



Spearfish Board of Adjustment
Regular Session Agenda
February 3rd, 2020 5:30 p.m. – immediately following City Council
Regular Session
City Council Chambers of City Hall
625 5th Street, Spearfish

1. Call to Order
2. Roll Call
3. Approve Minutes from January 6th, 2020
4. Approve the revisions to the Rules of the Board of Adjustment
5. Public Comments
Public comments are welcome at this time, however, no action will be taken.
6. Adjourn

ADA Compliance: The City of Spearfish fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Building and Development Office at 642-1335 and 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.



Spearfish Board of Adjustment
Regular Session Minutes
January 6th, 2020

The Spearfish Board of Adjustment met in regular session on Monday January 6, 2020 following the 5:30 p.m. Spearfish City Council regular meeting in the council chambers at Spearfish City Hall. Chairman Dana Boke called the meeting to order at 6:23 pm. Roll call was taken with the following members present: Clark, Eisenbraun, Jacobs, Klarenbeek and Hodgs. Absent: Hermann. Also Present: City Administrator Harmon, City Planner Watson, City Attorney McDonald, and Finance Officer DeNeui.

Approval of Minutes – Clark moved, Jacobs seconded and all voted to approve the minutes of the Board of Adjustment meeting of Monday, December 2, 2019 as presented.

Approve Findings - The findings for the variance approved in Resolution 2019-24, Location: Lot1B of Block 36 Uhlig Addition, were presented to the Board. Eisenbraun moved, Hodgs seconded and all voted to approve the findings as presented.

Public Comment - Public comment section opened; no comments received.

Adjournment - Eisenbraun moved to adjourn, Jacobs seconded and all voted to adjourn the meeting of the Board of Adjustment at 6:27 P.M.

RULES OF THE SPEARFISH BOARD OF ADJUSTMENT

1. **Chairperson.** The Mayor ~~shall be~~ is the Chairperson of the Board of Adjustment (“Board”). The Board ~~shall will~~ select one of its members to serve as First Vice-Chairperson and Second Vice-Chairperson. In the absence of the Chairperson, the First Vice-Chairperson ~~shall acts~~ as Chairperson of the Board. In the absence of the First Vice-Chairperson, the Second Vice-Chairperson ~~shall acts~~ as Chairperson of the Board. The Chairperson or acting Chairperson ~~shall have~~ has the right to vote on all matters coming before the Board.

2. **Minutes and Records.**
 - a. The Zoning Administrator, or his or her designee, ~~shall act as~~ is the Clerk of the Board.

 - b. The Clerk ~~shall must~~ keep all records of the Board as required by law or ordinance.

 - ~~b.c.~~ The Clerk ~~shall must~~ keep ~~Minutes the minutes and findings of the Board. The minutes must~~ that record which Board members were in attendance, any actions taken, and the vote of each member of the Board.

~~The Clerk shall keep a file containing all records of the Board.~~

 - d. The Clerk ~~shall will~~ conduct all correspondence of the Board; send out all notices required by law or ordinance ~~rules; shall~~ attend all meetings of the Board and all hearings; ~~shall scrutinize ensure~~ all appeals and applications for ~~variations variances comply with to see that these rules are complied with; shall keep the minutes of the Board’s proceedings; shall~~ compile and retain all required records; and shall maintain the necessary files and indexes and generally oversee all the clerical work of the Board; ~~and shall retain in the records the original papers acted upon by the Board.~~

 - e. The findings document is the official record of the decision reached by the Board. The findings will be recorded, filed, and maintained by the Clerk.

3. **Meetings.** Roberts Rules of Order, as revised from time to time, shall govern the proceedings of the Board ~~of Adjustment~~. Meetings of the Board will be called by the Zoning Administer as the need arises, from time to time. The Board shall will make their its decision, based on the findings, through a motion and vote with at least a quorum of members present. -A quorum of the Board ~~shall consists~~ of five members for the transaction of business.

4. **Communication.**

- a. Prior to an official decision, ~~city staff and~~ members of the Board ~~of Adjustment shall refuse to~~ may not discuss matters before the Board except at a public hearing or through written communication, which written communication shall become part of the record.
- b. Members of the Board ~~of Adjustment~~ may not individually investigate cases before the ~~board~~ Board or perform site visits. ~~unless coordinated by the Zoning Administrator.~~
- c. A member of the Board ~~of Adjustment~~ who receives material information regarding a matter before the Board is disqualified from participating in the matter unless such member publicly discloses such information and its source at the earliest reasonable opportunity and not later than the public hearing.

5. **Amendments.** These rules may be amended by resolution of the Board ~~of Adjustment.~~

Duly adopted this 3rd day of February, 2020.

[Separate signature pages follow]

SPEARFISH BOARD OF ADJUSTMENT

By: _____

Dana Boke, Its Chair

(Seal)

Attest:

Jayna Watson, Zoning Administrator and Clerk of the Board of Adjustment

State of South Dakota)
) ss.
County of Lawrence)

On this ____ day of _____ 2020, before me, the undersigned officer, personally appeared Dana Boke, the Mayor of the City of Spearfish, and Jayna Watson, the Zoning Administrator and Clerk of the Board of Adjustment of the City of Spearfish, known to me or satisfactorily proven to be the persons described in the foregoing instrument, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I have set my hand and official seal.

(Seal)

Notary Public

My commission expires: