

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota
December 9, 2021

The Kingsbury County Board of County Commissioners met Thursday, November 9, 2021, at 8:30 AM in the Courtroom of the County Courthouse with Commissioners Roger Walls, Kyle Lee, Steve Spilde, Doug Kazmerzak and Corey Lundquist. Chairman Walls presided.

Attending via Zoom were Michelle Longville - Treasurer, Tammy Anderson - Director of Equalization, Steve Strande - Sheriff, Caryn Hojer - Register of Deeds, Lonny Palmlund - Maintenance, and Donna Palmlund - Kingsbury Journal.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

Echo Steffensen, Auditor, stated Cindy Bau, LEPC could be removed from the agenda.

Lundquist moved and Spilde seconded to approve the agenda as edited. All present voting aye - 5, 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.

MINUTES

Lundquist moved and Spilde seconded to approve the minutes of November 16, 2021. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Lee moved and Kazmerzak seconded to approve the minutes of November 29, 2021. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

HIGHWAY MATTERS

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

The Board discussed cell phone service of the county, clarifying with Sorenson when his service started and the need for it. The Board asked Sorenson to investigate combining with other county plans.

A discussion was had on the need to make our county roads a priority when funding becomes available.

Joe Jensen, Planning and Zoning joined the meeting.

REGISTER OF DEEDS

Caryn Hojer met with the Board to inform them she would be purchasing a computer and possibly a monitor.

END OF MONTH

COURTHOUSE SALARIES	\$75,320.66
HIGHWAY SALARIES	34,501.69

PAYROLL DEDUCTIONS

Sanford Health Plan	28,783.00
AFLAC	1,107.35
AFLAC	405.70
The Principal Financial Group	250.50
Garnishment	647.52
Delta Dental	522.40
Avesis Third Party Administrators	219.09
SD Retirement Supplement Pretax	275.00
SD Retirement System	12,311.02
SD Retirement Supplement	700.00
AFSCME	239.50
Kingsbury County	25,055.91

OFFICE REPORTS

The Register of Deeds, Sheriff's and Director of Equalization's Reports of Fees Collected during the month of November 2021 were reviewed by the Board, along with the Treasurer and Auditor Reports.

Cash on Hand	\$ 2,388.39
Checks in Treas. Possession less than 3 days	28,967.41
Credit Card	1,123.17
Cash Short	698.25
Cash Long-ISF Check	0.00
Demand Deposits	267,437.47

Savings Account	3,562,638.06
Revolving Loan Fund	295,561.78
Big Ditch MM	343,333.41
American Rescue Plan MM	479,725.92
Time Deposits	1,657,523.80
TOTAL	6,639,397.66

BREAKDOWN OF MONEY BY FUNDS

County General Fund	2,578,199.64
Special Revenue Funds (Road & Bridge, E911 Fund CH Bldg, Revolving Loan, Emergency Management, Domestic Abuse Funds 24/7 & M&P Fund)	2,801,704.86
Drainage Ditch #4	165,746.79
Drainage Ditch Debt Service Cash	2,074.22
Amount held for School Dist.	652,779.31
Amount held for Townships	74,705.33
Amount held for Cities	88,442.53
Amount held for East Dakota Water Dist.	2712.78
State Remittance	117,356.83
Amount held for others	148,200.24
TOTAL	6,631,922.53

PLANNING AND ZONING

Spilde moved and Kazmerzak seconded to adjourn from regular session and move into Planning and Zoning at 9:47 A.M. for discussion on Ordinance 59 and to review a Plat. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Chairman Walls declared the Board out of Planning and Zoning at 10:13 A.M.

PROPOSED ORDINANCE 59 - READING

Steffensen read Proposed Ordinance 59.

PROPOSED ORDINANCE 59

AN ORDINANCE REVISING 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 March 31, 2022, and until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to March 31, 2022, 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.

Spilde moved and Lee seconded to accept and approve Proposed Ordinance 59. All present voting via roll call: Lee - aye, Spilde - aye, Kazmerzak - aye, Lundquist - aye, Walls - aye. Motion carried.

Adopted by the Kingsbury County Commission this 9th day of December and shall be in effect immediately.

