



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
210 East 5th Avenue
Milbank, SD 57252-2499
Phone: 605-432-7580
Fax: 605-432-7515

Minutes for the meeting of Grant County Board of Adjustment

Meeting Date: Tuesday, May 14, 2019

Meeting Time: 4:00 P.M. Court House Basement

Members present: Tom Adler Tom Pillatzki Nancy Johnson Mike Mach Bob Spartz Mark Leddy Richard Hansen Don Weber- alternate Jeff McCulloch- alternate

Members absent:

Others present: Tyler Wilhelm Perry Oberg Jamie Gentile Amber Christenson Kristi Mogen Linda Lindgren Jim Dawson Jay Gilbertson Miles Schumacher

1. **Call Meeting of the Board of Adjustment to Order by Johnson at 4:10 pm**
2. Items to be added to agenda by Board Members or Staff- none
3. Invitation for citizens to schedule time on the Board of Adjustment Agenda for an item not listed. (5 minutes maximum time)- none
4. Approval of Agenda
5. Approval of Minutes:
 - a. First District Staff presented an amendment to the minutes of April 8, 2019 to add the following (yellow highlighted) to paragraph 3 of page 5 "Pillatzki asks if there are further questions and calls for roll. Restatement of condition is to require a test well 1 mile above and below the specific pole locations. Aquifer readings are to be conducted preconstruction and post construction and then every 3 years with results to be provided to SDDENR. Leddy- no, Adler-no, Mach-no, Weber-yes, Spartz-yes, Pillatzki-yes. In a tie, the deciding vote is cast by the Chair, motion carries. ***Parliamentarian Note: This note is added for future reference regarding tie votes of the Board of Adjustment. Based upon advice from the Parliamentarian, the Chair noted that the amendment passed on a 3 – 3 vote. At the request of the State's Attorney, the Parliamentarian reviewed Robert's Rules of Order and determined that a vote which results in a tie results in the failure of the motion. (See Article VIII, Rule 46; and Article X, Rule 58.) However, since no member of the assembly rose to a point of order, nor appealed the ruling; the ruling stands for this action.**
 - b. Motion to approve minutes as amended by Spartz and second by Hansen carries 7-0.

6. Disclosure of Conflicts/ Ex Parte Communication- Johnson states that she and Hansen will recuse at 4:15 pm and turns the meeting over to Vice Chair Pillatzki. Weber is seated at the table but McCulloch will not be seated at this time because he was not present at the initial hearing of the CUP which is being reconsidered and is the only business of the Board of Adjustment at this meeting.
7. Matters for Board discussion/ staff report is read by Muller.
8. The Board of Adjustment will reconsider the referenced "Motion to Approve".

Following a Public Hearing on April 8, 2019, a motion was made to "Approve" the following proposed Conditional Use Permit 02112019A: A Conditional Use Permit Pursuant to Section 1101.03.14 Conditional Uses – "...Essential Public Utility/Service Structure". The applicants, Crowned Ridge, LLC; Crowned Ridge II, LLC are requesting to construct approximately 24.5 miles of electric transmission line and a reactive power compensation substation on certain property situated in Alban, Big Stone, Grant Center and Madison Townships. The motion was approved by a unanimous vote of the Board of Adjustment.

Pillatzki calls for a motion of reconsideration and Spartz makes the motion with Pillatzki seconding as he opens the discussion that he wishes to change his vote on the amendment of power line decommissioning to less time. In the original motion that Spartz made he would have voted for that motion and he wants to change the way he voted on that amendment. He referenced Finding of Fact #9. Pillatzki stated, he would like the reconsideration that would take 4 of you to allow me to change my vote to a no it would have ended in a 3-3 and gone back to the 6 month motion on the table instead of the substitute motion language of 2 years.

Kays clarified that after a cessation of operation the company would notify the county and they would have 6 months to remove the structures instead of the 2 years that was voted upon in the hearing.

Leddy asks if this motion to reconsider is just because the chair doesn't like the additional 18 months that the board added and voted for. Mach asks if this condition would be suspended anyways because of the loss of power that would occur and the chance of getting something else put on the lines so they wouldn't have to decommission. In that case nothing works fast and it may take 24 months to put something onto those lines.

Spartz feels they didn't do the right thing with taking the testimony and voting instead of checking into aquifer issues. He thinks they should **not** have **required** test wells. DENR and Jay Gilbertson, feel the concrete will provide a seal and a mound of dirt will allow very little filtration if any. Jay Gilbertson told him a shallow aquifer is sometimes gravel tot the top and he would be willing to throw out the test well condition.

Parliamentarian Kays **states that the** discussion **is** outside of scope of topic **on motion** to reconsider. Pillatzki calls for roll call vote on motion to reconsider: Clarifying a yes vote would open the CUP02112019A for reconsideration. Adler-No Pillatzki-Yes Spartz-Yes Mach-No Leddy-No Weber- Yes on a 3-3 vote, motion fails.

9. Open-none
10. Address to the Board of Adjustment-none
11. Next meeting: June 10, 2019 at 4 pm

Board asks Planning Administrator to invite Jay Gilbertson for the next meeting for an educational background of shallow aquifers.

12. Executive Session (if necessary)

13. Adjourn as the Grant County Board of Adjustment Motion by Mach second by Weber carries 7-0.

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County