

SPINK COUNTY PLANNING AND ZONING BOARD

Unapproved Minutes

August 18, 2009

The Spink County Planning and Zoning Board met on August 18, 2009 at 9:00 am. Chairperson Kam DesLauriers called the meeting to order with Keith Schroeder, Ed Fischbach, Dave Albrecht, Gary Gilbert and Administrator Kimberly Markley present. Guests present were Victor Fischbach, Spink County State's Attorney, Glenn Overby, Steven Hansen, Spink County Emergency Manager, Barry Muxen, Jeff Rauh, Keystone Pipeline, Dennis Duncan, Keystone TransCanada and Troy Styer, NuStar Energy.

ADOPT AGENDA

A motion was made by Gilbert to approve the agenda with addition of the manure spreading complaint and the Planning & Zoning Administrator job description, Fischbach seconded the motion all present approved, motion carried.

APPROVE MINUTES

A motion was made by Gilbert and seconded by Fischbach to approve the July 18, 2009. Motion was carried.

BUILDING PERMITS

The board reviewed the building permits for July 2009.

OLD BUSINESS

Plat

Administrator Markley informed the board that the two plats for VanBockel have been approved by the County Commissioners.

Wind Energy Tower Regulation

It was decided to discuss the Wind Energy Tower Regulation at the next meeting in September.

Pipeline Discussion

The Spink County State's Attorney, Victor Fischbach was present and presented the board with copies of pertinent laws and court cases to start the discussion on the pipeline ordinances that the Spink County Commission referred back to the Spink County Zoning Board so that proper amendments can be made, under consultation with the Spink County State's Attorney, and the proper hearings required by South Dakota Codified Law. Glen Overby of Mellette expressed his concerns and the importance of a pipeline ordinance. Steve Hansen, Spink County Emergency Manager was present and discussed his role in the permitting process for a pipeline in accordance the proposed ordinance. Jeff Rauh, Keystone Pipeline and Dennis Duncan, Keystone TransCanada commented and answered questions in regard to pipeline safety and regulations. The Spink County Zoning Board reviewed each section of the proposed ordinance with the advice of the Spink County State's Attorney, Victor Fischbach. A motion was made by Ed Fischbach, seconded by Schroeder to change the setback for general residential, commercial, and industrial buildings and incorporated or unincorporated municipalities, and feedlot or feeding areas, to a minimum of 1000' instead if the original 1320'. After more discussion Ed Fischbach made a motion to adopt Appendix F with the changes made today for wording, clerical errors and the motion to amended the setbacks and advertise a hearing for September 22 at the next Spink County Planning & Zoning meeting, seconded by Gilbert. Motion passed on a roll call vote with everyone voting "aye".

Jeff Rauh told everyone present he is available for questions. Troy Styer, NuStar Energy introduced himself to the board and answered a few questions that had come up during the pipeline ordinance discussion. Mr. Styer and the board discussed how the proposed ordinance would affect the pipeline that NuStar currently has in Spink County. Mr. Styer is the president of the SD Pipeline Association and stated that he would help with any questions regarding pipeline safety.

Aerial Application Information

The board reviewed the responses from the township boards concerning the location of towers in their jurisdictions. The Planning & Zoning Administrator will share this information with an aerial sprayer in the county.

Manure Spreading Complaint

The Planning & Zoning Commission requested the Planning & Zoning Administrator to send a copy to the board members of the letter sent regarding the manure spreading complaint.

NEW BUSINESS

Variance Hearing

Discussion was held on the variance for Robyn & Renea Van Bockel, located at Van Bockel Home Tract in NW ¼ 19-116-64 to move in a new home and construct a garage that will be closer to the road right of way than the Spink County Ordinance allows. A motion to approve the variance was made by Albrecht and seconded by Gilbert. All present approved, motion carried.

Plat Hearing

Discussion was held on the plat for David Otto, Otto Outlot 1 in part of NW ¼ and NE ¼ of 19-114-64. A motion to present the plat to the Spink County Commissioners on August 25, 2009 was made by Fischbach and seconded by Albrecht. All present approved, motion carried.

Job Description

Markley answered question about the job description for the Planning & Zoning Administrator. Markley will check with Spink County State's Attorney about executive sessions.

Adjourn

Fischbach made a motion to adjourn the meeting with Schroeder seconding the motion. All present approved. Meeting was adjourned. The next Planning and Zoning Meeting will be held September 22, 2009 at 9:00 am.

Attest
Kimberly Markley
P&Z Administrator, Spink County