

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS

De Smet, South Dakota
September 22, 2022

The Kingsbury County Board of County Commissioners met Thursday, September 22, 2022, at 8:30 A.M. in the Courtroom of the County Courthouse with Commissioners Doug Kazmerzak, Steve Spilde, Roger Walls, and Corey Lundquist present. Commissioner Lee joined via Zoom. Chairman Kazmerzak presided.

Attending via Zoom were Tammy Anderson - Director of Equalization, Alex Wolkow - Deputy Treasurer, Laura Hildebrandt - Treasurer Clerk, Sheriff Strande, Amy Halverson- Kingsbury Journal.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance.

APPROVE AGENDA

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

MINUTES

Corrections to September 6, 2022, minutes, Motion to approve Resolution 2022-18 should be "Motion by Walls and seconded by Lee ~~Lundquist~~ to accept and adopt Resolution 2022-18 and for Chairman Kazmerzak to sign the same. All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye and Spilde - aye. Motion carried"

Motion by Spilde and seconded by Lee to approve the minutes with corrections from September 6, 2022, as corrected. All present voting aye. Motion carried.

PUBLIC COMMENT

Chairman Kazmerzak asked for public comment.

Farrel Jacobsen, Badger joined the meeting to discuss the replacement of a culvert on CR 10. Jacobsen stated he believes a different sized culvert was put in and there are rules in place that does not allow the culvert size to be changed.

Dave Sorenson, Highway Superintendent, joined the meeting and explained the culvert in question is an overflow culvert and the size of the culvert

should not change the flow of the water. Sorenson also stated that the old culvert was so crumbled that it was hard to tell the actual size. He stated it may have been a 30" culvert, which is a special order, but it was hard to determine.

Commissioner Lundquist asked Jacobsen if his request was to remove the 36" culvert and replace it with a 30" culvert. Jacobsen stated that is what needs to be done because the size of the culvert needs to be the same size of what was replaced according to the rules.

After further discussion it was determined that the culvert would remain and further investigation would be required.

CONFLICT OF INTEREST

Chairman Kazmerzak asked the Board if there was any conflict of interest.

HIGHWAY

Sorenson presented the 5 Year Highway plan to the board.

Steffensen read the 1st reading of the following resolution:

RESOLUTION 2022-24

A RESOLUTION ADOPTING THE KINGSBURY COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN

WHEREAS, the South Dakota Department of Transportation Local Bridge and Improvement Grant Fund requires that in order to be eligible to apply for Bridge Improvement Grant funds, Counties are required to develop a five-year Highway and Bridge Improvement Plan, hereinafter referred to a Plan; and

WHEREAS, Kingsbury county has utilized the South Dakota Department of Transportation, County Staff, the First District Association of Local Governments, Townships, and the general public in developing the various components of the Plan; and

WHEREAS, the Plan includes maps and lists identifying an inventory of highways and bridges, project needs, and revenue sources; and

WHEREAS, Kingsbury County held a public meeting on September 22nd, 2022 to solicit input into the Plan, and the citizens who attended expressed an interest in the Plan; and

WHEREAS, THE County will be able to use the Plan as a tool to budget for transportation enhancements and better coordinate transportation issues with other entities;

NOW, THEREFORE, BE IT RESOLVED BY THE KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE KINGSBURY COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN IS HEREBY ADOPTED AND IS RECOGNIZED AS THE HIGHWAY AND BRIDGE IMPROVEMENT PLAN FOR KINGSBURY COUNTY.

Dated at Kingsbury, South Dakota this 4th Day of October, 2022

Second reading to be scheduled for October 4, 2022.

Sorenson updated the board on other highway matters.

EXECUTIVE SESSION

Motion by Lundquist and seconded by Spilde to adjourn from regular session and move into Executive Session for possible litigation and personnel at 9:44 A.M. All present voting aye. Motion carried.

Motion by Walls and seconded by Spilde to adjourn from Executive Session. Chairman Kazmerzak declared the Board out at 10:43 A.M.

OPEN DISCUSSION

Kazmerzak stated some of the Board members had attended the GEVO Net Zero land breaking on September 15, 2022.