Steffensen read the following resolution:

RESOLUTION # 2021-35

WHEREAS, The Kingsbury County Planning & Zoning Board met to review the Plat of Lot 1 of Corbin's Addition NW 1/4 of Section 34, Township 109 North, Range 56 West of the 5th PM, Kingsbury County, South Dakota on December 9, 2021; and

WHEREAS, the Kingsbury County Planning & Zoning Commission recommended approval of the same to the Kingsbury County Board of County Commissioners, and

Now, Therefore, be it resolved, that the Kingsbury County Board of County Commissioners accepts and approves the Plat of Lot 1 of Corbin's Addition NW 1/4 of Section 34, Township 109 North, Range 56 West of the 5th PM, Kingsbury County, South Dakota as recommended by the Planning & Zoning Commission.

Kazmerzak moved and Lundquist seconded to accept and approve Resolution 2021-35. All present voting via roll call: Lee - aye, Spilde - aye, Kazmerzak - aye, Walls - aye, Lundquist - aye. Motion carried.

BOARD OF ADJUSTMENT

Spilde moved and Kazmerzak seconded to adjourn from regular session and move into Board of Adjustment at 10:31 A.M. for a Variance Hearing. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Chairman Walls declared the Board out of Board of Adjustment at 11:10 A.M.

STATES ATTORNEY

Gary Schumacher, States Attorney joined the meeting to discuss paying out the State's Attorney Secretary's remaining salary for 2021 for paralegal services performed by himself since June 2021.

Kazmerzak moved and Spilde seconded to adjourn from regular session and move into Executive Session for personnel at 11:34 P.M. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Spilde moved and Kazmerzak seconded to adjourn from Executive Session. Chairman Walls declared the Board out at 12:02 P.M.

Kazmerzak left the meeting at 12:04 P.M.

Lundquist moved to disburse the unexpended 2021 salary allocated to the paralegal for State's Attorney's office, for past payroll periods in 2021 (including the payroll period ending on December 3), to the Wilkinson & Schumacher Law Prof LLC, and to disburse the remaining salary allocated to the State's Attorney's office to Wilkinson & Schumacher Prof LLC as the salary would be disbursed in the remaining payroll periods for 2021, for paralegal services performed. All present voting Aye - 4, nay 0, abstain - 0. Motion carried

APPROVE CLAIMS

The Board reviewed the vouchers submitted by the Auditor

Spilde moved and Lundquist 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

APPEARA 111.94 SUPPLIES, ANTONIO ARAGON 104.40 PROFESSIONAL SERVICES, AT&T 112.47 UTILITIES, AVERA MCKENNAN HOSPITAL 728.00 BMI, PAUL E BACHAND 746.00 2022 MEMBERSHIP DUES, BADGER OIL COMPANY 2562.15 SUPPLIES/FUEL, JENNIFER BARNARD 38.64 TRAVEL, CINDY BAU 65.00 LEPC MEAL & PHONE REIMBURSEMENT, BAU PLUMBING & HEATING 71.69 REPAIRS AND MAINTENANCE, BEADLE COUNTY SHERIFF 9350.00 PRISONER CARE, BEST WESTERN PLUS RAMKOTA HOTE 219.98 TRAVEL, BEST WESTERN PLUS RAMKOTA 219.98 COMM TRAVEL, RONALD BLACHFORD 100.00 REPAIRS & MAINTENANCE, BOB BODE CONSTRUCTION 2193.88 REPAIRS/MAINT & SUPPLIES, BOYER FORD TRUCKS 335.00 SUPPLIES, BROOKINGS ENGRAVING 59.50 APPRECIATION PLAQUE, JEFF BURNS 1498.40 CAA FEES, BUTLER MACHINERY COMPANY 1744.48 REPAIRS/MAINT & SUPPLIES, CIVIL DESIGN INC 3645.00 BRIDGE INSPECTIONS, CENTURY BUSINESS PRODUCTS 2121.76 REPAIRS & MAINTENANCE, CENTURLINK 180.00 UTILITIES, BRIAN CHRISTENSEN 151.84 WEED BOARD TRAVEL, CITY OF DESMET 108.14 UTILITIES, CODINGTON COUNTY SHERIFF 170.00 PRISONER CARE, COLES PETROLEUM 17481.99 FUEL, COMMUNITY COUNSELING SERVICES 15000.00 2021 ALLOCATION PAYMENT, COMPASS COUNSELING & 1800.00 PROFESSIONAL SERVICES, COWBOY COUNTRY STORE-DESMET 30.00 SUPPLIES, CRAWFORD-OSTHUS FUNERAL CHAPEL 2000.00 CARE OF POOR, CREATIVE PRODUCT SOURCING INC 1053.84 DARE SUPPLIES, DAKOTA FLUID POWER INC 1172.82 SUPPLIES, SMITH'S LUMBER 131.25 SUPPLIES, DE SMET WELDING 1545.80

