

SULLY COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING  
September 9, 2016

The Board of Sully County Commissioners held a special mtg on Friday, Sept 9, 2016. Chairman Bill Floyd called the meeting to order. Other members present were Joe Fanger, Jerry Richards & Bev Zebroski. Judy Pullman joined by conference call. Also present were States Attorney Emily Sovell, Jerry Rausch and Jason Barnes.

RAUSCH COMMERCIAL PLANNED UNIT DEVELOPMENT: Jerry Rausch presented an email to the Bd from Dean VanDewilly of the SDDOT which stated that he could begin to build the bins and shop prior to receiving the SDDOT permit. It also stated that the approach location had 100% passing and the traffic volumes anticipated created no concern at this time. Jerry was informed by the Corp of Engineers that they had no jurisdiction over the area since the water did not drain into a US waterway.

RECESS: Chmn Floyd called for a recess while the group drove to the site.

RECONVENED: Bd reconvened at 9:15 am. States Attn Sovell informed the Bd that they could reject the plan, pass it, or pass it with conditions.

RESOLUTION: Motion by Fanger, second by Richards to pass Resolution 2016-19 Rausch Planned Unit Development. Unanimous vote aye.

RESOLUTION 2016-19

RAUSCH COMMERCIAL PLANNED UNIT DEVELOPMENT

WHEREAS, a development plan for a Planned Unit Development was submitted on August 11, 2016;

WHEREAS, the Sully County Planning and Zoning Commission recommended approval of the PUD;

NOW, THEREFORE BE IT RESOLVED that: Sully County adopts the recommendation of the Sully County Planning and Zoning Commission to approve a Planned Unit Development (PUD) upon the following described real property, with said approval subject to the following conditions and contingencies, which shall follow the land: *Tract 1, Rausch-Nystrom Addition to Sully County, located in NE1/4NE1/4NE14, Section 22, T115N, R77W, 5<sup>th</sup> P.M., Sully County, South Dakota*

The conditions of the Planned Unit Development shall include:

- 1) In the event that there is any impediment to or impact upon the drainage of water and/or the natural flow of water, the owner(s) of the land described herein shall, at his/their own cost, be responsible to remove any structure creating the impediment and/or install necessary culverts or drain fields to restore the natural flow of water as they existed prior to development within the PUD;
- 2) Landowner of the land described herein shall follow all State, local and Federal laws relating to construction of structures and infrastructure to facilitate traffic flow to and from PUD;
- 3) In the event that the State of South Dakota, the State Department of Transportation or any related State agency determines a turning lane onto the State highway system is necessary due to the traffic flow to or from PUD, the landowner shall be responsible for the cost of said infrastructure unless further resolved by the County or other superior regulatory agency;
- 4) Any improvements to the section line road directly attributable to the PUD shall be paid for by landowner; The County shall not be responsible for any increased expense for section line improvements created by PUD, unless further determined by the County.
- 5) The Landowner shall defend, indemnify and hold the County, its officers, officials and employees harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of these conditions, except for injuries and damages caused by the sole negligence of the County.

Commissioner Fanger moved to adopt the resolution and Commissioner Richards seconded the motion.

VOTING AYE

s:/William Floyd

s:/Beverly Zebroski

s:/Joe Fanger

s:/Judy Pullman

s:/Jerry Richards

VOTING NAY

None

ABSENT AND NOT VOTING

None

Motion passed and resolution adopted this 9<sup>th</sup> day of September, 2016.

s:/William Floyd, Chairman

ATTEST: (SEAL)

s:/Susan Lamb, Auditor

MTG DATES: There will be special meetings held on Thurs, Sept 29<sup>th</sup> at 8:30 am. The next regular mtg for Bd of Commissioners will be Tues, Oct 6th at 8:30 am.

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

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Susan Lamb, Sully County Auditor

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Approved

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William Floyd, Chairman