

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota

July 22, 2025

The Kingsbury County Board of County Commissioners met Tuesday, July 22, 2025, at 8:30 A.M. in the Courtroom of the County Courthouse with Commissioners Kyle Lee, Troy Nelson, Steve Spilde, Corey Lundquist and Roger Walls present. Chairman Lee presided.

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

Chairman Lee called the meeting to order.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

AGENDA

Chairman Lee asked if there were any additions or changes to the agenda. There was none.

MINUTES

Motion by Spilde and seconded by Lundquist to approve the minutes of July 8, 2025. All present voting aye. Motion carried.

Motion by Nelson and seconded by Walls to approve the minutes of July 15, 2025, Special Meeting. 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 Lundquist and seconded by Nelson 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.

JEFFREY M. BANKS 1312.00 CAA, BLUE WHEELER & BANKS LLP 120.00 PROF SERVICES, CENTURYLINK 242.79 UTILITIES, CENTURYLINK 1046.40 UTILITIES, COOK'S WASTEPAPER & RECYCLING 64.75 UTILITIES, COOK'S WASTEPAPER & RECYCLING 509.50 UTILITIES, KATHY DEDEYNE 111.56 PROF SERVICES, WENDY DENISON 1400.00 PROF SERVICES, EAST RIVER PSYCHOLOGICAL SERV 2500.00 PROF SERVICES, G & R CONTROLS, INC 823.26 REPAIRS, KRISTA HAUG 86.18 PROF SERVICES, HILLYARD/SIOUX FALLS 314.51 SUPPLIES, CARYN HOJER 81.34 REIMBURSEMENT, INFOTECH SOLUTIONS 3153.99 PROF SERVICES, INTERLAKES COMMUNITY ACTION 543.50 PROF SERVICES, MARK KATTERHAGEN 16.00 PROF SERVICES, JOHN KINDER 68.76 PROF SERVICES, KINGSBURY ELECTRIC COOP 369.00 UTILITIES, KINGSBURY JOURNAL 147.00 PUBLISHING, KRISTEN LONGVILLE 61.07 REIMBURSEMENT, ERIC KOBERNUSZ 245.60 PROF SERVICES, KRAMER MECHANICAL 92.16 UTILITIES, VAL LARSON 16.00 PROF SERVICES, LEWIS & CLARK BEHAVIORAL 225.00 PROF SERVICES, LUCY LEWNO 186.73 PROF SERVICES, LINCOLN COUNTY 250.00 CONFERENCE, MAYNARD'S FOOD CENTER 18.98 SUPPLIES, MILLS PROPERTY MANAGEMENT 1232.15 PROF SERVICES, NORTHWESTERN ENERGY 44.20 UTILITIES, NORTHWESTERN ENERGY 24.12 UTILITIES, OFFICE PEEPS INC 116.14 SUPPLIES, OTTERTAIL POWER COMPANY 123.53 UTILITIES, OTTERTAIL POWER COMPANY 1620.72 UTILITIES, PRAIRIE AG PARTNERS 15.00 REPAIRS, DAMIAN PAUL 63.40 PROF SERVICES, TRICIA PETERS 79.48 PROF SERVICES, PROPERTY RECORDS INDUSTRY ASSC 175.00 CONFERENCE, QUILL 134.62 SUPPLIES, RFD NEWS GROUP 427.63 PUBLISHINGS, PAUL ROBY 275.00 MAINTENANCE, SHERRY BELL 66.08 PROF SERVICES, DEAN SCHAEFER COURT REPORTING 24.00 PROF SERVICES, ABIGAIL SCHULTZ 90.20 PROF SERVICES, SDACC 4873.00 PROF SERVICES, SDN COMMUNICATIONS 917.00 PROF SERVICES, SD PUBLIC ASSURANCE ALLIANCE 946.54 PROF SERVICES, THOMSON REUTERS 675.14 SUPPLIES, TRUSTWORTHY HARDWARE 95.90 SUPPLIES, LINDA WESTERGREN 79.48 PROF SERVICES.

HIGHWAY

Commissioner Lee provided an update on highway matters.

OPEN DISCUSSION

The Board discussed the information provided by the Fair Board for a HVAC system for the 4-H grounds. No action taken.

AUDITOR

Rhonda Siefker, Deputy Auditor, requested the Board consider approval of 32 additional hours either in comp time or overtime for Kathy DeDeyne due to staffing issues for Achievement Days.

