

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota

July 23, 2019

The Kingsbury County Board of County Commissioners met Tuesday, July 23, 2019, at 8:30 A.M. in the Commissioners meeting room in the Courthouse with Commissioners Shelley Nelson, Roger Walls, Joe Jensen, Steve Spilde, and Delmer Wolkow present. Chairman Nelson presided.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

APPROVE AGENDA

Walls moved and Wolkow seconded to approve the agenda as amended. All present voting aye, motion carried.

HIGHWAY

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

Sorenson informed the Board the crew is graveling, blading and cutting trees.

Sorenson and the Board discussed the damage done to the Oldham Road after the weekend storm. The repairs will be added to the Emergency Relief request.

Sorenson stated a majority of the crew will be going to Miner County to assist with asphaltting with a few crew members staying to repair soft spots on county roads.

Sorenson and the Board discussed roads with issues and culverts.

PUBLIC COMMENT

Chairman Nelson asked for public comment. There was none.

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, motion carried.

MISCELLANEOUS

AMERICAN TRUST INSURANCE 430.00 RENEWAL OF GEN LIABILITY, JENNIFER BARNARD
117.00 TRAVEL REIMBURSEMENT, CENTURYLINK 228.62 UTILITIES, CENTURYLINK
89.43 UTILITIES, JOHNSON-HERNRY FUNERAL HOME 2000.00 CARE OF POOR,
KINGSBURY ELECTRIC COOP 391.80 UTILITIES, BYRON NOGELMEIER 43.00 PBT
STATE- 24/7 6/2019, BYRON NOGELMEIER 365.00 CAM 6/2019, NORTHWESTERN 59.37
UTILITIES, OTTERTAIL POWER COMPANY 77.83 UTILITIES, OTTERTAIL POWER
COMPANY 1404.35 UTILITIES, SD UNEMPLOYMENT INS DIVISION 601.22 2ND QTR
UNEMPLOYMENT, SDACO 190.00 6/2019 MP & R REMITTANCE, SDN COMMUNICATIONS
912.00 UTILITIES, ECHO STEFFENSEN 14.00 TRAVEL REIMBURSEMENT, THOMAS
NELSON 27.00 REFUND PARTIAL BUILDING PERMIT,

AUDITOR

Jennifer Barnard, Auditor, provided information on a couple postage meters for the Board to review. It was requested for additional brands be researched and to be discussed amongst the department heads.

MIKE RUTH - SUPERINTENDENT FOR IROQUOIS SCHOOL DIST.

Ruth met with the Board to discuss a culvert issue on the SW corner of the school's lot. After it was cleaned out the culvert collapsed and has become a larger problem.

Ruth read portions of SDCL 31-3-1, indicating this is a county highway that passes the school.

Walls stated he has had many conversations with Sorenson and Iroquois city officials regarding who holds the responsibility for the section of the road which is within city limits.

The Board expressed it has been the practice of the County that road maintenance stops at city limits. In addition, the county will help put in one approach with maintenance being the responsibility of the owner.

It was the consensus of the Board to review the laws and discuss the matter with the State's Attorney.

BOARD OF ADJUSTMENT

Spilde moved and Walls seconded to adjourn from regular session and move into Board of Adjustment at 9:33 A.M. All present voting aye, motion carried.

Chairman Nelson declared the Board out of Board of Adjustment at 9:54 A.M.

AUDITOR

Barnard informed the Board the vacation accrual for Sheriff Strande had been verified at 96 hours available prior to being appointed as Sheriff in June of 2018.

Spilde moved and Jensen seconded for 96 hours of accrued vacation time be paid to Strande at his 2018 pay rate prior to being appointed Sheriff. All present voting aye, motion carried.

TREASURER

Elaine Blachford, Treasurer, informed the Board the safe was being removed from the office with help from Lyle Signs.

Blachford stated a deed had been filed for a property in Bancroft and the 180-day holding period will end December 30, 2019.

MAINTENANCE

Lonny Palmlund, Maintenance, met with the Board to discuss property maintenance issues.

The tree stump left after Saturday mornings storm is too heavy to remove and options were discussed.