ORDINANCE 64- 2nd Reading

Steffensen read the following proposed ordinance

ORDINANCE 64

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE V "GENERAL REQUIREMENTS" ADOPTED BY ORDINANCE 45, AS AMENDED, OF THE ZONING ORDINANCE OF KINGSBURY COUNTY.

BE IT ORDAINED by the Board of County Commissioners of Kingsbury County, South Dakota: that Article V Chapter 5.39.2.e, "Cannabis Dispensaries and Cannabis Cultivation Facilities - Required Separation Distances, adopted by Ordinance 45, as amended, of the Zoning Ordinance of Kingsbury County be amended by adding language in bold and underline font and removing strikeout language:

CHAPTER 5.39. CANNABIS DISPENSARIES AND CANNABIS CULTIVATION FACILITIES.

2. Required Separation Distances

e. Cannabis cultivation facilities shall only be located en within one (1) mile of South Dakota Highways, 14, and 25, and U.S. Highway 81 between 430th Avenue and 452nd Avenue. Further no cannabis cultivation facility shall be located within one (1) mile of the communities of Arlington, De Smet, Iroquois, or Lake Preston.

Motion by Spilde and seconded by Lundquist to approve and adopt Ordinance 64. All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye and Spilde - aye. Motion carried.

PLANNING AND ZONING

Motion by Walls and seconded by Lundquist to adjourn from regular session and move into Planning and Zoning at 11:00 A.M. to review two plats. All present voting aye. Motion Carried.

Chairman Kazmerzak declared the Board out of Planning and Zoning at 11:20 A.M.

Steffensen read the following resolutions:

RESOLUTION # 2022-19

WHEREAS, The Kingsbury County Planning & Zoning Board met to review the Plat of the Todd Steffensen Second Addition located in the Northeast Quarter of Section 25, Township 110 North, Range 53 West of the 5th P.M. in Kingsbury County, South Dakota September 22, 2022; and

WHEREAS the Kingsbury County Planning & Zoning Commission recommended approval of the same to the Kingsbury County Board of County Commissioners, and

Now, Therefore, be it resolved, that the Kingsbury County Board of County Commissioners accepts and approves the Plat of the Todd Steffensen Second Addition located in the Northeast Quarter of Section 25, Township 110 North, Range 53 West of the 5th P.M. in Kingsbury County, South Dakota

Motion by Spilde and seconded by Lundquist to accept and adopt Resolution 2022-19 and for Chairman Kazmerzak to sign the same. All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye and Spilde - aye. Motion carried.

RESOLUTION # 2022-23

WHEREAS, The Kingsbury County Planning & Zoning Board met to review the Plat of Lot 1 of Hojer Ranch Family Access Addition located in the Southeast Quarter of Section 21, Township 111 North, Range 56 West of the 5th P.M. in Kingsbury County, South Dakota September 22, 2022; and

WHEREAS the Kingsbury County Planning & Zoning Commission recommended approval of the same to the Kingsbury County Board of County Commissioners, and

Now, Therefore, be it resolved, that the Kingsbury County Board of County Commissioners accepts and approves the Lot 1 of Hojer Ranch Family Access Addition located in the Southeast Quarter of Section 21, Township 111 North, Range 56 West of the 5th P.M. in Kingsbury County, South Dakota in Kingsbury County, South Dakota

Motion by Lee and seconded by Walls to accept and adopt Resolution 2022-23 and for Chairman Kazmerzak to sign the same. All present voting via roll call. Kazmerzak - aye, Lee - aye, Walls - aye, Lundquist - aye and Spilde - aye. Motion carried.

EMERGENCY MANAGEMENT

Cindy Bau, Emergency Manager, met with the Board to update them on Emergency Management matters. Bau provided pictures from the most reason exercise in Badger and the Emergency Management State conference.

Bau requested travel approval for herself and Brandon Duffy, Deputy Sheriff to travel to Sioux Falls for credential training on October 4, 2022.

Motion by Spilde and seconded by Lundquist to approve the request to travel to Sioux Falls for Bau and Duffy on October 4, 2022 for credential training. All present voting aye. Motion carried.

