

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota
September 24, 2019

The Kingsbury County Board of County Commissioners met Tuesday, September 24, 2019, at 8:30 A.M. in the Commissioners meeting room in the Courthouse with Commissioners Shelley Nelson, Roger Walls, Joe Jensen, Steve Spilde, and Delmer Wolkow present. Chairman Nelson presided.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

APPROVE AGENDA

Jennifer Barnard, Auditor, requested to add Director of Equalization to the agenda.

Wolkow moved and Jensen seconded to approve the agenda as amended. All present voting aye, motion carried.

PUBLIC COMMENT

Chairman Nelson asked for public comment. Ryan Eichler expressed his concerns for the current flooding situation and that it is more than a Lake Thompson issue. David Sorenson, Highway Superintendent, responded with the current plan of action for the affected roads.

HIGHWAY

Sorenson met with the Board to discuss highway matters.

Sorenson stated the flood waters are still rising and the crew is working on paving where they can.

Sorenson requested authorization to attend the 34th Annual Local Road Conference on October 16, 2019 in Rapid City and would be gone the 15th-17th for travel time.

Jensen moved and Spilde seconded to approve travel for Sorenson to attend the conference and travel for October 15 - 17, 2019. All present voting aye, motion carried.

Sorenson requested to move into Executive Session for personnel.

Wolkow moved and Walls seconded to adjourn from regular session and move into Executive Session for personnel at 8:46 A.M. All present voting aye, motion carried.

Wolkow moved and Jensen seconded to move back into regular session. Chairman Nelson declared the Board out of Executive Session at 8:53 A.M.

Sorenson requested Chairman Nelson sign the State of South Dakota Dept. of Transportation Joint Powers Force Account Agreement documents for reimbursement for nine (9) Emergency Relief road locations listed.

It was the consensus of the Board for Chairman Nelson to sign the documents based on the prior knowledge of the agreement.

Sorenson requested Chairman Nelson sign to approve the Preliminary Engineer work for the Bridge Improvement Grant.

Spilde moved and Jensen seconded for Chairman Nelson to sign and approve the Preliminary Engineer work for the Bridge Improvement Grant. All present voting aye, motion carried.

MINUTES

Spilde moved and Jensen seconded to approve the minutes of September 10, 2019. All present voting aye, motion carried.

EXECUTIVE SESSION

Chairman Nelson requested to move into Executive Session for possible litigation.

Walls moved and Spilde seconded to adjourn from regular session and move into Executive Session for possible litigation at 9:10 A.M. All present voting aye, motion carried.

Walls moved and Spilde seconded to move back into regular session. Chairman Nelson declared the Board out of Executive Session at 9:31 A.M.

STATE WATER MANAGEMENT BOARD DISCUSSION - RE: LAKE THOMPSON

Cindy Bau, Emergency Manager, Ryan Eichler, Donna Palmlund, with the De Smet News, Jim and Denise Knight, Brian Lowe, Mark Havard, Pat Lambert, Tom Cummins, Clint Martens, Darvin Sandve, Chet Motlas and Evan Buckmiller, with Kingsbury Electric, met with the Board to discuss the outcome of the Water Management Board hearing held on September 11, 2019.

Chairman Nelson went over the hearing points and discussed the decision made by the Water Management Board to approve maintenance to the Lake

Thompson Outlet. It was also decided the future maintenance need only be approved by the South Dakota Dept. of Environment and Natural Resources.

Jensen discussed this being a bigger issue for the county than just Lake Thompson.

Those present discussed the need to do something now, with no time to accrue funds through other means. Also discussed were taxpayers around the county concerned their tax dollars would be spent on the lake outlet maintenance. There was also discussion on the difference between a Water District and a Lake Project District.

Chairman Nelson ask if the Board needed to deliberate based on the conversation had.

Spilde moved and Jensen seconded to adjourn from regular session and move into Executive Session for deliberation at 10:19 A.M. All present voting aye, motion carried.

Jensen moved and Wolkow seconded to move back into regular session. Chairman Nelson declared the Board out of Executive Session at 10:40 A.M.

Jensen moved and Spilde seconded to approve up to \$10,000.00 to be contributed to the removal of cattails from the Lake Thompson Outlet. There was additional discussion regarding the position of the Board. The County will not be pursuing channel or outlet maintenance. No additional funding will be provided. Motion passed with four (4) aye and one (1) opposed.

Buckmiller discussed a letter that was sent to Lake Thompson residents, and the potential for power outages around the lake. Preventative measures were suggested and information on what could be done in various potential outage situations was provided.

