

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota
June 22, 2021

The Kingsbury County Board of County Commissioners met Tuesday, June 22, 2021, 2021 at 8:30 AM in the Courtroom in the County Courthouse with Commissioners Roger Walls, Delmer Wolkow, Steve Spilde, Doug Kazmerzak and Corey Lundquist present. Chairman Walls presided.

Also attending via Zoom were, Steve Strande - Sheriff, Joey Klinkhammer - Deputy Auditor, Michelle Longville - Treasurer, and Mike Siefker, Kingsbury Journal.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

Kazmerzak moved and Lundquist seconded to approve the agenda. 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.

HIGHWAY SUPERINTENDENT

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

Sorenson informed the Board the paving was completed in Kingsbury County in the areas scheduled for seal coating. The crew is paving in Miner County this week and will be spot paving in various areas when seal coating is completed.

Sorenson stated Matt Bjorkman has been rehired and Tim Haug is back from leave.

Sorenson and the Board discussed truck traffic issues in Badger.

Barnard read the following resolution:

RESOLUTION #2021-19

RESOLUTION ESTABLISHING RESTRICTED TRUCK TRAFFIC ON 200TH ST (CR-1) FROM SD HWY 25 TO SD HWY 81 AND ON 450TH AVE (CR 9) FROM SD HWY 14 TO 196TH ST (COUNTY BORDER)

WHEREAS, pursuant to SDCL 7-18A-2, the Kingsbury County Board of Commissioners may enact resolutions as may be proper and necessary to carry into effect the powers granted to it by law; and

WHEREAS, pursuant to SDCL 7-8-20(2), the Kingsbury County Board of Commissioners shall have the power to make orders respecting the care and preservation of all property belonging to the county; and

WHEREAS, pursuant to SDCL 32-14-7, the Kingsbury County Board of Commissioners may by resolution prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weights of such vehicles on designated highways, said prohibitions and limitations shall be designated by appropriate signs on such highways; and

WHEREAS, trucks with loads traveling on 200th St (CR-1) from SD HWY 25 to SD HWY 81 and on 450th Ave (CR 9) from SD HWY 14 to 196th (County Border) St within Kingsbury County, South Dakota, have caused significant damage and destruction to the Kingsbury County highway system of roads at a significant cost to Kingsbury County; and

WHEREAS, pursuant to SDCL 7-18-8, the adoption of a resolution may take effect immediately for the preservation of the public peace, health, or safety.

NOW THEREFORE BE IT RESOLVED by the Kingsbury County Board of Commissioners, that no person may operate a truck with two or more axles on 200th St (CR-1) from SD HWY 25 to SD HWY 81 and on 450th Ave (CR 9) from SD HWY 14 to 196th St (County Border) within Kingsbury County having no origin or destination as evidenced by a bill of lading, along the route traveled; and

BE IT FURTHER RESOLVED the Kingsbury County Highway Superintendent or its designee shall erect and/or place signage designating 200th St (CR-1) from SD HWY 25 to SD HWY 81 and on 450th Ave (CR 9) from SD HWY 14 to 196th St (County Border) within Kingsbury County as "No Through Trucks" roads.

After considerable discussion on the resolution and traffic, no action was taken. The issue will be turned over to the City of Badger for traffic issues within city limits.

MINUTES

Wolkow moved and Spilde seconded to approve the minutes of June 8, 2021. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Kazmerzak moved and Lundquist seconded to approve the minutes of June 15, 2021. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Joe Jensen, Planning & Zoning Officer, joined the meeting.

APPROVE CLAIMS

Spilde moved and Wolkow 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 - 5, nay - 0, abstain - 0. Motion carried.

MISCELLANEOUS

CINDY BAU 88.00 JULY CELL PHONE BILL, PMB 0112 6.25 PROFESSIONAL SERVICES, CENTURY BUSINESS PRODUCTS 53.85 INVOICE 571709, CENTURYLINK 240.18 UTILITIES, CENTURYLINK 792.94 KINGSBURY FAIR ACCOUNT, COOK'S WASTEPAPER & RECYCLING 48.63 UTILITIES, DESMET FARM MUTUAL 3027.34 , INFOTECH SOLUTIONS 2525.48 INVOICE # 15594, INFOTECH SOLUTIONS 2371.99 PROFESSIONAL SERVICES, KINGSBURY ELECTRIC COOP 372.80 UTILITIES, BYRON NOGELMEIER 283.00 05/2021 CAM FEES, NORTHWESTERN 117.55 UTILITIES, NORTHWESTERN 241.17 ACCOUNT # 2571996-4, OTTERTAIL POWER COMPANY 126.66 UTILITIES, OTTERTAIL POWER COMPANY 1082.53 ACCOUNT # 14032067, QUILL 209.56 DIRECTOR EQUALIZATION, KEVIN M SCOTTING 218.16 COURT SECURITY, SD DEPT OF REVENUE 174396.08 05/2021 STATE REMITANCE, SDN COMMUNICATIONS 916.00 ACCOUNT # 060594, USPS 48.00 BOX RENT #232, VERIZON 236.53 UTILITIES,

AUDITOR

Jennifer Barnard, Auditor, discussed the newly declared Federal Holiday of Juneteenth with the Board.