Motion by Walls and second by Lundquist to approve up to 32 hours of overtime for Kathy DeDeyne for Achievement Days. All present voting aye. Motion carried.

TRAVEL REQUEST - DIRECTOR OF EQUALIZATION

Tammy Anderson requested reimbursement for her deputy and herself for the district meeting they attended in Arlington on July 16, 2025, and to travel to Canton August 10-12 for a workshop.

Motion by Nelson and second by Spilde to approve reimbursement of meals for Tammy Anderson and Maggie Purintun at the District meeting on July 16, 2025. All present voting aye. Motion carried.

Motion by Nelson and second by Walls to approve the travel request of Tammy Anderson and Maggie Purintun for travel and meals for a workshop in Canton, SD from August 10, 2025 through August 12, 2025. All present voting aye. Motion carried.

EMERGENCY MANAGEMENT

Kristin Longville, Emergency Management, met with the Board to discuss Emergency Management matters.

Longville presented the Emergency Management quarterly report for the Chairman to sign. Longville also requested the County pay for the SDEA Membership dues.

Motion by Lundquist and seconded by Nelson to authorize Chairman Lee to sign the Emergency Management quarterly report and to approve the county payment of the SDEA Membership dues. All present voting aye. Motion carried.

Longville presented the Board with a sample record retention manual for County Emergency Management and requested the Board consider adopting it as policy. Chairman Lee requested the matter be added to the August 5, 2025 meeting agenda.

Longville requested travel and meals for training as follows, July 12, 2025, Emergency Operations Training in Pierre, SD, Regional training in Yankton SD on August 6, 2025, Rapid Needs training in Pierre, SD November 18, 2025; also, meals, travel and lodging for Salamander Training (credentialing and training tracking) and SDMA conference.

Motion by Nelson and second by Spilde to approve travel, lodging and meals as requested by Longville. All present voting aye. Motion carried.

Longville requested vacation request from August 4, 2025, through August 8, 2025. No action was taken.

The Board recessed at 9:30 A.M.

The Board reconvened at 9:45 A.M.

ORDINANCE 73 - SECOND READING

Siefker read the following Ordinance 73 by title only:

Ordinance No. 73

AN ORDINANCE NO. 73 ENTITLED SOLAR ENERGY SYSTEMS (SES). 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 CHAPTER 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

Article IV District Requirements

Chapter 4.01. "A" Agricultural Land District

Section 4.01.02. Conditional Uses

37. Solar Energy Systems pursuant they meet requirements of Chapter 5.39.

Chapter 5.39. Solar Energy Systems (SES)

Section 5.39.01 Purpose

The purpose of this Section is to facilitate the construction, installation, operation and decommission of Solar Energy Systems in a manner that promotes economic development and ensures the protection of health, safety, and welfare. These regulations will not impede personal or business solar collector development for the primary use of self-sustaining energy. These regulations are not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of these regulations shall not nullify any provisions of local, state, or federal law.

Section 5.39.02. Private Solar Energy System (PSES).

A PSES shall be for a single use commercial or residential structure and used primarily for on-site consumption of power. PSES shall be permitted as accessory use and shall meet the requirements of the zoning district.

Section 5.39.03. Permitting.

1. No SES shall be erected, built, or constructed without a conditional use permit having been approved by the Board of Adjustment.
2. Application(s) for SES Conditional Use Permits shall be accompanied by:

- a. Site plan is sufficient to determine compliance with the requirements of this ordinance.
 - b. A location map of all occupied structures and other solar arrays within one-half (1/2) mile of the proposed SES to include setbacks from said structures and arrays.
 - c. Map of easements for SES, if applicable.
 - d. Affidavit attesting that necessary easement agreements with landowners have been obtained, if applicable.
 - e. Screening or buffering plans to include grading and/or landscape plantings proposed along public roads or abutting residential properties.
 - f. Aviation/Airport protection if required. See 5.39.05(4)
 - g. The fencing and gates required to be around the exterior perimeter. See 5.39.05(6)
 - h. The storm water pollution and prevention/drainage plan identifying specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction. See 5.39.05(1)
 - i. Preliminary decommissioning plan. See 5.39.06
 - j. Weed/Grass control plan. See 5.39.05(10)
 - k. Hail roads identified. See 5.39.05(11)
 - l. Project schedule
 - m. Any other information required to determine compliance with this ordinance
3. All copies of the plans must be submitted, signed and sealed by an engineer.
 4. The Board of Adjustment may require an independent engineer, chosen by the County, to review plans at the petitioner's expense. Findings by the independent engineering firm are to be submitted to the Board of Adjustment.