Bau provided updated information on FEMA. Bau also stated FEMA was only working on damages during the first disaster declaration.

EMERGENCY EROSION CONTROL PROGRAM

Jim Knight presented information for an Emergency Watershed Protection Program and requested the Board of County Commissioners be a sponsor for the program.

It was the consensus of the Board to have State's Attorney Gregg Gass review the information.

EMERGENCY MANAGEMENT

Bau met with the Board to request Chairman Nelson sign Disaster Declaration #5 for Kingsbury County.

Chairman Nelson read the following Disaster Declaration Resolution:

KINGSBURY COUNTY
DISASTER DECLARATION RESOLUTION

WHEREAS, Kingsbury County, South Dakota on September 9th and ongoing has suffered severe storm damage caused by excessive rain and wind, and

WHEREAS, this excessive rain and wind caused county-wide flooding and wind damage, and

WHEREAS, the flooding and wind has affected all of Kingsbury County, and

NOW IT BE RESOLVED THAT the Kingsbury County Commissioners do hereby declare a disaster that is ongoing for the population the area impacted.

The Kingsbury County Commissioners respectfully request that any and all assistance that may be available from State and Federal agencies be provided to all local governments to include Kingsbury County and to the local businesses and the general population as we work to overcome this disaster.

BE IT ALSO RESOLVED THAT THE Kingsbury County Commissioners do hereby declare a flood and wind disaster and respectfully request the Governor of the State of South Dakota to declare a disaster area and to request a Presidential Declaration of Disaster to insure that the maximum amount of assistance is made available to local governments, businesses and residents affected.

Wolkow moved and Jensen seconded for Chairman Nelson signed the resolution. All present voted via roll call: Jensen - aye, Walls - aye, Nelson - aye, Wolkow - aye, Spilde - aye. Motion passed.

MAITENANCE

Lonny Palmlund, Maintenance, met with the Board to discuss various projects and items for publication.

Palmlund informed the Board the parking lot signs were placed in different locations than approved in the last meeting because of further discussion with various individuals and interpretation of stacking the two signs.

Spilde moved and Wolkow seconded to accept the current Veteran and Purple Heart sign placement. All present voting aye, motion carried.

Palmlund informed the Board TruGreen had applied the fall treatment for the lawn and had prescheduled for the spring treatment.

Palmlund requested authorization to purchase a second bulk container of liquid deicer. The final cost will be \$1241.00 and is available in the 2019 budget.

Spilde moved and Wolkow seconded to approve the purchase of liquid deicer. All present voting aye, motion carried.

DIRECTOR OF EQUALIZATION

Tammy Anderson, Director of Equalization, met with the Board to request authorization for repairs to be made to the county vehicle. Anderson had the Dodge Durango looked at and the catalytic converter needs to be replaced. The estimates received ranged from \$650.00 to \$4,000.00.

Spilde moved and Jensen seconded to have the Durango repaired at the lower rate of \$650.00. All present voting aye, motion carried.

Anderson also requested authorization for travel to the Executive Board and Education meeting on October 2, 2019 in Pierre. Anderson also requested authorization for herself and Maggie Purintun, Deputy DOE, to travel to the district meeting on October 16, 2019 in McCook County. The location has not been determined due to flooding.

Spilde moved and Jensen seconded to approve the requested travel expenses for Anderson and Purintun. All present voting aye, motion carried.

The Board adjourned for lunch from 12:15 P.M. to 1:30 P.M.

APPROVE CLAIMS

Walls moved and Wolkow seconded that the following claims presented to the Board for consideration be approved and the County Auditor be directed to issue warrant checks for payment of same. All present voting aye, motion carried.

MISCELLANEOUS

CENTURYLINK 228.03 UTILITIES, CENTURYLINK 767.35 UTILITIES, HILLYARD/SIOUX FALLS 147.35 SUPPLIES, KINGSBURY ELECTRIC COOP 331.00 UTILITIES, KINGSBURY COUNTY TREASURER 18.75 POSTAGE, MATTHEW BENDER & CO 110.43 LAW LIBRARY, NORTHWESTERN 53.02 UTILITIES, OTTERTAIL POWER COMPANY 90.69 UTILITIES, OTTERTAIL POWER COMPANY 1705.65 UTILITIES, SDN COMMUNICATIONS 1820.00 UTILITIES,

TREASURER

Elaine Blachford, Treasurer, met with the Board to discuss items for surplus and to edit the Treasurer's office inventory list.

Spilde moved and Walls seconded to declare the following items to be declared surplus for disposal: obsolete computer towers, inoperable adding machines, miscellaneous old telephone cords. All present voting aye, motion carried.

