

UNAPPROVED MINUTES OF  
March 24, 2022

The Moody County Commissioners met in special session in the Courtroom of the Courthouse on Thursday, March 24, 2022 at 9:00 AM, with the following members present: Chair Carla Bruning, Rick Veldkamp, Dan Miles, John Schiefelbein, and Randy Hemmer, with Tawny Heinemann, Interim Auditor as Clerk of the Board. Also present Marty Skroch, Commission Assistant, Paul Lewis, States Attorney, Kendra Eng, Zoning Administrator, Board of Adjustment Alternate Tom Ehrichs and numerous county residents.

Chair Bruning called the meeting to order. Motion by Schiefelbein, seconded by Hemmer to approve the agenda. All voted "aye".

Motion by Miles, seconded by Veldkamp to conduct business as Board of Adjustment at 9:00 AM. All voted "aye". Motion by Ehrichs, seconded by Miles to adjourn and resume regular session at 9:16 AM. All voted "aye".

Members of the Holiday Committee met with the Board to discuss an Easter Egg hunt. Motion by Miles, seconded by Schiefelbein to allow the Courthouse grounds to be used on April 16<sup>th</sup> for an Easter Egg hunt. All voted "aye".

Marty Skroch, Commission Assistant met with Board. Skroch presented liquor license renewals for MAAC Ventures to the Board. Motion by Schiefelbein, seconded by Hemmer to approve the retail on/off sale malt beverage license for MAAC Ventures. All voted "aye". Motion by Hemmer, seconded by Miles to approve the retail on sale liquor license. All voted "aye". Motion by Miles, seconded by Hemmer to approve the on/off sale wine liquor license. All voted "aye".

Motion by Veldkamp, seconded by Miles to hire Elizabeth Scharton, Full Time Paramedic effective March 28, 2022 at Paramedic-Step E \$47,345.06/yr. All voted "aye". Motion by Veldkamp, seconded by Hemmer to hire David Prokulevich, Part time Interim Ambulance Director effective March 28, 2022 at \$15,000.00/yr. All voted "aye".

Motion by Miles, seconded by Schiefelbein to conduct business as Joint Board of Commissioners and Planning at 9:44 AM. Motion by Schiefelbein, seconded by Veldkamp to approve the minutes from March 15, 2022. All voted "aye". Motion by Miles, seconded by Veldkamp to resume regular session at 9:59 AM. All voted "aye".

Discussion and concerns were heard on Moody County pipeline zoning regulations and future pipeline projects in the County. Motion by Hemmer, seconded by Miles to approve the following resolution with all voting "aye":

**RESOLUTION 22032401**

**A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF CONDITIONAL USE PERMITS AND BUILDING PERMITS ON PIPELINES IN MOODY COUNTY, SOUTH DAKOTA.**

**WHEREAS**, in order to promote the health, safety, and general welfare of the County, the Board of Commissioners for Moody County adopted Ordinance 2020-02, amending Ordinance 2013-02, for the purpose of establishing zoning regulations upon all land within the unincorporated areas of Moody County, South Dakota; and

**WHEREAS**, Ordinance 2020-02, otherwise known as the Moody County Zoning Ordinance, categorizes all land within the unincorporated areas of Moody County into Districts, with each District having its own unique set of permitted uses, conditional uses, and prohibited uses; and

**WHEREAS**, Article V of the Moody County Zoning Ordinance defines conditional use as a use of land that would not be appropriate unless controlled in a manner that promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the County, and, as such, a conditional use is therefore subject to evaluation and approval by the Moody County Board of Adjustment in accordance with the procedures contained in Section 3.04.01 of the zoning ordinance; and

**WHEREAS**, Moody County Zoning Ordinance Chapter 2.04, Section 2.04.05(14), and Moody County Zoning Ordinance Chapter 4.36 identifies pipelines, particularly those requiring the approval of the South Dakota Public Utilities Commission, as requiring a conditional use permit, issued by the Moody County Board of Adjustment, prior to being built; and

**WHEREAS**, no pipeline requiring the approval of the South Dakota Public Utilities Commission has been constructed in Moody County since the enactment of either Moody County Ordinance 2013-02 or Moody County Ordinance 2020-02, the Moody County Board of Adjustment has never been tasked with establishing performance standards necessary for the granting of a pipeline conditional use permit; and

**WHEREAS**, pipelines, particularly those requiring the approval of the South Dakota Public Utilities Commission, can impact the health, safety, and general welfare of a large portion of this County's population, Moody County has begun the process of compiling, studying, reviewing, and composing performance standards that it believes are necessary to safeguard the public prior to the issuance of a pipeline conditional use permit.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Moody County Commissioners does hereby impose a moratorium on the issuance of any and all permits, licenses, or approvals for the construction, installation, or use of any pipeline, particularly those pipelines requiring the approval of the South Dakota Public Utilities Commission, traversing those lands contained within the unincorporated areas of Moody County, South Dakota, with said moratorium

running for such a length of time that will give the Planning and Zoning Commission an opportunity to complete their review process, however, in no case will the moratorium last longer than one (1) year from the date this Resolution is ratified.

**BE IT FURTHER RESOLVED**, that this Resolution reflects a concern for the health, safety, and welfare of the County, and shall become effective upon passage.

Dated at Flandreau, South Dakota this 24th day of March, 2022.

Carla Bruning  
Chair, Moody County Commissioner

ATTEST: Tawny Heinemann  
Moody County Interim Auditor

Motion by Miles, seconded by Hemmer to adjourn the meeting at 10:12 AM. All voted "aye".

ATTEST: Tawny Heinemann  
Moody County Interim Auditor

Carla Bruning, Chair  
Moody County Board of Commissioners