UNAPPROVED MINUTES OF

July 30, 2019

The Moody County Commissioners met in special session on Tuesday, July 30, 2019 in the County Commissioners’ Room in the Courthouse at 9:00 AM, with the following members present: Chairman Rick Veldkamp, John Schiefelbein, Tom Ehrichs, Dan Miles, and Carla Bruning with Kristina Krull, Auditor as Clerk of the Board. Also present Marty Skroch, Commission Assistant, Paul Lewis, States Attorney, and Brenda Wade Schmidt, Moody County Enterprise.

Chairman Veldkamp called the meeting to order. Motion by Schiefelbein, seconded by Miles to approve the agenda. All voted “aye”.

Marty Skroch, Commission Assistant presented a special liquor license to the Board. Motion by Bruning, seconded by Ehrichs to approve the special license for consuming or blending alcoholic beverages for Riverside Park Days at the Japanese Gardens on August 4, 2019. All voted “aye”.

The second reading of Ordinance 2019-02 was held. Motion by Miles, seconded by Bruning to adopt the following ordinance with all voting “aye”:

ORDINANCE NO. 2019-2

ORDINANCE 2019-2, AN ORDINANCE AMENDING ORDINANCE #2013-02, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR MOODY COUNTY, SOUTH DAKOTA, AND, ANY AMENDMENTS THERETO, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED by the Board of Moody County Commissioners:

That Chapter 2.04, Section 2.04.04 Conditional Uses be amended to read as follows:

Section 2.04.04 Conditional Uses:

19. Livestock sales barns; provided they meet the requirements of Chapter 4.40.

That Chapter 2.05, Section 2.05.01 “Purpose” be amended to read as follows:

Section 2.05.01 Purpose

The “CI” District is intended to provide areas for commercial and industrial activities which require access to asphalt or concrete paved highways, and further are oriented primarily to, and supportive of, farming and other activities which are determined to be appropriate in the rural area. Industrial uses which produce smoke, noise, dust, odor, and/or heavy traffic and large outdoor storage areas shall require special review and consideration.

That Chapter 2.05, Section 2.05.03 Conditional Uses be amended to read as follows:

Section 2.05.03 Conditional Uses:

8. Livestock Sales; provided they meet the requirements of Chapter 4.40

That Chapter 2.05, Section 2.05.05 “Performance Standards” be amended to read as follows:

Section 2.05.05 Performance Standards

9. Access to Asphalt Paved or Concrete Highways. All commercial/industrial uses shall be situated upon property that have direct access and immediately abuts an asphalt or concrete paved County, State, or Federal highway.

That Article V Definitions be amended to include the following new and amended definitions:

Auction House/Auction Sales: A place and/or building, or portion thereof, that is operated for compensation or profit as a private or public market where items of a personal or business nature are offered for sale through competitive bidding. The term “Auction House/Auction Sales” shall not include flea market, yard sale, livestock sale/livestock sale barn, vehicle auction, estate sale, sheriff's or bank repossession sale.

Retail Sales and Trade. Establishments engaged in selling products, goods or merchandise to the general public for personal or household consumption (not to include Auction Sales); and establishments engaged in providing services or entertainment to the general public including eating and drinking establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services.

Livestock Sale /Livestock Sales Barn. A place or building where the normal activity is to sell or exchange livestock.

That Article IV Supplemental Regulations be amended to include the following new Chapter:

Chapter 4.40 Animal Sales Performance Standards

1. Maximum number of animal units on site: The site shall be limited to 200 animal units as computed by Moody County Zoning Ordinance Table 4.25-1.
2. The livestock sales site shall meet all requirements of Moody County Zoning Ordinance Chapter 4.25 Concentrated Animal Feeding Operations.
3. A site plan is required which identifies on-site structures, sale areas, fencing, restroom, and parking areas.
4. Animals to be sold may be allowed on site 24 hours prior to sale and must be removed 12 hours after each sale.
5. Animals to be sold must be in pens or crates.
6. All deceased animals must be removed from the site within seventy-two (72) hours.
7. The sales area/facility is to be kept free of tall grass, weeds, household items, iron/metal pieces unlicensed vehicles, garbage, debris, etc.
8. Number of property entrances to be determined by the Board of Adjustment.
9. A minimum of two (2) permanent or portable restrooms must be provided for each sales event. Portable restrooms shall be maintained on a regular basis according to industry standards. Any structure with permanent restrooms must be connected to a septic tank and associated drain field and must conform with regulations established by the State Department of Environment and Natural Resources.
10. Food sales will only occur on livestock auction days.
11. Livestock sales operator will provide proof of compliance with the collection of State of South Dakota Sales Tax.
12. Livestock sales operator shall comply with all South Dakota Department of Health standards for food sales and will provide any certification of compliance as provided by the Department.
13. Livestock sales operator is required to review the number of animal units sold annually with the Moody County Zoning Office.
14. Area containing livestock to be sold shall be designed and constructed in accordance with accepted industry standards and presented for approval to the Board of Adjustment.
15. All parking shall occur on the livestock sales site. No parking in public right-of-way
16. Signage; One (1) sign, not to exceed sixteen (16) square feet in area, non‑illuminated.

First Reading: July 16, 2019

Second Reading: July 30, 2019

Adoption: July 30, 2019

Publication: August 7, 2019

Effective Date: August 27, 2019

Rick Veldkamp ATTEST: Kristina Krull  
Chairman, Moody County Commission Auditor, Moody County

The second reading of Ordinance 2019-03 was held. Motion by Schiefelbein, seconded by Ehrichs to adopt the following ordinance with all voting “aye”:

ORDINANCE 2019-03

ORDINANCE 2019-3 AN ORDINANCE AMENDING ORDINANCE #2013-02, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR MOODY COUNTY, SOUTH DAKOTA, AND, ANY AMENDMENTS THERETO, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED by the Board of Moody County Commissioners:

That Article V Definitions be amended to include the following new and amended definitions:

Vehicle: A motorized or unmotorized means of carrying or transporting something.

That Chapter 4.16 “Unlicensed Vehicles” be amended to read as follows:

CHAPTER 4.16 UNLICENSED VEHICLES

No more than ten (10) vehicles not in use and without current license may be kept in any uncovered area on any lot. More than ten (10) vehicles not in use and without current license are required to be kept in designated junk, salvage yard, or designated collection site or may be kept in an uncovered area if said area is screened from the view of the public right-of-way by a fence and/trees/shrubbery, all of which are to be approved by the zoning administrator.  EXCEPTION: 1. Vehicles used in normal farming operations.

That Chapter 4.20 “Soil Erosion and Sedimentation Control” be amended to read as follows:

CHAPTER 4.20 (RESERVED)

First Reading: July 16, 2019

Second Reading: July 30, 2019

Adoption: July 30, 2019

Publication: August 7, 2019

Effective Date: August 27, 2019

Rick Veldkamp ATTEST: Kristina Krull  
Chairman, Moody County Commission Auditor, Moody County

Marc Blum, Highway Superintendent met with the Board to discuss changes in Federal Regulations that will affect the Christenson/Scofield bridge project. Also present Kevin Geoff, Clark Engineering.

Discussion was held on the 2020 Provisional Budget. Troy Wellman, Sheriff met with the Board to discuss the 2020 Sheriff’s Budget. The Board will make any final adjustments to the Provisional Budget on August 6, 2019.

Motion by Bruning, seconded by Miles to adjourn the meeting at 12:12 PM. All voted “aye”.

ATTEST: Kristina Krull Rick Veldkamp, Chairman

Moody County Auditor Moody County Board of Commissioners