

8/25/2015

THE MINNEHAHA COUNTY COMMISSION CONVENEED IN A JOINT SESSION WITH THE DELL RAPIDS CITY COUNCIL AT 9:00 A.M., August 25, 2015 pursuant to adjournment on August 25, 2015.

Commissioners present were: Barth, Bender, Beninga, Heiberger, and Kelly. Also present were Cynthia Jepsen, Commission Recorder and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Dell Rapids City Aldermen present were: Crisp, Geraets, Haak, Klockman, Miles, and Sommerfeld.

Chairperson Heiberger called the meeting to order.

MOTION by Barth, seconded by Beninga, to approve the agenda. 5 ayes.
The City of Dell Rapids concurred.

HEARING

Deferred from July 21, 2015

David Heinold, Planner I, gave a briefing on an amendment to MC28-01 the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids by rezoning from the C Commercial District to the RR-1 Rural Residential District on the property legally described as Lot 1 of Overvaag Tract 2, SW ¼, Section 8-T104N-R49W, Minnehaha County, SD, and amend the official zoning map referred to in Article 2.03(A) to include the property in the RR-1 Rural Residential District. Daniel Witte submitted Rezoning Request #15-04 to rezone a less than two acre parcel a half mile west of Dell Rapids municipal limits to construct a single family residence. Jim Billion, Attorney for Daniel Witte, 3409 West 47th Street, #104, Sioux Falls, SD, stated there has been some discussion with the City of Dell Rapids regarding a Waiver of Right to Protest Annexation. Mr. Billion stated he received a proposed Waiver of Right to Protest Annexation from Dean Hammer, Attorney for the City of Dell Rapids. Mr. Witte has not executed that document due to concerns he has regarding utility assessments and what his contributions might be, and that the waiver included the property he intends to have remain zoned as C-Commercial and not just the proposed RR-1 area. Mr. Billion stated that he has also prepared a Waiver of Right to Protest Annexation that Mr. Witte is comfortable with, however he believes the City of Dell Rapids has not had time to collectively review that document. Mr. Beninga suggested making one more deferral for parties to try to come to an agreement. MOTION by Beninga, seconded by Bender, to defer this item for one month. Commissioner Heiberger stated she will not be able to attend that meeting and would like all Commissioners to be present. SUBSTITUTE MOTION by Beninga, seconded by Bender, to defer this item until October 6, 2015. David Sommerfeld, Dell Rapids City Council, stated he doesn't see in the foreseeable future that the City of Dell Rapids will change the waiver that Mr. Hammer has prepared. Mary Klockman, Dell Rapids City Council, stated she is willing to defer this item and hopes they can come to an agreement. VOTE to substitute the motion. 5 ayes. VOTE on main motion as substituted. 5 ayes. The City of Dell Rapids concurred.

MOTION by Barth, seconded by Bender, to adjourn. 5 ayes. The City of Dell Rapids concurred.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairperson

ATTEST:

Cynthia Jepsen
Deputy County Auditor