Section 5.39.04. Compliance

1. All SES are subject to the State of South Dakota Storm Water Management regulations, erosion and sediment control provisions if adopted and National Pollutant Discharge Elimination System (NPDES) permit requirements, if applicable.
2. The Board of Adjustment may provide for a final site inspection before the facility is authorized to become operational.
3. An emergency contact name and phone number must be posted at the point of access on all SES sites.
4. The permit holder will allow the County, or its Authorized Agent (appointed by the County) access to the property within one (1) day

of an inspection request by the County. In the event of an emergency, the County, or its Authorizing Agent, has the right to access the premises.

5. All SES shall meet or exceed applicable standards and regulations of any state or federal agency.

Section 5.39.05. General Provisions for Solar Energy Systems.

Ground-mount solar energy, designed to provide energy for off-site use or export to the wholesale market, is permitted under the following standards:

1. Ground Cover and Buffer Areas. Ground cover shall be maintained according to the approved weed/grass plan. Topsoils shall not be removed from post construction, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Foundations, gravel, or compacted soils are considered impervious. Ground-mount systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation, including any access or service roads. A minimum thirty (30) foot managed vegetative buffer shall always be present and maintained around the perimeter of the site.
2. Power and Communication Lines. Power and communication lines running between banks of solar panels are allowed. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings may be required to be buried underground. Exemptions may be granted in instances where the natural landscape interferes with the ability to bury lines, or distance makes undergrounding infeasible.
3. Separation Distances/Setbacks
 - a. Separation Distances:
 - i. Solar Panels will be kept at least one thousand five hundred (1,500) feet from a residence, business, church, and building owned and/or operated by a governmental entity.
 - ii. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distance identified, if the applicant obtains waivers from all dwellings and owners of property within the separation distance. If approved, such an agreement is to be recorded and filed with the County Register of Deeds. Said agreement shall be binding upon the heirs, successors,

and assigns of the title holder and shall pass with the land.

- iii. Separation Distance to be measured from the wall line of the neighboring principal structure to the base of the nearest solar panel.

b. Setbacks:

- i. Except for front yard setbacks, all setback distances set forth herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all SES. Setbacks for front yards shall be measured from the base of the nearest solar panel.
- ii. Every SES shall observe a minimum rear and side yard setback of thirty (30) feet. Projects including multiple adjoining properties as part of the project plan need not adhere to setbacks at point of connection between the adjoining properties.
- iii. Every SES shall meet the minimum front yard setback of the applicable zoning district.
- iv. Every SES shall be setback at least one hundred (100) feet from the highwater mark of any lake, stream or river.

4. Aviation/Airport Protection: If required by state or federal agencies that applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control tower cab and final approach paths, consistent with the Interim Policy, FFA Review of Solar Energy Projects on Federally Obligated Airports, reducing use of the reflector system, or other remedies that limit glare.

5. Glare: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

6. Safety Fencing/Gates and Locks

- a. All SES shall be fenced around the exterior of the SES with a fence at least six (6) feet in height.
- b. All fencing and gates shall be constructed to substantially lessen the likelihood of entry into a SES by unauthorized individuals.
- c. All gates to the fences of all SES shall be equipped with locks and shall always remain locked except for those times when the owner and/or operator, or their respective agents is/are using

the gate for ingress and/or egress or is/are otherwise present and monitoring the SES.

- d. The fencing and gates shall be maintained in serviceable condition. Failure to maintain the fencing or gates required hereunder shall constitute a violation of this ordinance.
- e. The fencing and gate requirements specified hereunder shall continue notwithstanding the fact that a SES is no longer operational and/or falls into disuse unless and until the SES is properly decommissioned.
- f. Fences may be constructed on property and right-of-way lines provided the walls are not more than thirty percent (30%) solid.

7. Maximum height: Solar panel arrays shall be no more than twenty (20) feet in height, not including power lines.

8. Lighting: If lighting is provided at the project site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

9. Outdoor Storage: Only outdoor storage of materials, vehicles, and equipment that directly supports the operation and maintenance of the solar farm shall be allowed.

