

SULLY COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
MARCH 24, 2015

The Board of Sully County Commissioners held a special mtg on Tues, Mar 24, 2015. Chairman Bill Floyd called the meeting to order. Other members present: Jerry Richards, Judy Pullman, Joe Fanger & Beverly Zebroski.

Motion by Richards, seconded by Zebroski to approve meeting rules limiting counsel for the Petitioner and Landowners to 30 minutes and all other speakers to three minutes each. Motion carried. Craig Smith, attorney for Oahe Grain, requested that the commissioners approve the petition to rezone the designated tract of land.

Adam Altman, attorney representing some homeowners, asked Chmn Floyd to adjourn the mtg because the agenda was not listed on a county website. Chmn Floyd reminded Altman that SDCL 1-25-1.1 requires posting of public notices on a public body's website only if such an official website exists; however 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. Chmn Floyd also reminded Altman that Marileen Tilberg, Editor of the Onida Watchman, had reported at the prior mtg that 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 to proceed with the special mtg. Motion by Richards to proceed with the mtg pursuant to the posted agenda, seconded by Fanger. All members voting aye. Motion carried.

Attorney Altman continued with information on behalf of his clients. Following public input board discussion was held. Chmn Floyd asked for a motion to adopt the zoning changes as requested. Motion by Zebroski, seconded by Richards. Roll call vote: Fanger-aye, Richards-aye, Zebroski-aye, Pullman-aye, Floyd-aye. Motion carried.

States Attorney Sovell conducted the Second Reading of the Ordinance Change to Section 4-201:

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 E½NE¼ 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
Effective Date April 22, 2015

The bd was addressed by Brian Ring on behalf of the Onida Fire Dept requesting a burn ban be implemented immediately. Moved by Richards, seconded by Pullman to approve an emergency burn ban. Unanimous vote aye.

RESOLUTION 2015-8

A RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN SULLY COUNTY

Be it Resolved, that pursuant to SDCL 7-8-20 (18), Sully County does hereby enact this resolution to insure public safety on an emergency basis, effective immediately, and impose a ban on all open burning and fireworks except for charcoal or petroleum fueled grills used for preparing food.

This burn ban applies to any person or entity in Sully County outside of any municipality.

Further Resolved, that Sully County declares an emergency and this resolution shall be in effect immediately in order to protect the peace, health and safety of the citizens of Sully County.

Motion passed and Resolution 2015-8 adopted this 24th day of March, 2015.

By:s/William Floyd, Chairman
Susan Lamb, Sully Co Auditor

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

Susan Lamb, Sully County Auditor

Approved

Signed by: William Floyd, Chairman