

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota
October 4, 2022

The Kingsbury County Board of County Commissioners met Tuesday, October 4, 2022, at 8:30 A.M. in the Courtroom of the County Courthouse with Commissioners Roger Walls, Kyle Lee, Steve Spilde, Doug Kazmerzak and Corey Lundquist present. Chairman Kazmerzak presided.

Attending via Zoom were Michelle Longville - Treasurer, Tammy Anderson - Director of Equalization, Sheriff Strande, and Amy Halverson - Kingsbury Journal.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

Echo Steffensen, Auditor, requested to add compensatory time and health insurance discussion to the consent agenda.

Motion by Lundquist and seconded by Spilde to approve the agenda with the additions. All present voting aye. Motion carried.

MINUTES

Motion by Lundquist and seconded by Lee to approve the minutes of September 22, 2022. All present voting aye. Motion carried.

PUBLIC COMMENT

Chairman Kazmerzak asked for public comment. Steffensen informed the Board that the senior class from Lake Preston would be touring the courthouse and would be stopping in to tour the courtroom.

CONFLICT OF INTEREST

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

DIRECTOR OF EQUALIZATION

Tammy Anderson, Director of Equalization, requested travel approval for herself and the Deputy Director of Equalization on October 19, 2022, to Flandreau to attend their district meeting.

Motion by Lee and seconded by Spilde to approve Anderson's travel request to Flandreau for the district meeting on October 19, 2022. All present voting aye. Motion carried.

Anderson requested to move into Executive Session for personnel

Motion by Walls and seconded by Lee to adjourn from regular session and move into executive session for personnel at 8:39 A.M. All present voting aye. Motion carried.

Motion by Spilde and seconded by Lee to adjourn from executive session. Chairman Kazmerzak declared the Board out at 8:45 A.M.

HIGHWAY

Dave Sorenson, Highway Superintendent, met with the Board to update them on highway matters.

Sorenson introduced Trey Lester with Turnkey Logistics.

Lester provided information for Carbon Solutions on non-environmental pipelines.

Sorenson requested the Resolution for the Five-Year County Highway and Bridge Improvement Plan be read and approved.

Steffensen read the following resolution:

RESOLUTION 2022-24

A RESOLUTION ADOPTING THE KINGSBURY COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN

WHEREAS the South Dakota Department of Transportation Local Bridge and Improvement Grant Fund requires that in order to be eligible to apply for Bridge Improvement Grant funds, Counties are required to develop a five-year Highway and Bridge Improvement Plan, hereinafter referred to as Plan; and

WHEREAS Kingsbury County has utilized the South Dakota Department of Transportation, County Staff, the First District Association of Local Governments, Townships, and the general public in developing the various components of the Plan; and

WHEREAS the Plan includes maps and lists identifying an inventory of highways and bridges, project needs, and revenue sources; and

WHEREAS Kingsbury County held a public meeting on September 22nd, 2022 to solicit input into the Plan, and the citizens who attended expressed an interest in the Plan; and

WHEREAS, the County will be able to use the Plan as a tool to budget for transportation enhancements and better coordinate transportation issues with other entities;

NOW, THEREFORE, BE IT RESOLVED BY THE KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE KINGSBURY COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN IS HEREBY ADOPTED AND IS RECOGNIZED AS THE HIGHWAY AND BRIDGE IMPROVEMENT PLAN FOR KINGSBURY COUNTY.

Motion by Lee and seconded by Spilde to accept and adopt Resolution 2022-24 and for Chairman Kazmerzak to sign the same. All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye, and Spilde - aye. Motion carried.

Sorenson requested the load limits for a bridge on a minimum maintenance road off 425th N be lowered from 8 tons to 6 tons.

Motion by Lundquist and seconded by Walls to lower the load limit on a bridge on a minimum maintenance road off 425th N to 6 tons. All present voting aye. Motion carried.

Sorenson requested travel approval for October 18-20, 2022, to attend the Region 8 Road Conference in Rapid City.

Motion by Lee and seconded by Spilde to approve Sorenson's request to travel to Rapid City for the Region 8 Road Conference on October 18-20, 2022. Motion carried.

Sorenson requested travel approval for November 2-3, 2022, to attend the 2022 Annual Safety & Loss Control Training Conference in Pierre.

Motion by Lee and seconded by Spilde to approve Sorenson's request to travel to Pierre for the 2022 Annual Safety & Loss Control Training Conference on November 2-3, 2022. Motion carried.

Further discussion was held regarding on the CR10 culvert issue that was addressed at the September 22, 2022, meeting. It was the consensus of the Board to leave the culvert in place unless an issue arises.

Sorenson requested to move into Executive Session for personnel.

