

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONER

De Smet, South Dakota

April 9, 2024

The Kingsbury County Board of County Commissioners met Tuesday, April 9, 2024, at 8:30 AM in the Courtroom of the County Courthouse with Commissioners Kyle Lee, Roger Walls, Steve Spilde, Corey Lundquist, and Doug Kazmerzak present. Chairman Lee presided.

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

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance

APPROVE AGENDA

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

MINUTES

Echo Steffensen, Auditor, informed the Board the following corrections were made to the minutes after they were published:

For Resolution 2024-7:

Motion by Kazmerzak and seconded by Spilde to accept and adopt Resolution 2024-7 and for Chairman Lee to sign the same.

All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye and Spilde - aye. Motion carried.

For Resolution 2024-8:

Motion by Lundquist and seconded by Walls to accept and adopt Resolution 2024-8 and for Chairman Lee to sign the same.

All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye and Spilde - aye. Motion carried.

For Resolution 2024-9:

Motion by Spilde and seconded by Lundquist to accept and adopt Resolution 2024-9 and for Chairman Lee to sign the same.

All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye and Spilde - aye. Motion carried.

Motion by Spilde and seconded by Lundquist to approve the minutes of March 26, 2024 as corrected. All present voting aye. Motion carried.

PUBLIC COMMENT

Chairman Lee asked for public comment. There was none.

CONFLICT OF INTEREST

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

APPROVE CLAIMS

Motion by Kazmerzak 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.

ANDERSON LUMBER, LLC 93.18 REPAIRS/MAINT, APPEARA 107.82 SUPPLIES, AT&T 104.27 UTILITIES, AVERA OCCUPATIONAL MEDICINE-MI 85.00 PRO SERVICES, BADGER OIL COMPANY 3563.85 FUEL & SUPPLIES, CINDY BAU 9.95 SUPPLIES, BAU PLUMBING & HEATING 511.53 REPAIRS, BEADLE COUNTY SHERIFF 855.00 PRISONER CARE, RONALD BLACHFORD 208.11 REPAIRS MAINT FAIRBOARD, BROOKINGS COUNTY SHERIFF'S OFF 6068.93 PRISONER CARE, BROOKINGS HEALTH SYSTEM 900.00 BMI, BUTLER MACHINERY COMPANY 1690.00 REPAIRS/MAINT, CENTURY BUSINESS PRODUCTS 626.15 PRO SERVICES COPIER, CENTURYLINK 982.45 UTILITIES, BRIAN CHRISTENSEN 126.52 WEED BOARD TRAVEL, CITY OF DESMET 225.12 UTILITIES, CIVIL DESIGN INC. 4912.50 PRO SERV/BRIDGE INSPECTION, COLES PETROLEUM 41967.95 FUEL, DE SMET WELDING 143.44 REPAIRS/SUPPLIES, BRANDON DUFFY 75.09 PRISONER CARE TRANSPORT, GREG DUFFY 124.48 TWNSHP ANNUAL MTG WEED BOARD, ELECTION SOURCE 129.04 ELECTIONS, EQUIPMENT BLADES INC 1256.00 SUPPLIES, ELECTION SYSTEMS & SOFTWARE IN 1245.88 ELECTION, FEDEX 39.50 SHIPPING, FOX REPAIR LLC 1267.48 REPAIRS, MATTHEW FURNESS 101.02 TWNSHP ANNUAL MTG WEED BOARD, PATRICIA J. HARTSEL, RPR 27.30 COURT TRANSCRIPTS, HARTY PLUMBING 70.00 REPAIRS, GREG HESBY 14.00 TRAVEL REIM, INTERLAKES COMMUNITY ACTION 1082.66 COMM SERV WORKER, JAY'S AUTOBODY 164.87 REPAIRS-SHERIFF, JOE JENSEN 186.15 TRAVEL, KINGBROOK RURAL WATER 43.05 UTILITIES, KINGSBURY COUNTY TREASURER 357.81 ADVACE TAX, KINGSBURY JOURNAL 2154.94 PUBLISHINGS, LAKE COUNTY SHERIFF'S OFFICE 90.00 PRISONER CARE, LINDE GAS & EQUIPMENT INC 183.55 SUPPLIES, M & T FIRE AND SAFETY 1395.00 REPAIRS/MAINT, MAYNARD'S FOOD CENTER 61.99 SUPPLIES, MCLEODS PRINTING & OFFICE SUPP 212.48 SHRIFFS SUPPLIES, DIANNE MULDER 18.25 SUPPLIES, EASTLINE SUPPLY 385.35 SUPPLIES, NATIONAL SHERIFF'S ASSOCIATION 125.00 NSA MEMBERSHIP DUES, NORTHWESTERN ENERGY 1118.40 UTILITIES, O'CONNOR COMPANY 418.00 SUPPLIES, O'KEEFE IMPLEMENT 535.83 SUPPLIES, OFFICE PEEPS INC 714.25 SUPPLIES, OTTERTAIL POWER COMPANY 1348.59 UTILITIES, PALMLUND

