aye Motion carried.

Motion by Richards, Second by Fanger to conduct a First Reading of the Ordinance Change to Section 4-201 of the Sully County Zoning Ordinance. Roll call vote: Richards-aye, Pullman-aye, Fanger-aye, Zebroski-aye, Floyd-aye. Motion carried.

Sully County Zoning Ordinance Section 4-201 (Proposed Change:

Bold and underscored below:)

(All other language is as currently stated within Section 4-201)

Legal boundary descriptions for Agriculture District B. One mile corridor on each side of State Highway 83, one mile from the city limits of the municipalities of Onida and Agar, with the exception of A 42.5 acre (more or less) tract of land described as the E½NE½ lying East of the Railroad Right of Way of Section 14, Township 114 North, Range 77 West of the 5th P.M., Sully County, South Dakota; Section 1 thru 36 in Llewellyn Park 113-80; Sections – 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 24 in Llewellyn Park 113-81; Sections – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 in Grandview114-80; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36 in Grandview 114-81; Sections – 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 in Pearl 115-79; Sections – 1 thru 36 in Fairbank 115-80; Sections – 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34 in Troy 116-79; Sections – 25, 35, 36 in Troy 116-80; Section – 3, 4, 5, 6, 30, 31 in Okobojo 114-79

After the Board of Commissioners presented the first reading, a public hearing and potential second reading date was set for March 24, 2015 at the Phoenix Center at 7:00 pm.

Clark Guthmiller discussed a discrepancy between the official transcript and unapproved minutes of the Sully County Planning & Zoning mtg held on February 3, 2015. He requested clarification regarding the omissions described at the hearing before the Planning and Zoning Commission.

A striping agreement for 2015 with the State for 26 miles of county road at a cost of \$16,276.13 to the county was discussed. Motion by Pullman, Second by Zebroski to sign agreement. Roll call vote: Fangeraye, Zebroski-aye, Floyd-aye, Richards-aye, Pullman-aye. Motion carried.

ADJOURNMENT: There being no further business, Chmn Floyd declared the mtg adjourned.

Patty McGee, Sully County Auditor
Approved
Signed by: William Floyd, Chairman