Palmlund discussed the need to repaint the parking lot lines and had received a quote from Backman Parking Lot & Painting, LLC for \$537.05 for lines to last 3-4 years. Funds are available in the budget.

It was the consensus of the Board for Palmlund to move forward with Backman.

SCOTT AMUNDSON - COMMUNITY ECONOMIC DEVELOPMENT

Scott Amundson, South Dakota Governor's Office Of Economic Development, met with the Board to discuss livestock development projects and the Sales and Use Tax Rebate Program. Also present was Todd Kays with First District of Local Government.

Amundson presented information to the Board on the livestock development projects and the Sales and Use Tax Rebate Program and pointed out there are no limitations on how incentive funds are spent. Amundson also discussed current issues going on in other counties.

Kays discussed road funding and informed the Board that an application can be issued for a 75/25 cost share on an engineer study for flood and road needs through the Hazard Mitigation Grant Program (HMGP).

FEMA funds will be granted to repair roads to the condition prior to flooding.

Kays informed the Board of a trip to Pierre the week of July 29, 2019 to learn more about emergency funding for flood issues

PLANNING AND ZONING

Wolkow moved and Spilde seconded to adjourn from regular session and move into Planning and Zoning at 10:49 A.M. All present voting aye, motion carried.

Chairman Nelson declared the Board out of Planning and Zoning at 10:51 A.M.

Spilde moved and Walls seconded to accept the Poppen Plat as recommended by the Planning and Zoning Board. All present voting aye, motion carried.

MINUTES

Spilde moved and Walls seconded to approve the minutes of July 9, 2019 with wording clarifications. All present voting aye, motion carried.

Wolkow moved and Jensen seconded to approve the minutes of July 19, 2019. All present voting aye, motion carried.

LAKE THOMPSON UPDATE

Cindy Bau, Emergency Management, Tammy Anderson, Director of Equalization, Gregg Gass, State's Attorney, and Jay Gilbertson, with East Dakota Water District, met with the Board to discuss Lake Thompson Area updates.

Nelson stated there were calls out to the State for clarification on information regarding an engineering study mentioned in the paper after the storm on Saturday morning and Gov. Noem's visit to Lake Thompson.

Gass advised to discuss the topic further in Executive Session for possible litigation.

Anderson informed the Board the receipt of abatement forms is slowing down and that 34 forms for lake property and 1 from a farmer had been received.

Anderson clarified a rumor by stating that no checks had been written to property owners by the county.

Anderson also informed the Board that the Directors of Equalization from Kingsbury, Brookings and Hamlin Counties will be meeting on July 31, 2019 to discuss possible future value adjustment percentages.

The agreement for the county to set the outlet level, which was done in 2013 was discussed. For more to be done, other avenues need to be pursued.

After researching how other counties handle similar situations, Nelson discovered that other lake areas have Water Project Districts. Levies are requested by the district to be set as a tax applied to lake area residents for that specific need. Also discussed was county residents questioning their tax dollars being used for lake area issues.

Gilbertson discussed various Lake Area Water Project Districts in the region. Gilbertson also informed the Board the Vermillion Water Basin project is being brought back before legislature.

The Board moved into Executive Session for possible litigation.

Wolkow moved and Spilde seconded to adjourn from regular session and move into Executive Session for possible litigation at 11:25 A.M. All present voting aye, motion carried.

Spilde moved and Walls seconded to return to regular session. Chairman Nelson declared the Board out of Executive Session at 12:06 P.M.

The Board adjourned for lunch from 12:06 P.M. to 1:00 P.M.

MAINTENANCE

Palmlund met with the Board to discuss the status of the HVAC system.

The voltage issue was discussed, and Ottertail had made a minor adjustment.

Palmlund informed the Board there is an issue with the unit in the boiler room and the fluid cooler outside the building has an issue with one of the fans.

Gass suggested to move into Executive Session for possible litigation.

Spilde moved and Jensen seconded to adjourn from regular session and move into Executive Session for possible litigation at 1:10 P.M. All present voting aye, motion carried.

Spilde moved and Jensen seconded to return to regular session. Chairman Nelson declared the Board out of Executive Session at 1:25 P.M.

Spilde moved and Walls seconded to adjourn from regular session and move into Executive Session for personnel at 1:31 P.M. All present voting aye, motion carried.