AUTOMOTIVE 34.95 REPAIRS, PALMLUND AUTOMOTIVE 287.21 REPAIRS DOE, PRAIRIE AG PARTNERS 3737.97 FUEL & SUPPLIES, PRAIRIE AG PARTNERS 112.80 REPAIRS, QUILL 148.94 SUPPLIES, RFD NEWS GROUP 453.82 PUBLISHINGS, SD DEPT OF TRANSPORTATION 5842.69 BRIDGE INSPECIONS/STRIPING, SDAO TREASURER 470.00 DOE-CONFERENCE, SD ASSOC OF COUNTY OFFICIALS 164.00 FEES, SDN COMMUNICATIONS 917.00 PRO SERVICES, DAVID SORENSON 54.00 TRAVEL, SPENCER QUARRIES/ 18125.59 HWY SEALING, ABBI STEEKE 42.70 TRAVEL - EXTENSION, STEINLY REAL ESTATE APPRAISERS 390.00 DOE EDUCATION, STEVENS CONSTRUCTION, LLC 3440.98 REPAIRS/SUPPLIES, STEVE STRANDE 21.30 SUPPLIES, THOMSON REUTERS 616.00 PRO SERV, TK ELEVATOR CORP 191.64 PRO SERVICES, TRUSTWORTHY HARDWARE 102.90 SUPPLIES, TYLER TECHNOLOGIES, INC. 4064.54 PRO SERVICES, UNCOMMON USA, INC 268.82 REPAIRS/MAINT BUILDING, VERIZON 450.41 PHONE UTILITY, VISA 188.80 TRAVEL/UTILITIES, VISA 420.91 SUPPLIES/UNIFORMS, ROGER WALLS 112.24 WEED BOARD TWNSHP MTG, ERLAND WEERTS 120.40 WEED BRD TWNSHP MTG, DAVID WHEELER 3307.72 CAA FEES, WW TIRE 902.04 REPAIRS/SUPPLIES, ZELL MANUFACTURING 47.02 REPAIRS,

END OF MONTH

COURTHOUSE SALARIES	\$ 67,226.59
HIGHWAY SALARIES	30,667.65

PAYROLL DEDUCTIONS

Wellmark Health Plan	37,976.37
Three Fivers Benefits	6,567.09
AFLAC	1,302.24
AFLAC	465.88
Reliance Life Insurance	179.34
Reliance Matrix Dental	1,868.79
Reliance Matrix Vision	258.00
SD Retirement Supplement Pretax	525.00
SD Retirement System	15,295.12
SD Retirement Supplement	680.00
AFSCME	93.04
Kingsbury County	28,389.70

OFFICE REPORTS

The Register of Deeds, Sheriff's and Director of Equalization's Reports of Fees Collected during the month of March 2024 were reviewed by the Board. Motion by Lundquist and seconded by Walls that the Auditor's report with the Treasurer as of the close of business March 31, 2024 be accepted as follows. All present voting aye. Motion carried.

