

REGULAR MEETING OF THE OACOMA TOWN BOARD
December 6, 2021

The Oacoma Town Board of Trustees convened as the Oacoma Town Board of Adjustment at 7:00 P.M. on December 6, 2021 in Meeting Room #2 at the Oacoma Community Center. Board members present were Gary Dominiack, President; Richard Kirkpatrick, Vice President; Kyle Fuchs; Roger Twamley and Robin Hutmacher. Also present was Valerie Moore, Finance Officer. Others present included: Tony and Heidi Nogy; Chad Pinkelman, LFCDC; Wendy Murphy and Krissa Timmer participated via teleconference.

Dominiack announced it as the scheduled time and place for which notice of public hearing was given to consider the following applications:

Joseph & Wendy Murphy: Conditional Use Permit in an Agricultural zoning district at 24782 339th Avenue, Oacoma, SD to allow short-term vacation rentals at a single-family dwelling for periods of less than twenty-eight (28) consecutive days of occupancy.

Riverview Retreat LLC: Conditional Use Permit in an Agricultural zoning district at 24786 339th Avenue, Oacoma, SD to allow short-term vacation rentals at a single-family dwelling for periods of less than twenty-eight (28) consecutive days of occupancy.

Dominiack reported the two applicant properties about each other and Riverview Retreat has been publicly listed as a short-term vacation rental without proper zoning authority for some time while the Murphy's recently purchased their property and now wish to list it as a vacation rental as well. The Oacoma Planning Commission recommended both applications for approval subject to the following conditions: 1. On-street parking is prohibited. 2. Occupancy of travel trailers, tent trailers, tents and all other recreational vehicles designed for temporary occupancy by guests is specifically prohibited. 3. A minimum of one, forty-five (45) gallon enclosed garbage container must be provided outside each short-term rental dwelling unless a central collection container is provided. The container must be secured to prevent tipping. All garbage must be bagged before placing into container. No bagged or unbagged garbage shall be left outside a dwelling unless it is secured inside a container.

Dominiack opened the hearing and asked for comments from the applicants and proponents. Wendy Murphy provided comments in support of her application and Krissa Timmer provided comments in support of the Riverview Retreat application. No other proponent comments were heard.

Dominiack asked for comments in opposition to the applications. Tony and Heidi Nogy offered comments in opposition to the applications which included examples of negative situations they have already experienced with the Riverview Retreat property including an outdoor sound system playing loud music late into the night, guests shooting trap from the deck, fireworks discharged over Nogy's property, guests trespassing and driving ATVs across Nogy's property, and guests' dogs running loose, entering Nogy's property and interfering with Nogy's animals. The Nogy's asked for any permit granted for the requests be subject to additional conditions. No comments were heard from other opponents.

Following the public comment period, the board discussed the Nogy complaints and offered additional conditions for consideration in issuing permits for both properties. There being no further comments or discussion, Dominiack called for a motion on both applications.

Motion by Twamley, second by Kirkpatrick, to approve Conditional Use Permits for Joseph & Wendy Murphy and Riverview Retreat LLC allowing short-term vacation rentals at single-family dwellings at 24782 339th Ave and 24786 339th Ave, respectively, for periods of less than twenty-eight (28) consecutive days of occupancy subject to the following conditions: 1. On-street parking is prohibited. 2. Occupancy of travel trailers, tent trailers, tents and all other recreational vehicles designed for temporary occupancy by guests is specifically prohibited. 3. A minimum of one, forty-five (45) gallon enclosed garbage container must be provided outside each short-term rental dwelling unless a central collection container is provided. The container must be secured to prevent tipping. All garbage must be bagged before placing into container. No bagged or unbagged garbage shall be left outside a dwelling unless it is secured inside a container. 4. A quiet time of no later than 12:00 A.M./Midnight shall be

required. 5. Discharge of firearms is prohibited. 6. Discharge of fireworks must adhere to the city's fireworks ordinance. 7. All property owner/manager contact information must be kept on file and up to date at city office. Motion carried.

Dominiack reported a large percentage of all homes sold in Oacoma over recent years were purchased as vacation property and he explained that private use of vacation homes is completely acceptable. He stated the homes considered for permits at this meeting are located in a rural area designated as Ag zoning district; however, short-term vacation rental is not a permitted use in a Residential zoning district. Dominiack also commented on competition with hotels in the commercial district and the importance of sales tax revenue to the town. He advised that city officials need to remain aware of this housing trend and its impacts on the town and residential neighborhoods.