10. Weed/Grass Control Plan: The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The operating company or successor during the operation of the SES shall adhere to the approved weed/grass control plan.

11. Roads

- a. Public Roads. Prior to commencement of construction, the permittees shall identify all states, county, or township "haul roads" that will be used during the construction of the SES project and shall notify the state, county, township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the SES. Where practical, all-weather roads shall be used to deliver cement, solar collectors and components, and all other heavy components to and from the site.
- b. The permittees shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the SES for the maintenance and repair of the haul roads that will be subject to

extra wear and tear due to transportation of equipment and SES components. The permittees shall notify the County of such arrangements upon request of the County.

- c. Private Roads. The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
- d. Control of Dist. The permittees shall utilize reasonable measures and practices of construction to control dust.
- e. Final haul road agreements are to be submitted prior to construction.

12. Signs. In addition to the required safety signs, one (1) on-premises sign, not exceeding sixteen (16) square feet, may be placed on site.

13. Permit Expiration. Unless otherwise specified by the Board of Adjustment, a conditional use permit for and SES shall expire one (1) year from the date upon which it becomes effective if no work has commenced. In the event of an appeal, it remains in effect for an additional number of days equal to the number of days between the filing date of the appeal until final decision regarding the appeal.

Section 5.33.06. Decommissioning/Restoration/Abandonment

- 1. Cost Responsibility. The owner or operator of an SES is responsible for all costs associated with decommissioning the SES facility and any associated facilities.
- 2. Decommissioning Plan. Prior to construction, the applicant shall file a decommissioning plan for Board of Adjustment approval. The plan shall include an acceptable financial assurance plan which estimates the decommissioning cost and a description of the manner in which the permittees will ensure that it has the financial capability to carry out these restoration requirements when they go into effect. The permittees shall ensure that it carries out its obligations to provide for the resources necessary to fulfill these requirements. The County may at any time request the permittees to file a report with the County describing how the permittees fulfill the obligation. A SES shall be deemed inoperable if it has not generated power for 12 consecutive months.
- 3. Financial Assurance. The Board of Adjustment shall require a performance bond, surety bond, escrow account, letter of credit, corporate guarantee or other form of financial assurance that is acceptable to the Board of Adjustment to cover the anticipated costs

of decommissioning the SES facility. The financial assurance plan is subject to the following provisions:

- a. A decommissioning account is to be funded by the project owner annually at a rate of two thousand five hundred dollars (\$2,500) per megawatt of installed DC capacity per year for the first 30 years, or until the funds within said account are sufficient to meet the cost of decommissioning as identified in the decommissioning plan. Funding of the decommissioning account commences no later than the commercial operation date.
- b. The Board of Adjustment may allow a decreased annual payment, if the Board of Adjustment determines the full rate as identified in the financial assurance plan is not necessary to cover costs of decommissioning.
- c. All interest earned by any financial assurance account remains in the account.
- d. A financial assurances statement is to be provided upon request to the administrative official.
- e. The financial assurance plan follows ownership of the SES. The Board of Adjustment may allow current and subsequent SES owners to request a change in the type of financial assurance instrument to be utilized.
- f. The financial assurances are not subject to foreclosure, lien, judgment, or bankruptcy.
- g. Beginning in year ten (10) following the beginning of operation and each fifth year thereafter, the SES owner shall submit to the Board of Adjustment an estimated decommissioning date, if established, and estimated decommissioning costs and salvage values. Based on the verification of the information in this filing the Board of Adjustment may change the annual financial assurance funding rate to more closely match the estimated amount needed for decommissioning.
- h. Funds from the financial assurances are to be paid to the SES owner at the time of decommissioning. Said funds are to be paid as decommissioning costs are incurred and paid for by the SES owner.
- i. If the SES owner fails to execute the decommissioning requirement, the funds are payable to the landowner as the landowner incur and pays decommissioning costs.
- j. In the event the South Dakota Public Utilities Commission requires a Decommissioning Plan, which includes a financial instrument to decommission to be filled with the State. The county may waive its required financial instrument.