Cash on Hand	\$ 4,225.02
Checks in Treas. Possession less than 3 days	104,905.79
Credit Card	3,355.32
Uncollected Credit Cards	1,742.51
Demand Deposits	414,849.82

Savings Account	2,199,028.23
Revolving Loan Fund	196,322.02
Big Ditch MM	363,062.76
Time Deposits	1,657,523.80
TOTAL	\$4,945,015.27

BREAKDOWN OF MONEY BY FUNDS

County General Fund	2,114,237.13
Special Revenue Funds (Road & Bridge, E911 Fund CH Bldg, Revolving Loan, Emergency Management, Domestic Abuse Funds 24/7 & M&P Fund American Rescue, Rural Infrastructure)	1,718,751.94
Drainage Ditch #4	164,713.64
Drainage Ditch Debt Service Cash	17,380.49
Amount held for School Dist.	482,104.57
Amount held for Townships	160,709.96
Amount held for Cities	86,647.39
Amount held for East Dakota Water Dist.	1,827.93
State Remittance	154,174.53
Amount held for others	44,467.69
TOTAL	\$4,945,015.27

HIGHWAY

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

Sorenson presented the bid contracts and the Civil Design inspection contract for the Chairman to sign.

Motion by Kazmerzak and seconded by Spilde for the Chairman to sign said contracts.

Sorenson stated no bids were received in response to the newspaper ads for a paver and asked the Board to approve the purchase of a 2014 paver from Central Specialties, Alexandria, MN for \$87,000.00 to include shipping as presented on March 7, 2024.

Motion by Kazmerzak and seconded by Walls to approve the purchase of a used 2014 paver from Central Specialties, Alexandria, MN for \$87,000.00 as presented on March 7, 2024. All present voting aye. Motion carried. Sorenson informed the Board he authorized administrative leave for the highway workers on Thursday, March 28, 2024 as they were required to work on Monday, March 25, 2024 when the Courthouse was closed due to weather conditions.

MAINTENANCE

Lonny Palmlund met with the Board to discuss courthouse matters.

DIRECTOR OF EQUALIZATION

Tammy Anderson, Director of Equalization met with the Board to provide them with the Board of Equalization schedule and asked to have the Board extended to April 16, 2024 for finalization of Senior Freeze applications.

Anderson requested travel approval for April 18, 2024 to Pierre for an Education Committee meeting for herself and for April 24, 2024 to Miner County for the District meeting, June 3-7, 2024 to Aberdeen for conference and June 28, 2024 to Rapid City to attend the required USPAP class for herself and the Deputy Director of Equalization.

Motion by Kazmerzak and seconded by Lundquist to approve the requested travel for the Director of Equalization and Deputy Director. All present voting aye. Motion carried.

Anderson requested approval to purchase a computer for her office for \$1,599.99 to include set up from Infotech Solutions.

Motion by Lundquist and seconded by Walls to approve the computer purchase. 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 10:00 A.M. All present voting aye. Motion carried.

Chairman Lee declared the Board out of Board of Adjustment and back into regular session at 11:22 A.M.

NORTHWESTERN RENEWAL APPLICATION HEARING

Robert Gehm, Real Estate Representative from Northwestern met with the Board to request a renewal of the electric franchise with the County. The most recent agreement expired in 2015.

Steffensen read the following resolution:

RESOLUTION RECITALS

I.

WHEREAS, NorthWestern Energy Public Service Corporation, a South Dakota corporation, d/b/a NorthWestern Energy (NorthWestern), has filed an

application with the Kingsbury County Board of Commissioners pursuant to Chapter 31-26 of the South Dakota Codified Laws, seeking the right to erect and maintain poles, wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes (Power Lines) on and along the county highways located in Kingsbury County, South Dakota.

II.

WHEREAS, the Kingsbury County Board of Commissioners has the jurisdiction and authority to grant the application of NorthWestern as set forth in paragraph I above, subject to such conditions as it may desire to impose.

