

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota
October 19, 2021

The Kingsbury County Board of County Commissioners met Tuesday, October 19, 2021, at 8:30 AM in the Courtroom in the County Courthouse with Commissioners Roger Walls, Kyle Lee, Steve Spilde, and Doug Kazmerzak. Chairman Walls presided.

Attending via Zoom were Tammy Anderson - Director of Equalization, Cindy Bau - Emergency Management/911 Coordinator, Michelle Longville - Treasurer, Sheriff Strande, and Mike Siefker - Kingsbury Journal.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

Jennifer Barnard, Auditor, it was requested to add Executive Session to Register of Deeds and New Hire to Director of Equalization

lee moved and Spilde seconded to approve the agenda as edited. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

MINUTES

Kazmerzak moved and Lee seconded to approve the minutes of October 5, 2021. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

PUBLIC COMMENT

Chairman Walls asked for public comment. There was none.

CONFLICT OF INTEREST

Chairman Walls asked the Board if there was any conflict of interest. There was none.

OPEN DISCUSSION

The Board discussed aspects of the American Rescue Plan Fund.

REGISTER OF DEEDS

Caryn Hoyer, Register of Deeds, met with the Board to discuss various aspects of cyber security updates that are needed.

Hoyer presented Multi-Factor Authentication information that has been recommended by InfoTech as well as updates needed for the data back-up device for a cost of \$2,945.00. The annual storage contract is also needing to be renewed with a quoted cost of \$749.99 per month.

Kazmerzak moved and Lee seconded to accept the quote to upgrade the back-up device at a cost of \$2945.00. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Lee moved and Kazmerzak seconded to renew the annual storage contract at a cost of \$749.99 per month. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

HIGHWAY MATTERS

Dave Sorenson, Highway Superintendent, met with the Board to discuss highway matters.

Sorenson stated hauling of gravel was completed on 218th St. and that one more load would be placed on Orange Bridge Rd between the lakes.

Sorenson stated the crew would haul gravel as needed and prepare for winter. Would like to get a few more culverts replaced while possible.

The Board discussed replacing the 911 Road signs with Sorenson.

EMERGENCY MANAGEMENT/911 COORDINATOR

Bau met with the Board and requested the Chairman sign her quarterly report for July - September.

Kazmerzak moved and Spilde seconded for Chairman Walls to sign the quarterly report. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

The Board discussed the 911 signs replacement with Bau.

SUPPLEMENTAL BUDGET HEARING

Barnard informed the Board the funds assigned for the window replacement project will need to be moved into the general building budget as bills were beginning to be received.

Barnard read the following resolution:

RESOLUTION 2021-32

FOR SUPPLEMENTAL BUDGET

WHEREAS, it is necessary to supplement the 2021 Annual Budget with funds set aside for Courthouse Repairs in order to carry on the indispensable function of Kingsbury County; and

WHEREAS, the adoption of the proposed Supplemental Budget was duly considered by the Kingsbury County Commission on the 19th day of October, 2021 at 9:15 A.M. in the County Courtroom, pursuant to due notice;

NOW, THEREFOR, BE IT RESOLVED by the Kingsbury County Commission that the following Supplemental Budget be, and the same is, hereby approved for the purpose of providing budget to conduct the indispensable functions of Government, to-wit:

From the General Fund

101-0-276.09 Assigned for Courthouse Repairs	\$376,610.00
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To General Government Building

101-161-429 Gen Govt Bldg Other	\$376,610.00
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Kazmerzak moved and Spilde seconded to approve Resolution 2021-32 and the Budget Supplement. All present voting roll call: Lee - aye, Spilde - aye, Kazmerzak - aye, Walls - aye. Motion carried.

APPROVE CLAIMS

Spilde moved and Kazmerzak 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 - 4, nay - 0, abstain - 0. Motion carried.

MISCELLANEOUS

CENTURYLINK 947.85 UTILITIES, CENTRYLINK 239.67 UTILITIES, CITY OF DE SMET 114.78 UTILITIES, COOKS WASTEPAPER & RECYLING 48.63 UTILITIES, DEPARTMENT OF HEALTH 80.00 CONTROLLED SUBSTANCE REG, G & R CONTROLS INC 3448.50 REPAIRS AND MAINT, KINGBROOK RURAL WATER 80.90 UTILITIES, KINGSBURY ELECTRIC COOP 312.00 UTILITIES, BYRON NOGLEMEIER 912.00 CAM FEES, NORTHWESTERN 67.82 UTILITIES, NORTHWESTERN 36.50 UTILITIES, OTTERTAIL POWER CO 1356.49 UTILITIES, OTTERTAIL POWER CO 161.86 UTILITIES, OXBOW RESTAURANT 66.69 LEPC, SAFETY BENEFITS 65.00 CONF & TRAVEL, SD DEPT OF REVENUE 141712.77 STATE REMITTANCE, SD UNEMPLOYMENT 154.56 3RD QUARTER, SDACO 786.00 M & P FUND, VERIZON 233.53 UTILITIES,

PROPOSED ORDINANCE 57

Barnard informed the Board of the previous request for this to be put in place and has been reviewed by the Register of Deeds.