4. Site Restoration. The decommissioning of the SES shall begin within eight (8) months of the expiration of this permit, or earlier termination of operation of the SES and be completed within eighteen (18) months of the expiration of this permit or earlier termination of operation of the SES. The permittees shall have the obligation to dismantle and remove from the site all solar collectors and components, transformers, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of four (4) feet. To the extent possible the permittees shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the County and shall show the locations of all such foundations. All such agreements between the permittees and the affected landowner shall be submitted to the County prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration.
5. Failure to Decommission. If the SES owner or operator does not complete decommissioning, the Board of Adjustment may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the bond or other forms of final assurances. The entry into a participating landowner agreement shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Board of Adjustment may take such action as may be necessary to decommission a SES facility.

This ordinance shall take effect and be in full force and effect twenty (20) days after its publication.

All ordinances or parts of ordinances in conflict therewith are hereby repealed.

Adopted by the Kingsbury County Commission on this 22nd day of July 2025.

Motioned by Walls and seconded by Spilde. All present voting via roll call vote.

Lee - aye, Nelson - aye, Spilde -aye, Walls aye, Lundquist- aye.

Kingsbury County South Dakota
Commission Vice Chairman

ATTEST:

Kingsbury County Auditor

Passed First Reading July 08, 2025
Passed Second Reading July 22, 2025
Published July 30, 2025
Published July 31, 2025
Effective Date August 20, 2025

OPEN DISCUSSION

Kristin Longville requested the Board consider amending the 2026 budget request for Emergency Management professional services by \$5,000.00 to allow for the purchase of an app that would aid in mass notifications to taxpayers for both emergency situations and the Treasurer's office. As this wasn't on the agenda, there was no action taken.

ORDINANCE 74 - SECOND READING

Siefker read the following Ordinance 74.

Ordinance 74

AN ORDINANCE ENTITLED, an ordinance to amend Section 1.03.01 adopted by Ordinance 45, March 3, 2015, as amended, of the Zoning Ordinance of Kingsbury County

Be it ordained by the Board of County Commissioners of Kingsbury County, South Dakota: that Section 1.03.01 adopted by Ordinance 45, March 3, 2015,

as amended, of the Zoning Ordinance of Kingsbury County be amended to classify the following property: Tract 1 of Lake Region Ag Addition an Addition in the Southeast Quarter of the Southeast Quarter of Section 13, Township 111 North, Range 53 West of the 5th Principal Meridian, Kingsbury County, South Dakota

To "CI" from "AG" Agricultural

This ordinance shall take effect and be in full force and effect twenty (20) days after its publication.

All ordinances or parts of ordinances in conflict therewith are hereby repealed.

Adopted by the Kingsbury County Commission on this 22nd day of July 2025.

Motioned by Spilde and seconded by Nelson. All present voting via roll call vote.

Lee - aye, Nelson - aye, Spilde - aye, Walls - aye, Lundquist - aye.

Kingsbury County South Dakota
Commission Vice Chairman

ATTEST:

Kingsbury County Auditor

Passed First Reading	<u>July 08,2025</u>
Passed Second Reading	<u>July 22, 2025</u>
Published	<u>July 30, 2025</u>
Published	<u>July 31, 2025</u>
Effective Date	<u>August 20, 2025</u>

PLANNING & ZONING

Motion by Spilde and seconded by Nelson to adjourn from regular session and move into Planning & Zoning at 10:07 A.M. All present voting aye. Motion carried.

Chairman Lee declared the Board out of Planning & Zoning and back into regular session at 10:30 A.M.

EXECUTIVE SESSION

Motion by Lundquist and seconded by Nelson to adjourn from regular session and move into executive session for contract negotiations at 10:30 A.M. All present voting aye. Motion carried.

Chairman Lee declared the Board back into regular session at 11:01 A.M.

MILLS PROPERTY MANAGEMENT

Ryan Stormo, Maintenance Director Mills Property Management updated the board on the progress of projects started and discussed the hiring and duties of the part-time custodian.

Mikeala Bryant will begin working on July 29, 2025, for 20 hours per week as custodian for the county.

Stormo requested permission to take bids on a snow removal agreement, and bids for re-grading and roofing at the Highway department. The Board also requested Stormo review the options for HVAC system provided by the Fair Board and make a recommendation on the best option. Stormo also made a few recommendations to improve safety concerns.

Chairman Lee requested a separate line item be added to the agenda for August 5, 2025, to address building usage both local and outlying.

The Board adjourned to Tuesday, July 29, 2025, at 8:30 A.M.

SIGNED

Kyle Lee, Chairman

ATTEST

Echo Steffensen, County Auditor

Published 1 week at the total approximate cost of _____.