NOW, THEREFORE, BE IT RESOLVED by the Kingsbury County Board of commissioners as follows:

1. That the application of Northwestern dated February 22, 2024, for permission to erect and maintain Power Lines on and along Kingsbury County public highways is granted subject to the conditions set forth herein.
2. That this grant is for a period twenty (20) years from and after April 9, 2024, or as may be extended by the Kingsbury County Board of Commissioners in writing at a subsequent date.
3. That as consideration for this grant, NorthWestern agrees to indemnify and hold harmless Kingsbury County, its officers and employees from any and all liability, damages, claims, demands or otherwise in law or in equity associated with the design, construction, installation, operating, inspecting, repairing, maintaining, replacing or removal of the Power Lines along with all appurtenances thereto located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents
4. That as additional consideration for this grant, NorthWestern agrees to restore, at its expense, the affected areas in good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the public highways in the county should be rebuilt or construction and maintenance of the county highways requires the removal or relocation of the Power Lines, it shall be solely at the expense of NorthWestern.
5. That the rights and conditions by this grant shall be binding upon the successors and assigns of NorthWestern.
6. This grant shall further be subject to all rules and regulations as specified in the current edition of the National Electrical Safety Code.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by Northwestern.

Dated the 9th day of April, 2024.

KINGSBURY COUNTY BOARD OF COMMISSIONERS.

By _____
Chairman, Board of County Commissioners.

ATTEST:

Echo Steffensen, County Auditor

The foregoing resolution was made by Commissioner Roger Walls and seconded by Commissioner Steve Spilde.

All present voting via roll call. Lee - Aye, Walls - Aye, Kazmerzak - Aye, Lundquist - Aye and Spilde - 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 11:43 A.M. All present voting aye. Motion carried.

Chairman Lee declared the Board out of Board of Adjustment and back into regular session at 12:07 P.M.

OPEN DISCUSSION

Kent Hartwig, GEVO, addressed the Board to provide an update on the status of GEVO.

ORDINANCE 67

Josh Schmidt, Riverview LLC, joined the meeting.

Steffensen read Ordinance 68 by title only.

ORDINANCE 67

ORDINANCE 67, AN ORDINANCE AMENDING ARTICLE II "DEFINITIONS"; ARTICLE III "DISTRICT REGULATIONS"; ARTICLE IV "DISTRICT REQUIREMENTS"; ARTICLE V "GENERAL REQUIREMENTS"; AND ARTICLE VI "ADMINISTRATION" ADOPTED BY ORDINANCE #45, AN ORDINANCE AMENDING KINGSBURY COUNTY ORDINANCE #32, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR KINGSBURY COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL,

AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND
ORDINANCES IN CONFLICT THEREWITH

Motion by Kazmerzak and seconded by Spilde to pass and adopt Ordinance 67
and for Chairman Lee to sign the same.

Chairman Lee called for discussion. There was none.

All present voting via roll call. Lee - aye, Kazmerzak - aye, Walls - aye,
Lundquist - aye and Spilde - aye. Motion carried.

OTHER MATTERS

Discussion was held on the procedure for placing a burn ban. The Board
directed States Attorney Gary Schumacher to prepare a resolution that
would facilitate a method in which a ban can be placed as quickly as
possible.

EXECUTIVE SESSION

Chairman Lee requested to move into executive session for contract
negotiations.

Motion by Kazmerzak and seconded by Spilde to adjourn from regular session
and move into executive session for contract negotiations at 12:46 P.M.
All present voting aye. Motion carried.

Chairman Lee declared the Board back into regular session at 1:38 P.M.

BOARD OF EQUALIZAION

Motion by Lundquist and seconded by Spilde to adjourn from regular session
and move into Board of Equalization at 1:40 P.M.

Motion by Lundquist and seconded by Spilde to table the Board of
Equalization matters to Wednesday, April 10, 2024 at 8:30 A.M.

The Board adjourned to Wednesday, April 10, 2024, at 1:30 P.M.

SIGNED

Kyle Lee, Chairman

ATTEST

Echo Steffensen, County Auditor

Published 1 week at the total approximate cost of _____.