Motion by Spilde and seconded by Lundquist to adjourn from regular session and move into executive session for personnel at 9:23 A.M. All present voting aye. Motion carried.

Motion by Lee and seconded by Lundquist to adjourn from executive session. Chairman Kazmerzak declared the Board out at 9:37 A.M.

Sorenson requested 56.63 accrued vacation hours be paid out for an employee that had resigned.

Lundquist moved and Lee seconded to pay out 56.63 hours of accrued vacation to an employee that had resigned. All present voting aye. Motion carried.

Sorenson requested the Board approve a new hire at the highway department.

Walls motioned and Spilde seconded to approve the new hire at the highway department. All present voting aye. Motion carried.

MAINTENANCE

Lonny Palmlund, Maintenance, met with the Board to update them on Courthouse maintenance matters.

Palmlund informed the Board the Historical Society grant in the amount of \$20,000.00 had been received.

APPROVE CLAIMS

The Board reviewed the vouchers submitted by the Auditor.

Motion by Spilde and seconded by Lundquist 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.

AT & T MOBILITY 112.52 UTILITIES, APPEARA 73.93 SUPPLIES, ASPHALT PAVING & MATERIALS 125.19 SPEC PROJECT, AUTOMATIC TRANSMISSION & GEAR 816.03 REPAIR, BADGER OIL COMPANY 37.40 FUEL, BEADLE COUNTY SHERIFF 2000.00 PRISONER CARE, BLUE360 MEDIA, LLC 93.93 SUPPLIES, CENTURY BUSINESS PRODUCTS 390.52 SUPPLIES, CITY OF DESMET 144.52 UTILITIES, CIVIL DESIGN INC. 1354.00 BRIDGE INSPECTIONS, CLUBHOUSE HOTEL & SUITES-PIERR 1808.50 FALL CONFERENCE 2022, COLES PETROLEUM 33726.00 FUEL, SMITH'S LUMBER 210.28 REPAIRS, AVERA DESMET HOSPITAL 54.00 PROFESSIONAL SERV, BRANDON DUFFY 125.00 CORONER, ELECTION SYSTEMS & SOFTWARE IN 1375.89 ELECTION, OFFICE OF FIRE MARSHAL 160.00 INSPECTION, G & R CONTROLS, INC 25.20 REPAIRS/MAINT, GALLS, LLC- DBA NEVE'S UNIFORM 140.00 UNIFORMS, HIEMAN, INC. 36.00 REPAIRS/MAINT, HILLYARD/SIOUX FALLS 56.13 SUPPLIES, CARYN HOJER 107.89 FALL CONVENTION TRAVEL, CITY OF HURON 3881.63 PROFESSIONAL SERV, INTERLAKES COMMUNITY ACTION 397.42 PROFESSIONAL SER, JEBRO, INCORPORATED 94363.57 SEALING SUPPLIES, JOE JENSEN 165.90 TRAVEL, CHARLES JOHNSON 125.00 CORONER, KINGBROOK RURAL WATER 36.00 UTILITIES, KINGSBURY JOURNAL

233.23 PUBLISHINGS, LIGHT & SIREN 536.23 REPAIRS, LINCOLN COUNTY 1116.32
 BMI, LINDE GAS & EQUIPMENT INC 171.73 SUPPLIES, MCLEODS PRINTING & OFFICE
 SUPP 65.92 ELECTION, MIDWEST RADAR & EQUIPMENT 287.00 REPAIRS, EASTLINE
 SUPPLY 89.93 SUPPLIES, O'KEEFE IMPLEMENT 432.05 SUPPLIES, O'KEEFE
 IMPLEMENT 71.48 REPAIRS, OFFICE PEEPS INC 400.96 SUPPLIES, PRAIRIE AG
 PARTNERS 3784.55 FUEL, PRIA 60.00 PROFESSIONAL SERV, SD PUBLIC HEALTH
 LABORATORY 205.00 PROFESSIONAL SERV, MAGGIE PURINTUN 342.80 TRAVEL SDAAO
 ASSESSOR'S SCHOOL, QUILL 151.55 SUPPLIES, RECHNAGEL CONSTRUCTION INC
 151800.00 GRAVEL, SDSU-SDLTAP 125.00 TRAVEL CONVENTION, SIRCHIE 63.14
 SUPPLIES, ECHO STEFFENSEN 137.64 TRAVEL, STEVE STRANDE 528.30 CORONER,
 TRIPLE T GRAVEL & SAND 61469.02 GRAVEL, TRUENORTH STEEL 4676.29 CULVERTS,
 TRUSTWORTHY HARDWARE 173.33 SUPPLIES, ULTEIG 41251.28 SPECIAL PROJ
 ENGINEER, VERIZON 209.50 UTILITIES, VISA 51.03 SUPPLIES/PRO SER, WARNE
 APPLIANCE & VIDEO 904.00 JAIL IMPROVEMENTS, DAVID WHEELER 5432.36 COURT
 APPT ATTY FEES, WW TIRE 1277.96 REPAIRS/SUPPLIES,
 PLANNING AND ZONING