Wolkow moved and Jensen seconded for to declare the following items to be declared surplus for sale: miscellaneous computer cords and keyboards, cordless telephone sets, 2 metal desks, 1 composite wood desk, 2 "wiped" computers. All present voting aye, motion carried.

EMERGENCY MANAGEMENT

Bau returned to the Board to request a load of sand be delivered to the Game, Fish, and Parks parking lot for sand bagging in the Vantage Point area with Game, Fish, and Parks personnel to determine the location of the sand placement. Bau would coordinate the delivery with Sorenson.

Jensen moved and Spilde seconded for sand to be delivered for sand bagging in the Vantage Point area. All present voting aye, motion carried.

Bau informed the Board the temporary road built with the \$40,600.00 FEMA Grant is now partially under water. This was granted in Disaster Declaration #1. Disaster Declarations 2-4 have not been signed by the President.

EXTENSION

Mary Bauer, Extension/4-H, met with the Board to discuss the activity of the Extension and 4-H programs during the summer and presented a report of the same.

Bauer verified a new lawn mower had been purchased by the Fair Board.

Spilde moved and Jensen seconded to adjourn from regular session and move into Executive Session for personnel at 2:23 P.M. All present voting aye, motion carried.

Walls moved and Wolkow seconded to move back into regular session. Chairman Nelson declared the Board out of Executive Session at 2:41 P.M.

AUDITOR

Barnard discussed various items with the Board.

Walls moved and Spilde seconded to accept the Plat for Lot 25, Vantage Point Development - Second Addition as recommended by the Planning and Zoning Board on September 10, 2019. All present voting aye, motion carried.

Barnard discussed the application for the Department of Social Services 211 program to begin in January of 2020. Barnard also discussed a letter from East Dakota Water District regarding the reimbursement of \$4,702.50 for half the cost of the Lake Thompson Outlet Maintenance Assessment.

Barnard informed the Board there has been a change to the 700 Funds for Counties and any moneys held in a 700 numbered fund will need to be assigned for a specific purpose and transferred to the General Fund. Two Funds were identified, and Barnard will be contacting Legislative Audit to verify what process will need to be followed.

Barnard stated today was the date indicated for the finalizing of the 2020 Budget and provided information on adjustments that had been made during the Budget Hearing on September 3, 2019. Barnard also requested additional adjustments for three accounts including 411 - Care for the Poor from \$2,800.00 to \$3,500.00, 444 - Mental Health Center from \$15,000.00 to \$25,000.00 and 445 - Mental Illness Board from \$5,000.00 to \$8,000.00.

Spilde moved and Jensen seconded to approve and finalize the 2020 Budget as amended. All present voting aye, motion carried.

ANNUAL BUDGET FOR KINGSBURY COUNTY, SD
For the Year January 1, 2020 to December 31, 2020

Tax Levy in 2020

COUNTY TAX LEVIES	Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	2,224,594.00	1.787
LIMITED LEVY (10-12-21) - SUB TOTAL		
OUTSIDE LIMITED LEVY:	2,224,594.00	1.787
County Snow Removal Fund		

(34-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)		
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	-	-
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	2,224,594.00	1.787
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)		
Fire Protection (34-31-3)		
Opt Out	300,000.00	0.212
	.	
TOTAL TAXES LEVIED BY COUNTY	2,524,594.00	1.999

* These Amounts include the 25% to be distributed to cities.

As of September 24, 2019, these levies are not approved by the Department of Revenue

RESOLUTION

ADOPTION OF ANNUAL BUDGET FOR KINGSBURY County, South Dakota

WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates, and all matters therein set forth, SHALL BE APPROVED AND ADOTPED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR KINGSBURY County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2020 and ending December 31, 2020 and the same is hereby approved and adopted by the Board of County Commissioners of Kingsbury County, South Dakota, this 24th day of September, 2019. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Kingsbury County, South Dakota. The accompanying taxes are levied by Kingsbury County for the year January 1, 2020 through December 31, 2020.

Barnard requested to move into Executive Session for possible litigation.

Wolkow moved and Spilde seconded to adjourn from regular session and move into Executive Session for possible litigation at 3:32 P.M. All present voting aye, motion carried.

Walls moved and Spilde seconded to move back into regular session. Chairman Nelson declared the Board out of Executive Session at 3:37 P.M.

The Board adjourned to Tuesday, October 8, 2019 at 8:30 A.M.

SIGNED _____
Shelley Nelson, Chairman

ATTEST _____
Jennifer Barnard, County Auditor

Published 1 week at the total approximate cost of _____.