REPAIRS/MAINT, DESLAURIERS AUTO GLASS 621.00 REPAIRS/MAINT, BRANDON DUFFY 660.08 ASSIST WITH CREDENTIALING, EQUIPMENT BLADES, INC 8640.00 SUPPLIES, ELECTION SYSTEMS & SOFTWARE IN 1820.00 ELECTION EXPENSE, FARM & HOME PUBLISHERS 750.00 SUPPLIES, BOB FELDHAUS 12580.63 COUNTY WEED SPRAYING, TANYA FLEGEL 30.00 DIST MEETING EXPENSE, G & R CONTROLS, INC 70.38 REPAIRS & MAINTENANCE, WILLIAM HALVERSON 168.75 PROFESSIONAL SERVICES, PATRICIA J. HARTSEL, RPR 30.60 PROFESSIONAL SERVICES, CITY OF HURON 3907.88 PROFESSIONAL SERVICES, INFOTECH SOLUTIONS 7816.98 PROFESSIONAL SERVICES, INLAND TRUCK PARTS & SERVICE 765.55 SUPPLIES, INTERLAKES COMMUNITY ACTION 391.58 COMMUNITY SERVICE WORKER -NOV, INTERSTATE BATTERY 369.90 SUPPLIES, INTERSTATE BATTERY 31.95 SUPPLIES, JOE JENSEN 79.80 TRAVEL & CONFERENCES, JIM HAWK TRUCK TRAILERS 28.36 SUPPLIES, MARK KATTERHAGEN 12.00 BMI, DOUG KAZMERZAK 880.00 TRAVEL AND CONFERENCES, KINGSBURY CONSERVATION DIST 417.00 CONFERENCE & TRAVEL, KINGBROOK RURAL WATER 44.90 UTILITIES, KINGSBURY JOURNAL 1068.24 PUBLICATIONS, KINGSBURY COUNTY TREASURER 106.78 ADVANCE TAX, LUCY LEWNO 145.03 BMI, LINCOLN COUNTY 511.63 BMI, LINDE GAS & EQUIPMENT INC 325.63 SUPPLIES, DARCY LOCKWOOD 12.00 BMI, LYLE SIGNS, INC. 123.00 SIGNS, LYLE SIGNS, INC. 878.90 SUPPLIES, MAYNARD'S FOOD CENTER 61.44 SUPPLIES, MIDSTATE UTILITY TRAILER SALES 198.72 SUPPLIES, MINER COUNTY HIGHWAY DEPT 26998.24 HIGHWAY SEALING, MITCHELL PLUMBING & HEATING CO 21200.00 MAINTENANCE & REPAIRS, MOTOROLA SOLUTIONS 13767.40 EQUIPMENT, EASTLINE SUPPLY 882.52 SUPPLIES, EASTLINE SUPPLY 39.64 REPAIRS & MAINTENANCE, NORTHERN PLAINS CONSTRUCTION 11556.60 REPAIRS & MAINTENANCE, NORTHERN TRUCK EQUIPMENT CORP 329.78 SUPPLIES, NORTHWESTERN 1062.57 UTILITIES, O'KEEFE IMPLEMENT 721.52 SUPPLIES, O'KEEFE IMPLEMENT 56.00 SUPPLIES, OFFICE PEEPS INC 194.98 SUPPLIES, OFFICE PEEPS INC 1394.22 SUPPLIES, OTTERTAIL POWER COMPANY 253.70 UTILITIES, OXBOW RESTAURANT 28.80 MEETING EXP, PRAIRIE AG PARTNERS 3307.22 SUPPLIES & FUEL, PHEASANTLAND INDUSTRIES 519.11 CLOTHING, PRAIRIE STATES TRUCKING INC 2160.95 SUPPLIES, SD PUBLIC HEALTH LABORATORY 40.00 PROFESSIONAL SERV, QUILL 238.43 SUPPLIES, QUILL 467.88 SUPPLIES, RAMKOTA HOTEL & CONFERENCE 98.00 TRAVEL, REDWOOD TOXICOLOGY LABORATORY 25.04 SUPPLIES, RFD NEWS GROUP 2301.43 PUBLISHINGS, RICH'S GAS & SERVICE 114.14 REP/MAINT & SUPPLIES, ROLLIN WALTER 400.00 REPAIRS/MAINT, RUNNING SUPPLY INC. 139.33 SUPPLIES, SANFORD HEALTH 2100.00 PROFESSIONAL EXP, SCOTT'S AUTO BODY 85.00 REPAIRS & MAINT, SD SHERIFF'S ASSOCIATION 654.44 DUES, SD ASSOC OF COUNTY WEED & PEST 50.00 DUES, SDACHS 350.00 TRAVEL, SDACO 216.00 MP&R REM 11-21, SDAE4-HP 120.00 MEMBERSHIP DUES, SPENCER QUARRIES/ 2758.65 SUPPLIES, STEVE STRANDE 153.00 TRAVEL & TRAINING, THYSENKRUPP ELEVATOR CORP 179.28 PROFESSIONAL SERVICES, TRANSOURCE 137.32 SUPPLIES, TRUENORTH STEEL 9439.20 CULVERTS, TRUSTWORTHY HARDWARE 3.99 SUPPLIES, TRUSTWORTHY HARDWARE 33.21 SUPPLIES, TWO WAY SOLUTIONS, INC. 39.74 REPAIRS/MAINT, TYLER TECHNOLOGIES, INC. 200.00 PROFESSIONAL SERVICES, USPS POSTAGE BY PHONE 1000.00 POSTAGE, USPS 72.00 PO BOX RENT, USPS 72.00 PO BOX RENTAL, VERIZON 231.50 UTILITIES, DE SMET VETERINARY SERVICE 47.56 SUPPLIES, VISA 1458.83 SUPPLIES & FUEL, VISA 128.38 SUPPLIES, VISA 1.05 SUPPLIES, ERLAND WEERTS 146.80 TRAVEL & MEETINGS, DAVID WHEELER 247.50 BMI, WW TIRE 9277.13 REPAIRS/MAINT & SUPPLIES, YANKTON COUNTY 115.10 BMI,