MISCELLANEOUS

END OF MONTH

COURTHOUSE SALARIES	\$55,305.89
HIGHWAY SALARIES	24,664.45

PAYROLL DEDUCTIONS

Sanford Health Plan	24,516.53
AFLAC	927.31
AFLAC	460.83
The Principal Financial Group	255.14
Garnishment	668.60
Delta Dental	676.80
Avesis Third Party Administrators	225.50
SD Retirement Supplement Pretax	150.00
SD Retirement System	12,177.36
SD Retirement Supplement	765.00
AFSCME	199.20
Kingsbury County	24,054.31

RECESS

The Board recessed at 10:00 A.M. to allow the Clerk of Courts to provide a tour of the courtroom to a class from Lake Preston.

Chairman Kazmerzak declared the Board back into session at 10:18 A.M.

SHERIFF

Sheriff Strande introduced his new Deputy Sheriff.

Strande informed the Board that CPR training had been completed with several employees.

Strande requested travel approval for October 10-13, 2022 for himself and the office manager to attend the Sheriff's Conference in Aberdeen.

Motion by Lee and seconded by Spilde to approve Strande's request to travel to Aberdeen for the Sheriff's Conference on October 10-13, 2022.

Motion carried.

PUBLIC HEARING

Chairman Kazmerzak opened the public hearing for the petition from Meadow Lane Villa to vacate streets and alleys in Osceola.

Kazmerzak asked if there were any proponents. There were none.

Kazmerzak asked if there were any opponents. There were none.

Chairman Kazmerzak closed the public hearing and opened the matter up to Commissioner discussion.

Joe Jensen, Planning and Zoning Commission, joined the meeting and stated the vacation is necessary to build a school in Osceola and the current size of the lots is too small.

Chairman Kazmerzak asked Steffensen to read the following Resolution:

**KINGSBURY COUNTY RESOLUTION #2022-20
RESOLUTION & ORDER TO VACATE
STREETS AND ALLEYS WITHING THE FORMER LIMITS OF THE TOWN OF OSCEOLA,
SOUTH DAKOTA**

WHEREAS, a petition was presented to the Board of County Commissioners of Kingsbury County, South Dakota, signed by all adjacent landowners, requesting to vacate streets and alleys within the former limits of the Town of Osceola, South Dakota.,

WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice once each week for two consecutive weeks prior to the date of hearing, and

WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and

WHEREAS, the public interest will be better served by the proposed vacation, now therefore,

BE IT RESOLVED by the Kingsbury County Board of Commissioners as follows: That the described streets and alleys within the former limits of the Town of Osceola, South Dakota, be vacated

LEGAL DESCRIPTION FOR THE VACATION:

Third Street lying on the East side of Lots 1 through 14, Block 3 Original Plat to the Town of Osceola and the West side of Lots 8 through 14, Block 2 Original Plat to the Town of Osceola, Kingsbury County, Sough Dakota; and

Third Street lying on the East side of Lots 1 through 14, Block 12 Original Plat to the Town of Osceola and the West side of Lots 8 through 14, Block 13 Original Plat to the Town of Osceola, Kingsbury County, South Dakota; and

Wilse Street lying on the South Side of Lots 14 and 15, Block 3 and Lot 8, Block 2 and the North side of Lots 28 and 1, Block 12 and Lot 14, Block 13, all as set forth in the Original Plat to the Town of Osceola, Kingsbury County, South Dakota; and

The alley lying between Lots 1 through 14 and Lots 15 through 28, Block 3 and the alley lying between Lots 1 through 14 and Lots 15 through 28, Block 12 all as set forth in the Original Plat to the Town of Osceola, Kingsbury County, South Dakota.

AFFECTING THE LANDOWNERS: MEADOW LANE VILLA, MURRAY TOEWS, PRESIDENT.

Motion by Walls and seconded by Spilde to accept and adopt Resolution 2022-20 and for Chairman Kazmerzak to sign the same. All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye, and Spilde - aye. Motion carried.

PLANNING AND ZONING

Motion by Lundquist and seconded by Spilde to adjourn from regular session and move into Planning and Zoning at 10:53 A.M.

Chairman Kazmerzak declared the Board out of Planning and Zoning at 10:57 A.M.

