

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota

March 22, 2022

The Kingsbury County Board of County Commissioners met Tuesday, March 22, 2022, at 8:30 A.M. in the Courtroom of the County Courthouse with Commissioners Kyle Lee, Steve Spilde, Doug Kazmerzak, and Corey Lundquist present. Chairman Kazmerzak presided.

Also in attendance were Todd Kays - First District, Austin Aylward, Victoria Albrecht, and Joe Jensen - Zoning Officer.

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

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

Echo Steffensen, Auditor, requested to remove Maintenance from the agenda and to move Todd Kays to 10:30 A.M.

Motion made by Lundquist and seconded by Lee to approve the agenda as edited. Motion carried.

HIGHWAY

Dave Sorenson, Highway Superintendent, updated the Board on Highway matters. The road postings are in effect. They have continued to make improvements on the shop building and haul gravel.

Sorenson requested approval for Chairman Kazmerzak to sign three agreements.

Motion by Lee and seconded by Spilde to allow the Chairman to sign the STP Agreement for the 3-year advancement. All present voting aye. Motion carried.

Motion by Lundquist and seconded by Spilde to allow the Chairman to sign the Bridge Inspection Agreement with Civil Design, Inc. All present voting aye. Motion carried.

Motion by Spilde and seconded by Lee to allow the Chairman to sign the Grant Agreement for the Lake Albert Bridge project. All present voting aye. Motion carried.

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

Motion by Lee and seconded by Lundquist to adjourn from regular session and move into Executive Session for personnel at 8:36 A.M. All present voting aye. Motion carried.

Motion by Lundquist and seconded by Lee to adjourn from Executive Session. Chairman Kazmerzak declared the Board out at 8:54 A.M.

MINUTES

Motion by Lee and seconded by Spilde to approve the minutes of March 8, 2022. Motion carried.

PUBLIC COMMENT

Chairman Kazmerzak asked for public comment. There was none.

CONFLICT OF INTEREST

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

APPROVE CLAIMS

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. Motion carried.

MISCELLANEOUS

CENTURYLINK 235.72 UTILITIES, CENTURYLINK 161.88 UTILITIES, COOK'S WASTEPAPER & RECYCLING 106.58 UTILITIES, INFOTECH SOLUTIONS 5537.49 PROFESSIONAL SERV, KINGSBURY COUNTY TREAS 20.18 ADVANCE TAX, KINGSBURY ELECTRIC COOP 597.00 UTILITIES, KINGSBURY ELECTRIC COOP 783.28 UTILITIES, BYRON NOGELMEIER 140.00 CAM, NORTHWESTERN 812.16 UTILITIES, NORTHWESTERN 757.81 UTILITIES, OTTERTAIL POWER COMPANY 171.01 UTILITIES, OTTERTAIL POWER COMPANY 1742.33 UTILITIES, RICH'S GAS & SERVICE 39.23 FUEL, SD DEPT OF REVENUE 137640.26 STATE REMITANCE, TANGO TANGO 15528.00 PROFESSIONAL SERVICES, US POSTAL SERVICE 44.75 SUPPLIES, VISA 21.39 REPAIRS, VISA 103.96 REPAIRS/SUPPLIES

DIRECTOR OF EQUALIZATION

Tammy Anderson, Director of Equalization met with the Board to inform them her part-time employee had resigned. Anderson asked the Board to be allowed to advertise for the position.

Motion by Lee and seconded by Lundquist for Anderson to advertise for the part-time clerk position. All present voting aye. Motion carried.

TREASURER

Michelle Longville, Treasurer met the Board to discuss county owned property. Longville had been approached by someone requesting to purchase property that is owned by the county with the legal description of Lots 1-3, Block 2, Prairie View Heights Addition in the northeast quarter of Section 32, Township 111, Range 56.

Longville will continue to investigate the process and inform the Board of her findings at the next meeting on April 5, 2022.

REGISTER OF DEEDS

Caryn Hojer, Register of Deeds, requested to meet with the Board in Executive Session for personnel.

Motion by Lee and seconded by Spilde 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 9:45 A.M.

The Board recessed at 9:50 A.M.

Kazmerzak declared the Board back in session at 10:30 A.M.

MEDICAL CANNABIS DISCUSSION

Todd Kays - 1st District, Gary Schumacher - States Attorney, Austin Aylward and Victoria Albrecht joined the meeting.

Kays provided a background of Measure 26 and discussed with the Board the requirement to allow at least 1 Medical Cannabis Dispensary in the County. It was recommended by Kays to put in place an ordinance that would allow 1 dispensary as a permitted use on commercial zoned property. Kays provided sample of ordinances for the Board's consideration.

The Board discussed how a license is issued and the cost of said license. The County can only issue a license to an applicant that has been approved

by and licensed by the state. The cost of the license should be reasonable and based on the cost to the County.

The Board also discussed allowing cultivation of cannabis. Sheriff Strande joined the meeting and voiced his concern that cultivation should not take place in extremely rural places and to make the licensing requirement strict to begin with.

The Board determined the cultivation of cannabis could only occur along Highway 14 from 2 miles West of De Smet to the Brookings County Line, except no cultivation facility shall be located within 1 mile of the communities of Arlington, De Smet or Lake Preston. Medical Cannabis dispensaries could only operate between the hours of 7:00 A.M. to 7:00 P.M. The licensing fee for either type of cannabis establishment will be \$5,000.00. The county will refund \$2,500.00 if an applicant is unable to obtain a state license.

It was the consensus of the Board to have Kays prepare the required ordinances and the 1st reading to be scheduled for April 12, 2022.

OPEN DISCUSSION

Kays provided information to the Board on the final rule for the ARPA funds which allows the county to declare it as loss of revenue and use the funds for normal government services. Kays gave the example of using the funds to pay employee salaries which would free up General Fund money allowing these funds to be used for other items that may have been more restrictive under ARPA requirements.

Joe Jensen, Zoning Officer, discussed with the Board a need for an ordinance concerning campgrounds on private property in the county. The discussion was tabled until the April 12th meeting.

FLOOD PLAIN ADMINISTRATOR

Jensen, Flood Plain Administrator, requested approval for travel to Rapid City for FEMA training.

Motion by Lundquist and seconded by Spilde to approve the travel request to Rapid City for Jensen to attend FEMA training. All present voting aye. Motion carried.

AUDITOR

Steffensen requested approval for herself, the Treasurer, and the Register of Deeds to travel to Clark for the District meeting. All present voting aye. Motion carried.

Steffensen presented a Codington County Inmate Housing Contract to the Board on behalf of the Sheriff's office. The rates listed are for \$95.00 per day of housing.

Kazmerzak requested to move into executive session for policy.

Motion by Spilde and seconded by Lee to adjourn from regular session and move into Executive Session for policy at 1:41 P.M. All present voting aye. Motion carried.

Motion by Lundquist and seconded by Spilde to adjourn from Executive Session. Chairman Kazmerzak declared the Board out at 2:25 P.M.

The Board adjourned to Tuesday, April 5, 2022, at 8:30 A.M.

SIGNED _____
Doug Kazmerzak, Chairman

ATTEST _____
Echo Steffensen, County Auditor

Published 1 week at the total approximate cost of _____.