TREASURER

Michelle Longville met with the Board to update them on office personnel. Rhonda Siefker moved over to the Auditor office as of December 6, 2021, to fill the Deputy Auditor position. Alex Wolkow was hired as a Deputy Treasurer and another Deputy Treasurer position is still open.

Longville informed the Board she would be out of the office December 10 - 17, 2021 on a vacation trip that was planned before she was appointed Treasurer. Elaine Blachford will be filling in for that time.

Longville presented the Board with a quote for a printer/copier for her office.

Lee moved and Spilde seconded to allow the Treasurer to purchase a copier for the office. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Longville informed the Board she would be requesting quotes for possibly replacing 2 computers in her office.

AUDITOR

Steffensen asked the Board if an Employee Appreciation dinner as was done in the past was something they were considering. The consensus was to wait until later in 2022 and revisit the possibility due to the Covid 19 virus continuing to be a concern.

Steffensen reviewed the policy for closing for a holiday that falls on a Saturday with the Board. Christmas and New Years being legal holidays and both being on Saturdays this year. The policy is for the County to close either on the Friday before or the Monday following at the discretion of the Board.

Lee moved and Lundquist seconded to close in observance of Christmas Day on Friday December 24, 2021, and in observance of New Years Day on Friday December 31, 2021. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Steffensen reported the need to pay out some compensatory time to Michelle Longville for time worked when she was a deputy treasurer.

Lundquist moved and Lee seconded to pay out the compensatory time owed to Longville. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Steffensen requested the Board pay out her accrued vacation and compensatory time earned before being appointed auditor.

Lee moved and Lundquist seconded to pay out 100.66 hours vacation time and 20.12 hours compensatory time to Steffensen. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Steffensen requested a motion to change the Policy Manual allowing part time employees to accrue sick leave on a prorated basis.

Spilde moved and Lee seconded to change the county Policy Manual to allow part time employees to accrue sick leave on a prorated basis. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Steffensen asked for authorization to sign the annual SDPAA report.

Lee moved and Lundquist seconded for Auditor Echo Steffensen to sign the SDPAA report. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Steffensen requested to meet with the Board in Executive Session for personnel.

Lundquist moved and Spilde seconded to adjourn from regular session and move into Executive Session for personnel at 1:44 P.M. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Spilde moved and Lee seconded to adjourn from Executive Session. Chairman Walls declared the Board out at 2:01 P.M.

The Board adjourned to Tuesday, December 21, 2021, at 8:30 A.M.

SIGNED _____
Roger Walls, Chairman

ATTEST _____
Echo Steffensen, County Auditor

Published 1 week at the total approximate cost of _____.