ADJOURN

Dominiack declared the meeting of the Oacoma Town Board of Adjustment adjourned.

CONVENE

Dominiack convened the meeting of the Oacoma Town Board of Trustees.

MINUTES

Motion by Hutmacher, second by Twamley, to approve the minutes of the regular meeting on November 15, 2021. Motion carried.

PUBLIC COMMENTS

Time was reserved for public comments pursuant to SDCL 1-25-1.

Chad Pinkelman, Executive Director of Lake Francis Case Development Corporation, was present to provide a status report on the housing study he is coordinating with the SD Housing Development Authority. Pinkelman reported progress on obtaining approval for the study is moving in a positive direction.

CONSUMPTION PERMIT

Motion by Kirkpatrick, second by Fuchs, to approve a consumption permit for the North Central Chapter of Paralyzed Veterans of America for a fishing tournament social and supper at the Oacoma Community Center on May 26, 2022. Motion carried.

DONATION

Motion by Hutmacher, second by Kirkpatrick, to authorize a donation of \$1,000 to the Underdog Foundation benefiting the ROCS Outreach Food Pantry in Chamberlain and the St. James Parish Food Pantry in Chamberlain in the amount of \$500 each. Motion carried.

RESERVE FUND TRANSFERS

Discussion was held on the reserve fund balances accumulated in the Water and Sewer Funds and balances for police and fire purposes in the General Fund. Motion by Fuchs, second by Twamley, to authorize the following fund transfers: \$10,000 from General Fund 101 to Water Reserve Fund 602.2; \$10,000 from Sewer Fund 604 to Sewer Reserve Fund 604.2; \$5,000 from General Fund 101 to Fire Reserve Fund 101.2. Motion carried. Reserve balance for police purposes was determined to be sufficient with no transfer authorized.

OTHER DISCUSSION

Dominiack reported on results of the sanitary smoke testing performed on November 29. Several manholes indicated minor areas of possible infiltration and several uncapped sewer cleanouts were found and capped. In summary, no major defects in the sanitary sewer system were identified.

PAY BILLS

The following bills were approved for payment: Payroll: Gov Board-2700.00, Finance-3616.20, Streets-2694.46, Sewer-2579.38, Water-5943.40; AFLAC, insurance-96.20; Bomgaars, shop supplies-143.85; Burke Oil, diesel-799.50; Burke Oil, propane-398.00; Byre Bros, garbage service-122.00; C&B Operations, battery-114.69; Central Dakota Times, publishing-101.96; Chamber of Commerce/CVB, subsidy-2937.00; Cozine Electric, bulbs & parts-

161.97; Cutler Law Firm, legal fees-343.75; Jack Dooley, OCC custodian contract-500.00; First National Bank-Omaha, credit card charges for postage, supplies & fuel-168.12; GF Advertising Services, billboard lease-1158.00; Hawkins Inc, chemicals-20.00; IRS, payroll tax-4294.96; Midstate Communications, phone & internet-472.51; NAPA Auto Parts, parts-47.32; Office Products Center, contract & supplies-108.58; SD Public Health Lab, lab samples-338.00; SD Retirement System, contributions-2633.20; SD Municipal League, 2022 dues-642.10; SD Gov't Finance Officers' Assoc., 2022 dues-40.00; SD Gov't Human Resource Assoc., 2022 dues-25.00; SD Assoc. of Code Enforcement, 2022 dues-40.00; Servall, janitorial supplies-107.25; South Dakota 811, locates-28.00; Underdog Foundation, donation for food pantries-1000.00; Verizon Wireless, cell phones-165.86; Wall Drug Store, Inc., billboard lease-200.00; WEERC, lab samples-89.00; West Central Electric, utilities-5566.55; Wellmark BCBS, insurance-2672.55.

ADJOURNMENT

The meeting was adjourned. The next regular meeting is scheduled for Monday, December 20, 2021 beginning at 7:00 P.M. in Meeting Room #2 at the Oacoma Community Center.

Gary Dominiack, President

Valerie J. Moore, Finance Officer

Published once on December 15, 2021 at a total cost of \$