

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota

April 18, 2023

The Kingsbury County Board of County Commissioners met Tuesday, April 18, 2023, at 8:30 A.M. in the Courtroom of the County Courthouse with Commissioners Roger Walls, Steve Spilde, Corey Lundquist, Kyle Lee, Doug Kazmerzak and Natalie Remund - Human Resource Consultant, present. Chairman Kazmerzak presided.

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

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

Echo Steffensen, Auditor, informed the Board of the need to add the request to void and replace a lost check to the agenda.

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

MINUTES

Motion by Lundquist and seconded by Lee to approve the minutes from April 4, 2023, and April 11, 2023. All present voting aye. Motion carried.

Motion by Lee and seconded by Spilde to approve the Board of Equalization minutes from April 11, 2023. All present voting aye. 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.

OPEN DISCUSSION

The Board discussed the employee evaluation process and putting in place a policy to recognize employees for going above and beyond both on the job and in the community.

#### HIGHWAY

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

Load limits will remain in place until May 1, 2023.

Sorenson stated they would be placing "Local Traffic Only" and "No Thru Traffic" signs on 429<sup>th</sup> Ave. to keep these roads from being used as a detour due to the construction on Hwy 25.

Sorenson presented bridge inspections for Chairman Kazmerzak to sign and gave an update on the Albert bridge project. The project is on hold until the water levels come down.

Sorenson provided an update on repairs needed to the highway shop and the shed on Front Street.

Sorenson requested to move into executive session for personnel.

Motion by Lee and seconded by Walls to adjourn from regular session and move into executive session for personnel at 9:07 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 10:04 A.M.

Motion by Lundquist and seconded by Spilde to pay out 40 hours of accrued vacation time to a highway employee that has resigned. All present voting aye. Motion carried.

#### RIVERVIEW, LLC- TOM WALSH

Ben Fuller - Carbon Solutions, Tom Walsh - Riverview, LLC, Gary Schumacher - States Attorney, Ty Eschenbaum - A1 Development Solutions, Jim Nieland - Riverview, LLC and Andrew Kangas - Civil Design, Inc. joined the meeting.

Walsh and Nieland provided updates on several items including roads, water, the purchase of Redstone Feeders, and possible housing needed on site. Specifically, the 4 miles of CR 14 is being addressed; Kingbrook Rural Water will be supplying water; and a purchase agreement has been signed on the purchase of Redstone Dairy.

Walsh stressed the need to develop relationships with area farmers is a high priority.

#### CARBON SOLUTIONS

Ben Fuller provided an update on the status of the project. To date they have acquired 94.51% of the necessary easements. Over 4.7 million dollars have been paid to Kingsbury County property owners and over 60 million dollars in the state of South Dakota. Construction on the pipeline could begin early 2024.

#### AUDITOR

Steffensen presented an affidavit to void check #91926 in the amount of \$6.00 and requested permission for the Treasurer to void and reissue said check.

Motion by Lundquist and seconded by Lee to authorize the Treasurer to void said check and reissue. All present voting aye. Motion carried.

Steffensen requested travel approval for Kathy De Dyne, 4-H Office Manager, to travel to Mitchel on April 24, 2023 for 4-H Online and Fair Entry Training.

Motion by Spilde and seconded by Lee to approve the travel request for Kathy De Dyne, 4-H Office Manager, to travel to Mitchel on April 24, 2023, for 4-H Online and Fair Entry Training. All present voting aye. Motion carried.

Steffensen presented a request for a Permit to Land Aircraft on Kingsbury County Highways from Dakota Air Spray for approval and for Chairman Kazmerzak to sign said permit.

Motion by Walls and seconded by Spilde to approve a Permit to Land Aircraft on Kingsbury County Highways from Dakota Air Spray and for Chairman Kazmerzak to sign said permit. All present voting aye. Motion carried.

Steffensen informed the Board the County would be celebrating National County Government Month the week of April 24-28, 2023, and will be serving coffee and cookies in the lobby of the courthouse from 9:00 A.M. to 3:00 P.M.

Steffensen informed the Board the County had received \$2,949.00 from SDPAA for participating in the Boundary Fence Program with Dakota State University to improve the cyber health of Kingsbury County. Caryn Hojer, IT Director spearheaded this project.

BOARD OF ADJUSTMENT

Motion by Spilde and seconded by Lee to adjourn from regular session and move into Board of Adjustment at 11:03 A.M. All present voting aye. Motion carried.

Chairman Kazmerzak declared the Board out of Board of Adjustment at 12:09 P.M.

PLANNING AND ZONING

Motion by Lundquist and seconded by Lee to adjourn from regular session and move into Planning and Zoning at 12:10 P.M. All present voting aye. Motion carried.

Chairman Kazmerzak declared the Board out of Planning and Zoning at 12:10 P.M.

