

Minutes of the Joint Jurisdiction Committee  
08/22/18

Chairperson Mary Kidwiler called the meeting to order. Committee members Kidwiler, Mike Struck, Robert Hill, Lee Ann Pierce, Duane Knutson, Mike Bartley, Ope Niemeyer, Darrell Nelson, Al Heuton, Robert Hexum and Scott Mohror were present. Luke Muller and Tom Nealon with First District Association of Local Governments, Brookings County Commission Department Director Stacy Steffensen and Brookings City Manager Paul Briseno were also in attendance.

A quorum was determined to be present.

Hill moved/Heuton seconded that the agenda for the August 22, 2018 Joint Jurisdiction Committee meeting be approved as presented. Motion carried.

Knutson moved/Hexum seconded that the minutes from the July 18, 2018 Joint Jurisdiction Committee meeting be approved as presented. Motion carried.

Struck provided an update on the mining subcommittee. He said a draft of the mining ordinance was sent to a number of mining companies and that was followed up with a meeting where they received feedback and suggestions. Struck said they are now taking that information and updating the draft document which will go back out for comments and then will be brought to the Joint Jurisdiction Committee.

Muller reviewed the administrative review process. He said a separate Board of Adjustment can be appointed for the joint jurisdictional area, but there cannot be a separate Planning Commission.

The group reviewed the proposed makeup of the Board of Adjustment, which would include one member from the city's Planning Commission, one member from the county's Planning Commission, one elected official from both the city and county and one at-large member who resides in the joint jurisdictional area.

The committee also discussed the appointment process to the Board of Adjustment. By consensus, the Planning Commissions will nominate one of their members and that member will be confirmed by both the City Council and County Commission. The City Council and County Commission will appoint their elected official. And the at-large position will be selected by the four members of the Board of Adjustment and confirmed by the City Council and County Commission. It was determined that two alternates would also be appointed; one from each Planning Commission. And it will be the recommendation from the committee that this be an unpaid board.

The group discussed meeting times and how often this new board may need to meet. It was determined that the Board of Adjustment for the joint jurisdictional area will hear conditional use permit requests, variance requests and appeals for property located in

this area. Heuton said they can reduce the number of requests by how the ordinance is drafted.

Muller reviewed several examples of how the flow of the administrative process would work.

The committee discussed the definition and requirements for a business to be considered "home based." The recommendation is that the business be located on the same parcel or legal description as the home site.

Pierce said the transferability of conditional use permits will need to be discussed at a future meeting.

In discussing what could be permitted in the areas zoned as ag in the joint jurisdictional area, Muller said a large grain-holding facility, for example, could be built relatively close to town. Heuton suggested having separate ag districts with different rules and regulations to help alleviate this type of issue. Muller said he has seen tiered ag districts where they handle issues differently as they get closer to town. Kidwiler said they aren't going to be able to draft an ordinance that will have an answer for every possible scenario.

Muller said they will need to discuss well-head protection areas, but he would like the utilities represented at that meeting. Muller distributed draft comments from Brookings Municipal Utilities and East Dakota Water Development District, and a draft from Brookings County regarding well-head protection areas.

Muller reviewed the remaining timeline and hopes to have a draft of the ordinance to the committee by the end of October. Pierce said the committee should have a very complete ordinance drafted prior to sending it on to the Planning Commissions.

The next meeting was scheduled for Wednesday, September 26, 2018 at 9:30 AM.

Struck moved/Hill seconded a motion to adjourn. Motion carried.

Submitted by Stacy Steffensen  
Brookings County  
Commission Department Director