Spilde moved and Jensen seconded to return to regular session. Chairman Nelson declared the Board out of Executive Session at 1:34 P.M.

Walls moved and Spilde seconded to adjourn from regular session and move into Executive Session for possible litigation at 1:34 P.M. All present voting aye, motion carried.

Wolkow moved and Walls seconded to return to regular session. Chairman Nelson declared the Board out of Executive Session at 2:15 P.M.

AUDITOR

Barnard presented the following items to the Board:

Barnard read the following resolution that had been received from First District Assoc. of Local Governments:

Resolution 2019-9
Resolution to Designate
Capital Accumulations

Whereas, SDCL 7-21-51 states that a board of county commissioners may, by resolution, authorize the accumulation of funds for a period longer than one year for a capital outlay purpose which is otherwise authorized by law. For the purpose of this section, the term, capital outlay purpose, includes any purpose which is extraordinary in nature, exceeds the funding ability of a single-budget year, and may result in the purchase of services, materials, supplies, or equipment. The resolution is enacted if approved by a vote of sixty percent or more of the governing body and shall clearly set forth the purposes for which the funds are to be accumulated and the maximum amount that may be accumulated. The funds to be accumulated shall be expended within eighty-four months from the date of the resolution. If the specific purpose for which the funds are accumulated is no longer necessary, the funds shall revert to the fund from which the funds were originally appropriated. The amount of accumulation for a specific purpose may not exceed five million dollars. The accumulation of funds pursuant to this chapter is in addition to any accumulation of funds authorized by § 7-21-18.1; and

WHEREAS, Kingsbury County wishes to accumulate funds up to \$3,000,000.00 for the purpose of assisting in the funding of county road and bridge projects that cannot be funded in a single budget year; and

WHEREAS, \$800,000 has been assigned for road and bridge projects over the past four years; and

WHEREAS, all Surface Transportation revenue received by Kingsbury County each year will be placed in capital accumulation for the purpose of funding county road and bridge projects that cannot be funded in a single budget year; and

NOW THEREFORE BE IT RESOLVED that \$800,000 previously set aside, and the \$190,330.22 in Surface Transportation revenue funds received in 2019 will be the first installments of capital accumulations designated for the purpose of funding of county road and bridge project that cannot be funded in a single budget year; and

BE IT FURTHER RESOLVED that an amount up to \$600,000 per year, to include the Surface Transportation revenue received, be placed in Capital Accumulations. The County Commissioners reserve the right to discontinue the capital accumulation if the specific purpose for which the funds are accumulated is no longer deemed necessary and any funds remaining shall revert to the fund from which the funds were originally appropriated.

Jensen moved and Wolkow seconded to approve and adopt Resolution 2019-9. All present voting aye, motion carried.

Barnard discussed updated health insurance rates with the Board.

Barnard informed the board the would be a 6% rate increase to maintain the current coverage and a 7.6% increase should the group decide to add an agent to the current plan. The group under the current plan has been without an agent for an estimated 20 years. The agent would be added if a majority of the group members voted to do so.

It was the consensus of the Board to use the 7.6% increase for the preliminary budget in case the group decided to add the agent to the coverage.

Barnard also discussed the preliminary budget with the Board with the requested various pay rate increases and the different insurance percentages.

Jensen moved and Spilde seconded to adjourn from regular session and move into Executive Session for personnel at 2:51 P.M. All present voting aye, motion carried.

Jensen moved and Wolkow seconded to return to regular session. Chairman Nelson declared the Board out of Executive Session at 4:08 P.M.

Spilde moved and Jensen seconded to approve the preliminary budget with proposed adjustments. All present voting aye, motion carried.

Walls moved and Wolkow seconded to approve a \$.50 per hour pay increase for Jessica Virchow, Deputy Treasurer, with the new hourly pay of \$13.73 taking effect as of September 1, 2019. All present voting aye, motion carried.

The Board adjourned to Tuesday, August 6, 2019 at 8:30 A.M.

SIGNED _____
Shelley Nelson, Chairman

ATTEST _____
Jennifer Barnard, County Auditor

Published 1 week at the total approximate cost of _____.