

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota

July 21, 2020

The Kingsbury County Board of County Commissioners met Tuesday, July 21, 2020 at 8:30 A.M. in the Courtroom in the County Courthouse with Commissioner Steve Spilde attending via Zoom. Delmer Wolkow, Roger Walls, Joe Jensen, and Shelley Nelson present. Chairman Walls presided.

This meeting was recorded and available in the Auditor's office for listening.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

Jennifer Barnard, Auditor, stated Dave Sorenson, Highway Superintendent, would not be attending the meeting.

Wolkow moved and Nelson seconded to approve the agenda as edited. All present voting aye - 5, nay - 0, motion carried.

MINUTES

Nelson moved and Spilde seconded to approve the minutes of July 7, 2020. All present voting aye - 5, nay - 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.

OPEN DISCUSSION

Board of Adjustment Alternate

Jensen requested an additional alternate for the Board of Adjustment be added to the list for the instances Merle Walters is not available. Jensen recommended Luke Weber from Arlington.

Wolkow moved and Nelson seconded to appoint Luke Weber as an additional alternate for the Board of Adjustment. All present voting aye - 5, nay - 0. Motion carried.

#### Big Ditch

Barnard informed the Board of questions that had been received via text in regard to the Big Ditch Maintenance Project.

The Board discussed annual maintenance and the possibility of establishing a drainage board to oversee future maintenance needs.

The Board will discuss adding the spraying of weeds with the Weed Board and tiling into the ditch with Gary Leistico, attorney with Rincke Noonan.

#### SUPPLEMENTAL BUDGET HEARING

Barnard presented and read the following resolution regarding the supplementing of the Urban & Rural Development 2020 Budget.

#### RESOLUTION 2020-16

#### SUPPLEMENTAL BUDGET

WHEREAS, Kingsbury County, South Dakota, has incurred obligations in finance of certain funds; and

WHEREAS, Kingsbury County received a Federal Grant in the amount of \$11,782.50 from the State of South Dakota for Hazard Mitigation; and

WHEREAS, Kingsbury County has been instructed to reimburse the Urban & Rural Development budget with these funds, and

NOW, THEREFOR, BE IT RESOLVED that \$11,785.50 be added to the 2020 budget for Urban & Rural Development, with revenue coming from the Federal Grant, and reimbursed for Hazard Mitigation.

Nelson moved and Jensen seconded to accept and pass Resolution 2020-16 and for Chairman Walls to sign the same. All present voting aye - 5, nay - 0. Motion carried.

#### APPROVE CLAIMS

Wolkow moved and Jensen 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. Motion carried.

#### MISCELLANEOUS

CENTURYLINK 231.41 UTILITIES, CENTURYLINK 1136.91 UTILITIES, MARK KATTERHAGEN 22.50 BMI- 9/13/2019, KINGSBURY ELECTRIC COOP 353.80 UTILITIES, LUCY LEWNO 191.50 BMI- 9/13/2019, DARCY LOCKWOOD 22.50 BMI- 9/13/2019, BYRON NOGELMEIER 783.00 6/2020 CAM, BYRON NOGELMEIER 25.00 6/2020 PBT, NORTHWESTERN 51.10 UTILITIES, OTTERTAIL POWER COMPANY 100.41 UTILITIES, OTTERTAIL POWER COMPANY 1408.69 UTILITIES, SOUTH DAKOTA STATE TREASURER 7.38 SALES AND USE TAX, TWO WAY SOLUTIONS, INC. 175.00 REPAIR/MAINTENANCE, TYLER TECHNOLOGIES, INC. 31.25 PROFESSIONAL SERVICES, USPS 52.40 POSTAGE, USPS 2200.00 STAMPS,

**PLANNING AND ZONING**

Nelson moved and Wolkow seconded to adjourn from regular session and move into Planning and Zoning to hold the second zoning hearing for Travis Steffensen and the second reading of Proposed Ordinance 53 at 9:29 A.M. All present voting aye - 5, nay - 0. Motion carried.

Chairman Walls declared the Board out at 9:40 A.M.

Zoning Officer, Joe Jensen recommended to the Board to Adopt Ordinance 53 and requested Barnard to read the same.

**ORDINANCE 51**

AN ORDINANCE REVISING ORDINANCE #45, AN ORDINANCE REVISING 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 CHAPTER 11-2, 1967 SDCL AND AMENDMENTS THEREOF AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED by the Board of Kingsbury County Commissioners:

That Chapter 4.01.02 "Conditional Uses" be amended to read as follows:

Section 4.01.02 Conditional Uses:

37. Transportation/application of manure outside of Kingsbury County in accordance with the requirements of Chapter 5:39

That Article V General Requirements be amended to include the following new Chapter:

Chapter 5.39. Transportation/Application of Manure generated outside Kingsbury County

1. Transportation of Manure into the County: Any landowner with the "A" Agricultural District receiving and utilizing manure generated from a concentrated animal feeding operation which has a State General Permit and is furthermore located outside of Kingsbury County shall

be required to obtain a conditional use permit to transport and land apply manure.

2. Haul road agreements with applicable road authorities are required.
3. Land application of manure shall be in accordance with Section 5.12.05.4.vi "Manure Management and Operation Plan" and Section 5.12.05.9 "Manure Application Setbacks".