PLANNING AND ZONING

Spilde moved and Lundquist seconded to adjourn from regular session and move into Planning and Zoning at 9:25 A.M. for multiple items. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Chairman Walls declared the Board out of Planning and Zoning at 9:55 A.M.

Barnard read the following Ordinance:

PROPOSED 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 the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall 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.

Gary Schumacher, State's Attorney, advised the Board on the need for rules to be established prior to licenses/permits being issued.

Wolkow moved and Spilde seconded to accept and adopt Ordinance 56 as recommended from the Planning and Zoning Board. All present voting via roll call: Spilde - aye, Wolkow - aye, Kazmerzak - aye, Lundquist - aye, Walls - aye. Motion carried.

Barnard requested a motion for Chairman Walls sign the Notice of Adoption.

Lundquist moved and Spilde seconded for Chairman Walls sign the Notice of Adoption. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

STATE'S ATTORNEY

Michelle Longville, Treasurer, joined the meeting.

Gary Schumacher, State's Attorney, met with the Board to discuss the tax deed property that was tabled from the meeting on June 8, 2021.

Schumacher presented a Quit Claim Deed to the City of Lake Preston for the property in question to be deeded "as is" to the City.

Kazmerzak moved and Lundquist seconded for Chairman Walls to sign the Quit Claim Deed and transfer the property to the City of Lake Preston. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Schumacher briefly updated the Board on pending HVAC and Vander Dussen Dairy cases.

AUDITOR

Barnard informed the Board a member of the Board will need to be as Vice Chairman for the 2021 Sioux Valley meetings at the next meeting scheduled for August 2021.

Barnard requested a motion for the salary set for Elaine Blachford, retired Treasurer, who will be assisting the office on a part time temporary basis.

Kazmerzak moved and Lundquist seconded to set Blachford's salary at \$30.00 per hour on a part time, temporary basis. All present voting aye - 4, nay - 0, abstain - 1. Motion carried.

SHERIFF

Steve Strande, Sheriff, met with the Board to discuss various items.

Strande and the Board discussed the Highway 28 project and the increased traffic on 200th St. through Badger.

Strande and the Board discussed the need to surplus vehicles and hiring Ben Meyer to place the vehicles on an online auction site.

Kazmerzak moved and Spilde seconded to declare the 2015 Explorer, 2007 Crown Victoria and 2005 Crown Victoria as surplus property and to hire Ben Meyer, of Huron, to place the same on Meyer Auction Service, LLC. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Strande informed the Board that Deputy Jenkins is attending DARE training.

Strande requested authorization for himself and Office Manager, Shelley Strande, to attend 24/7 training in Oacoma, SD on July 13-14, 2021.

Kazmerzak moved and Lundquist seconded to approve the travel expenses for the Sheriff and Office Manager to attend the 24/7 training in July. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Strande requested to move into Executive Session for personnel.

Kazmerzak moved and Lundquist seconded to adjourn from regular session and move into Executive Session for personnel at 11:22 A.M. All present voting aye - 5, nay - 0, abstain - 0. Motion carried.

Wolkow moved and Kazmerzak seconded to adjourn from Executive Session. Chairman Walls declared the Board out at 12:07 P.M.

Spilde left the meeting during the Executive Session.

Barnard requested to reschedule the next meeting from July 6 to July 8, 2021 due to the Monday holiday and training needs.

Kazmerzak moved and Lundquist seconded to reschedule the next meeting from July 6 to July 8, 2021. All present voting aye - 4, nay - 0, abstain - 0. Motion carried.

Wolkow gave some departing remarks including he has enjoyed the experience of being on the Board and has mixed feeling about leaving. Wolkow feels this is an important level of government and an important position to be a part of. He has confidence in the Board members moving forward.

The Board adjourned to Thursday, July 8, 2021 at 8:30 A.M.

SIGNED _____
Roger Walls, Chairman

ATTEST _____
Jennifer Barnard, County Auditor

Published 1 week at the total approximate cost of _____.