



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 from the meeting of Grant County Board of Adjustments August 14th, 2023

Board of Adjustment members present: Mark Leddy, John Seffrood, Mike Mach, Tom Pillatzki, James Berg and Richard Hansen.

Alternate(s) present: Don Weber and Jeff McCulloch.

Planning Commission board members absent: Nancy Johnson

Others present: Joe Whitlock via Zoom (Stockwell Engineers, INC.), Todd Kays via zoom (First District), and Steve Berkner (Grant County Planning Commission officer.)

Meeting Date: Monday, August 14th, 2023

Meeting Time: 4 P.M. In-person in the Community Room in the basement of the Courthouse.

1. Chairman Leddy calls the Board of Adjustment meeting to order at 4:01.
2. Leddy appoints alternate McCulloch to sit in for Johnson who is absent.
3. Leddy asks if the board, or any staff member, had anything to add to the agenda with none being offered.
4. Leddy makes an invitation for anyone present wanting to address the Board of Adjustments with an item not on the agenda with no one responding.
5. Leddy asks for a motion to approve the agenda with Mach making the first motion and Pillatzki making the second. Motion passes 7-0.
6. Leddy asks for a motion to approve the minutes as submitted from the May 8th, 2023, meeting which was made by Hansen and McCulloch making the second. Motion passes 7-0.
7. Leddy asks for any seated board member if they think they need to recuse themselves from any discussion topics on the agenda, or from voting on an agenda item with no board member responding.

8. Leddy calls for a motion to consider Conditional Use Permit (CUP) CUP07102023 for the Sunrise Hutterian Colony seeking a CUP for a cemetery. Mach makes a first followed by a second by Berg.

Leddy asks Kays to give the staff report presentation for CUP07102023.

Kays reports that the Sunrise Colony was seeking to locate a .23-acre cemetery with 84 separate cemetery plots within the colonies boundaries located in the NE1/4 of Section 13 in the Former Sisseton Wahpeton Indian Reservation in Lura Township.

According to Kays the colony had submitted a proposed platted parcel that met all of the minimum requirements of State Laws and County Ordinances and that if the CUP was passed that the Planning Commission would also be considering approving that plat during their meeting.

Kays said that although a cemetery is granted by a CUP by the county that the permittee would be responsible for all required reporting of cemetery activity as required by all State and Federal Laws.

At Kays' conclusion of his report Leddy opened the public hearing asking three times for public comments in "favor" or "against" CUP07102023 where no one was in attendance to respond.

A board discussion followed asking whether it would be appropriate to require some type of bond or monetary fund to be established for future care of any cemetery seeking a CUP, not just the current one being considered, as the board was aware of many abandoned cemeteries in the county where the churches have been either razed or removed and basic caretaking was often lacking.

Kays responded that in certain instances cemeteries can be required to bond, or that a monetary fund would be established, to meet the needs of future caretaking if needed. Kays made a quick reference to South Dakota Codified Law (SD-CL) and said that a fee a maximum of an amount of \$25,000, or as little as \$100 per plot, was referenced in SD-CL 55-12-3.

Kays also referred to SD-CL 55-12-1 which says that religious organizations are usually excluded from posting a bond where the exact interpretation of those State Laws may be best clarified by the County's State's Attorney Jackson Schwandt

After a short discussion both Mach and Berg amended their motions to grant the cemetery CUP to the Sunrise Colony with the condition that the County's State's Attorney decide if a bond, or establishing a monetary fund, as described per SD-CL should be conditioned where his opinion would decide if that condition could be allowed.

With no more comments Kays was asked to read the Findings of Facts for CUP07102023 where he added the condition that where upon review of State Law the County's State's Attorney would determine if it was legal to condition that the permittee purchase a bond, or establish a monetary fund, that if needed would take care of the cemetery into the future.

With no more discussion Leddy called for that voice vote which passed 7-0.

9. With no more agenda items Kays asked Berkner if there was anything pending for the September Board of Adjustment where Berkner said no. Kays said unless something came in by the deadline the next day that next month's Board of Adjustment would not be meeting.
10. Leddy called for a motion to adjourn. Motion made by Mach and seconded by Seffrood. Motion passes unanimously 7-0 on a voice vote.

Board of Adjustment meeting ends at 4:36.

Steve Berkner
Planning and Zoning Administrator
Grant County