Barnard read the following proposed ordinance:

Ordinance 57

AN ORDINANCE FOR THE NAMING OF ADDITIONS, SUBDIVISIONS TRACTS AND ROADS

WHEREAS, every addition, subdivision, or tract within Kingsbury County and subject to this Ordinance shall be uniquely named. Such name shall not duplicate, be the same in spelling, or alike in pronunciation, with or to any existing addition, subdivision, or tract in Kingsbury County; unless it is an extension of or adjoining to an existing addition or subdivision recorded in Kingsbury County, and

WHEREAS, naming of Plats shall not include an initial along with a name. Such addition, subdivision, and tract names are subject to the approval of the Kingsbury County Register of Deeds, whose decision shall be final.

THEREFORE, BE IT ORDAINED BY KINGSBURY COUNTY, those Plats which do not comply with the general provisions of Kingsbury County Ordinances shall not be entitled to recorded and all new road names must be approved by the Register of Deeds, Kingsbury County Emergency Management, and the Kingsbury County Zoning Officer.

All ordinances, or parts of ordinances, in conflict therewith are hereby repealed.

The Board set the second reading for November 2 at 9:30 A.M.

PROPOSED ORDINANCE 58

State's Attorney, Gary Schumacher, explained to the Board the need to extend Ordinance 56, Temporary Medical Marijuana through as the State has not completed the promulgation of the rules. This would allow the County to have more time to set zoning ordinances and licensing fees.

Barnard read the following ordinance:

PROPOSED ORDINANCE 58

AN ORDINANCE REVISING ORDINANCE 56

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Kingsbury County, SD ("County"), makes a preliminary finding that the County's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Kingsbury County, SD:

Section 1. Temporary Ordinance - Application for Local Permit/License

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until December 31, 2021, and until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to December 31, 2021, shall be denied. And any application received prior to such regulations being promulgated shall also be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Dated this 19th day of October 2021.

Spilde moved and Kazmerzak seconded to approve Proposed Ordinance 58. All present voting roll call: Lee - aye, Spilde - aye, Kazmerzak - aye, Walls - aye. Motion carried.

SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE - LYNN BRENN

Lynn Brenn, with SDPAA, met with the Board to review the benefits available and the liability insurance the County has.

SOUTH DAKOTA MUNICIPAL LEAGUE - BRAD WILSON

Brad Wilson, with SDML, met with the Board to review the Workman's Comp benefits, credits, and benefits provided to the County.

BOARD OF ADJUSTMENT

Kazmerzak moved and Spilde seconded to adjourn from regular session and move into Board of Adjustment at 11:34 A.M. for a Variance Hearing. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Chairman Walls declared the Board out of Planning and Zoning at 11:48 A.M.

DIRECTOR OF EQUALIZATION

Anderson met with the Board to discuss the purchase of a new copier for the office. A quote had been received from Century Business Products for two different printers with various costs associated with each.

Kazmerzak moved and Spilde seconded to approve the purchase of a new copier at a cost of \$1,784.29 and \$270.00 annual maintenance. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Anderson informed the Board she would like to offer the new permanent part time position to Kristin Clarksean.

Kazmerzak moved and Lee seconded to approve the offer of the new permanent part time position. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

REGISTER OF DEEDS

Hoyer stepped into the meeting to inform the Board the cost of the Multi-Factor Authentication would be \$10 per month through InfoTech.

Hoyer requested to move into Executive Session for personnel.

Kazmerzak moved and Spilde seconded to adjourn from regular session and move into Executive Session for personnel at 11:59 A.M. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Kazmerzak moved and Spilde seconded to adjourn from Executive Session. Chairman Walls declared the Board out at 12:37 P.M.

AUDITOR

Barnard explained to the Board the need to redistrict the Commissioner Districts due to the 2020 census. First District has input the numbers into their program and made a recommendation (which can be reviewed in the Auditor's Office).

Spilde moved and Kazmerzak seconded to accept the recommendations from First District. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Barnard requested to move into Executive Session for personnel.

Kazmerzak moved and Spilde seconded to adjourn from regular session and move into Executive Session for personnel at 12:56 P.M. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Chairman Walls declared the Board out of Executive Session and adjourned the meeting at 3:42 P.M.

The Board adjourned to Tuesday, November 2, 2021, at 8:30 A.M.

SIGNED _____
Roger Walls, Chairman

ATTEST _____
Jennifer Barnard, County Auditor

Published 1 week at the total approximate cost of _____.