Steffensen read the following resolution:

RESOLUTION # 2023-7

WHEREAS, The Kingsbury County Planning & Zoning Board met to review the Plat of Harty's Addition in the SE 1/3 of Section 9, Township 109 North, Range 56 West of the 5<sup>th</sup> P.M., Kingsbury County, South Dakota on April 18, 2023; 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 Harty's Addition in the SE 1/3 of Section 9, Township 109 North, Range 56 West of the 5<sup>th</sup> P.M, Kingsbury County, South Dakota

Motion by Spilde and seconded by Lundquist to accept and adopt Resolution 2023-7 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.

ORDINANCE 66- 2<sup>ND</sup> Reading

Steffensen, Auditor read Ordinance 66

ORDINANCE #66

AN ORDINANCE FOR STATE AND FEDERAL CRIMINAL BACKGROUND INVESTIGATIONS FOR  
APPLICANTS FOR COUNTY EMPLOYMENT

PURSUANT to SDCL 7-18A-37 and consistent with legislative intent permitting Counties to conduct state and federal criminal background checks on applicants for county employment;

BE IT ORDAINED BY THE KINGSBURY BOARD OF COUNTY COMMISSIONERS that the authorization to conduct such background checks is set forth herein:

Section 1:

Kingsbury County may require any applicant for employment who is over eighteen years of age to submit to a state and federal criminal background investigation by means of fingerprint checks by the South Dakota Division of Criminal Investigation and Federal Bureau of Investigation. This may include applicants for any budgeted, non-elected position (part-time and full-time) as well as any part-time or temporary positions where the applicant would have the opportunity for theft or would work in close proximity to children. Failure to submit or cooperate with the criminal background investigation is grounds for denial of employment.

Motion by Lundquist and seconded by Lee to pass and adopt Ordinance 66 An Ordinance for State and Federal Criminal Background Investigations for Applicants for County Employment and have Chairman Kazmerzak sign said Ordinance. All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye and Spilde - aye. Motion carried.

HUMAN RESOURCES

Natalie Remund, Human Resource Consultant, requested to move into executive session for contract negotiations.

Motion by Lee and seconded by Lundquist to adjourn from regular session and move into executive session for contract negotiations at 12:20 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 1:03 P.M.

Motion by Spilde and seconded by Lundquist to reject proposed contract and schedule meeting with the County Union representative and the AFSCME representative at the regular commission meeting on May 16, at 10:00 A.M. All present voting aye. Motion carried.

The Board recessed until 1:45 P.M.

Chairman Kazmerzak declared the Board back in session at 1:53 P.M.

**APPROVE CLAIMS**

Motion by Walls and seconded by Spilde 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.

CENTURY BUSINESS PRODUCTS 22.05 PROFESSIONAL SER, CENTURYLINK 232.01 UTILITIES, CENTURYLINK 976.30 UTILITIES, COOK'S WASTEPAPER & RECYCLING 60.13 UTILITIES, INFOTECH SOLUTIONS 3178.49 PROFESSIONAL SERVICES, KINGSBURY COUNTY TREASURER 26.70 SUPPLIES, KINGSBURY ELECTRIC COOP 609.59 UTILITIES & SUPPLIES, NORTHWESTERN ENERGY 1093.23 UTILITIES, NORTHWESTERN ENERGY 1985.87 UTILITIES, OTTERTAIL POWER COMPANY 232.75 UTILITIES, OTTERTAIL POWER COMPANY 2107.54 UTILITIES, RICH'S GAS & SERVICE 24.04 SUPPLIES, SD DEPT OF REV 205870.57 STATE REMITTANCE, SDN COMMUNICATIONS 917.00 PROFESSIONAL SERV, TANGO TANGO 14528.00 PROFESSIONAL SERVICES, TK ELEVATOR CORP 185.16 PROFESSIONAL SERV,

**EMPLOYEE EVALUATIONS**

Chairman Kazmerzak informed all Zoom attendees that no action would be taken after the executive session and the meeting would adjourn immediately following.

Motion by Lundquist and seconded by Spilde to adjourn from regular session and move into executive session for personnel at 2:00 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 3:00 P.M.

**TREASURER**

Michelle Longville, Treasurer, requested to move into executive session for contract negotiants.

Motion by Lee and seconded by Lundquist to adjourn from regular session and move into executive session for contract negotiations at 3:01 P.M. All present voting aye. Motion carried.

Motion by Lee and seconded by Lundquist to adjourn from executive session. Chairman declared the Board out at 3:52 P.M.

The Board adjourned to Tuesday, May 2, 2023, at 8:30 A.M.

SIGNED

\_\_\_\_\_  
Doug Kazmerzak, Chairman

ATTEST \_\_\_\_\_  
Echo Steffensen, County Auditor

Published 1 week at the total approximate cost of \_\_\_\_\_.