ORDINANCE 65

Steffensen read the following ordinance:

ORDINANCE 65

AN ORDINANCE AMENDING KINGSBURY COUNTY ORDINANCE #45, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR KINGSBURY COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCOURDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the Board of County Commissioners of Kingsbury County, South Dakota: that Chapter 4.01, Section 4.01.02 Conditional Uses adopted by Ordinance 45, as amended, of the Zoning Ordinance of the Kingsbury County be amended by adding language in bold and underline font:

37. Private Campgrounds provided they meet the requirements of Chapter 5.34.

Motion by Lundquist and seconded by Lee to accept the 1st reading of Ordinance 65 and set the date of the 2nd reading on October 18, 2022. All present voting aye. Motion carried.

BOARD OF ADJUSTMENT

Motion by Spilde and seconded by Lundquist to adjourn from regular session and move into Board of Adjustment at 11:09 A.M.

Chairman Kazmerzak declared the Board out of Board of Adjustment at 11:20 A.M.

OFFICE REPORTS

The Register of Deeds, Sheriff's and Director of Equalization's Reports of Fees Collected during the month of September 2022 were reviewed by the Board. Motion by Lee and seconded by Walls that the Auditor's report with the Treasurer as of the close of business September 30, 2022, be accepted as follows. All present voting aye. Motion carried.

Cash on Hand	\$ 3,256.92
Checks in Treas. Possession less than 3 days	27,290.44
Credit Card	1,327.48
Uncollected Credit Card	692.50
Cash Long/short	0.25
Demand Deposits	136,188.98
Savings Account	2,248,701.62
Revolving Loan Fund	295,891.10
Big Ditch MM	343,493.78
Time Deposits	1,657,523.80
TOTAL	4,714,366.87

BREAKDOWN OF MONEY BY FUNDS

County General Fund	1,925,356.08
Special Revenue Funds (Road & Bridge, E911 Fund Dare, Revolving Loan, Emergency Management, Domestic Abuse Funds 24/7 & M&P Fund American Rescue, Rural Infrastructure)	2,059,882.85
Drainage Ditch #4	165,746.79
Drainage Ditch Debt Service Cash	2,239.43
Amount held for School Dist.	151,373.71
Amount held for Townships	107,579.89
Amount held for Cities	61,693.47
Amount held for East Dakota Water Dist.	564.81
State Remittance	149,842.35

Amount held for others
TOTAL

90,087.49
4,714,366.87

AUDITOR

Steffensen provided updated information on the proposed road and bridge levy and informed the Board the current opt-out would not expire until 2024 taxes due and payable in 2025. Therefore, if a road levy were to be imposed for 2023 taxes due and payable in 2024 the opt-out would overlap by one year. The county would have the option to not request the opt-out for that year and only request the road levy so county residents would only be billed for one.

An explanation of the road levy has been prepared for publishing and the Board has requested Steffensen to forward this to the city finance officers.

Motion by Lee and seconded by Splide to schedule the reading of a resolution to impose a tax for county road and bridge reserve on October 18, 2022. All present voting aye. Motion carried.

Steffensen presented a letter from Rinke Noonan, attorneys at law explaining that Gary Lesticco, the attorney that worked on the Big Ditch Project is leaving the Rinke Noonan firm and will practice as the new law firm of Leistico & Esch, PLLC. The letter gives the Board the option to continue working with Leistico and have the Counties' files transferred to the new firm.

Motion by Walls and seconded by Spilde to continue working with Gary Leistico and have all the files transferred to the new firm of Leistico & Esch, PLLC. All present voting aye. Motion carried.

Steffensen requested the Board rescind the permission given to Colonial Life to offer their products to the county employees.

It was the consensus of the Board to rescind this action and remain with the Counties current providers, which are more local.

Steffensen informed the Board that Cindy Bau, Emergency Management, had requested the Board consider placing a burn ban in the county due to dry conditions.

Motion by Walls and seconded by Lee to have the burn ban placed and go into effect immediately. All present voting aye. Motion carried

Steffensen requested the compensatory time the 4-H assistant had earned over achievement days be paid down to a balance of 20 hours. The current

balance of compensatory time is 68.5 hours. Total compensatory hours to be paid out would be 48.5 hrs.

Motion by Lundquist and seconded by Lee to pay the 4-H assistant's earned compensatory time down to a balance of 20 hours. All present voting aye. Motion carried.

Steffensen provided an update on the County Health Insurance.

EXECUTIVE SESSION

Steffensen requested to move into executive session for personnel.

Motion by Spilde and seconded by Lee to adjourn from regular session and move into executive Session for personnel at 12:23 P.M. All present voting aye. Motion carried.

Motion by Lee and seconded by Spilde to adjourn from executive session. Chairman Kazmerzak declared the Board out at 1:37 P.M.

The Board adjourned to Tuesday, October 18, 2022, at 8:30 A.M.

SIGNED _____
Doug Kazmerzak, Chairman

ATTEST _____
Echo Steffensen, County Auditor

Published 1 week at the total approximate cost of _____.