Effective Date

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

Passed First Reading February 18, 2020

Passed Second Reading March 3, 2020

Published March 18, 2020

Published March 25, 2020

Effective Date April 24, 2020

Nelson moved and Spilde seconded to adopt Ordinance 51 and for Chairman Walls to sign the same. All present voting via roll call: Walls - aye, Wolkow - aye, Nelson - aye, Jensen - aye, Spilde - aye. Motion carried.

WHITEWOOD TOWNSHIP LANDOWNERS - ROAD CLOSURES

Paul Casper, Megan Eichler, Bryan Sneesby, Nikki VanBockern, Jacky Leonhardt, Jeff Eschenbaum, Robert and Grace Waldow, Joe Schnell, Jeremy Woodcock, Doug Bumann, and Brian Zeeck were in attendance.

Eichler expressed many issues that have been affected due to the Whitewood bridge closure, including farming equipment not able to get through to fields, delays in getting kids to and from school, emergency vehicles not having an expedient route, and the loss of revenue at the Lake Preston City businesses.

Temporary and permanent repair and replacement options were discussed as well as estimated project costs.

The question was raised as to why this could not be taken care of in a more expeditious manner. It was explained that being a local government entity the County Board had to follow State and Federal guidelines and regulations. At the present time, the County has been told the Whitewood Bridge could not be opened until an inspection can be done. The engineer hired by the county needs the water to go down before an inspection can be done safely.

## BUDGET

Gary Schumacher, Veteran Service Officer, met with the Board to discuss the 2021 budget request. The State's Attorney budget was also discussed.

Tanya Flegel, Weed Board Supervisor, met with the Board to discuss the 2021 budget request for the Weed Board and the Conservation District. Bill Wilkinson and Ryan Olson were also present and thanked the Board for the continued support.

Sheriff Strande and Shelley Strande, Sheriff Office Manager, met with the Board to discuss the 2021 budget request.

The Board adjourned for lunch from 12:00 P.M. to 1:00 P.M.

## BUDGET - Cont.

Elaine Blachford, Treasurer, met with the Board to discuss the 2021 budget request.

Blachford requested to move into Executive Session for personnel.

Nelson moved and Jensen seconded to adjourn from regular session and move into Executive Session for personnel at 1:15 P.M. All present voting aye - 5, nay - 0. Motion carried.

Wolkow moved and Jensen seconded to adjourn from Executive Session and return to regular session. Chairman Walls declared the Board out at 1:31 P.M.

Barnard met with the Board to discuss the 2021 budget request. The Board also went through the budgets for the remaining county functions.

## COVID RELEIF FUND

Barnard presented the State of South Dakota Local Government Covid Recovery Fund Reimbursement Agreement that had been received from the State. The agreement had been reviewed by State's Attorney, Gregg Gass. Barnard explained the agreement needed to be signed prior to the County being able to request reimbursement for qualifying expenses and requested Chairman Walls sign the same.

Nelson moved and Jensen seconded for Chairman Walls to sign the State of South Dakota Local Government Covid Recovery Fund Reimbursement Agreement. All present voting aye - 5, nay - 0. Motion carried.

Barnard presented and read the following resolution regarding the Covid Recovery Fund which had also been received from the State.

Kingsbury County Resolution Number 2020-17

A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS WITH THE STATE OF SOUTH DAKOTA FOR THE RECEIPT OF CARES ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the "CARES Act"), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, Kingsbury County acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, Kingsbury County acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, Kingsbury County seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, Kingsbury County acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for Kingsbury County most recently approved as of March 27, 2020; and

WHEREAS, Kingsbury County acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the County Commission of Kingsbury County that the Chairman of the Kingsbury County Commission may execute any and all documents as required by the State in order to receive CARES Act funds.

It is further

RESOLVED that any request for reimbursement will be only for those

costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the County budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

It is further

RESOLVED that the County will not request reimbursement from the State under the CARES Act for costs for which the County previously received reimbursement, or for which the County has a reimbursement request pending before another source.

Jensen moved and Wolkow seconded to accept and pass Resolution 2020-17 and for Chairman Walls to sign the same. All present voting via roll call: Walls - aye, Wolkow - aye, Nelson - aye, Jensen - aye, Spilde - aye. Motion carried.

#### OPEN DISCUSSION - COUNTY COURTHOUSE STATUS

Blachford, Caryn Hojer - Register of Deeds, Cindy Bau - Emergency Management/E911 Coordinator, and Lonny Palmlund - Maintenance joined the meeting. Tammy Anderson - Director of Equalization, attended via Zoom.

The Board and department heads discussed the status of the courthouse and to option to reopen to the public. It was the consensus of those present that things are working and to stay status quo through the upcoming events including the Sturgis Rally, the SD State Fair and the tourist season.

The next discussion was scheduled for the September 8, 2020 regular meeting, unless the need arises to discuss changes.

#### EMERGENCY MANAGEMENT

Bau presented her quarterly report and requested Chairman Walls sign the same.

Nelson moved and Wolkow seconded for Chairman Walls to sign the quarterly report for the Emergency Management Office. All present voting aye - 5, nay - 0. Motion carried.

The Board adjourned to Tuesday, August 4, 2020 at 8:30 A.M.

SIGNED \_\_\_\_\_  
Roger Walls, Chairman

ATTEST \_\_\_\_\_  
Jennifer Barnard, County Auditor

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