Bau requested to order 911 signs for Prairie View Heights Addition. Some of the streets do not have intersection signs. The cost per intersection would be approximately \$75.00 with a total cost of approximately \$375.00. The signs would provide emergency responders with a clearer location since 911 numbers are repeated on some of the streets.

Motion by Spilde and seconded by Walls for Bau to order the signs and have them placed. All present voting aye. Motion carried.

Bau requested to move into executive session for personnel.

Motion by Spilde and seconded by Lundquist to adjourn from regular session and move into Executive Session for personnel at 11:55 A.M. All present voting aye. Motion carried.

Motion by Lundquist and seconded by Spilde to adjourn from Executive Session. Chairman Kazmerzak declared the Board out at 1:45 P.M.

AUDITOR

Echo Steffensen, Auditor, presented the Intergovernmental Agreement for Creation of Victim Witness Coordinator for the Chairman's signature.

Motion by Lundquist and seconded by Spilde for Chairman Kazmerzak to sign same. All present voting aye. Motion carried.

Steffensen presented a Resolution to Continue Support for the First District Association of Local Governments for fiscal year 2023 for the Chairman's signature.

Motion by Spilde and seconded by Walls for Chairman Kazmerzak to sign same. All present voting aye. Motion carried.

Steffensen presented the Glacial Lakes and Prairies budget request for the Chairman's signature.

Motion by Lundquist and seconded by Spilde for Chairman Kazmerzak to sign same. All present voting aye. Motion carried.

Steffensen provided a survey on the Human Resource needs of the County from the department heads. No action was taken. The Board asked Steffensen to create a Request for Proposal for Human Resource Management consulting services to be published.

APPROVE CLAIMS

Motion by Spilde 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.

BADGER LEGION AUXILARY 700.00 FULL SCALE EXERCISE, CINDY BAU 101.99 TRAVEL, RONALD BLACHFORD 148.09 MAINTENANCE 4H BLDG, CENTURY BUSINESS PRODUCTS 18.22 SUPPLIES, CENTURYLINK 233.12 UTILITIES, CENTURYLINK 971.11 UTILITIES, CITY OF DESMET 136.46 UTILITIES, COOK'S WASTEPAPER & RECYCLING 53.63 UTILITIES, COOK'S WASTEPAPER & RECYCLING 509.37 MAINT/UTILITIES, KATHY DEDEYNE 57.12 TRAVEL, INFOTECH SOLUTIONS 2856.99 PROFESSIONAL SERVICES, KINGSBURY ELECTRIC COOP 340.00 UTILITIES, KINGSBURY JOURNAL 1631.06 PUBLISHINGS, MARSHALL & SWIFT 2274.10 PROFESSIONAL SERV, NDAA INSURANCE 2,745.00 INSURANCE, NORTHWESTERN ENERGY 55.33 UTILITIES, NORTHWESTERN ENERGY 15.36 UTILITIES, OTTERTAIL POWER COMPANY 210.77 UTILITIES, OTTERTAIL POWER COMPANY 2353.36 UTILITIES, RFD NEWS GROUP 1403.00 PUBLISHINGS, GARY W. SCHUMACHER 362.60 TRAVEL, SDACO 228.00 M&P, SD DEPT OF REVENUE 195,595.81 STATE REMITTANCE, SDN COMMUNICATIONS 917.00

PROFESSIONAL SERV, TWO WAY SOLUTIONS, INC. 5628.08 REPAIRS, VISA 494.49 SUPPLIES,

RETENTION BONUS

Motion by Lundquist and seconded by Spilde to pay the 3rd quarter 2023 Retention bonus on October 14, 2022. All present voting aye. Motion carried.

BUDGET

Motion by Spilde and seconded by Walls to approve and adopt the preliminary budget as the annual budget for Kingsbury County and to sign the Adopted Budget Levies Resolution. All present voting aye. Motion carried.

Resolution:

Appendix D4: Adopted Budget Levies & Resolution

ANNAL BUDGET FOR KINGSBURY COUNTY, SD
For the Year January 1, 2023 to December 31, 2023

Tax Levy in		
COUNTY TAX LEVIES	Dollars	\$/s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	2,421,936.61	1.634
Library		
LIMITED LEVY (10-12-21) - SUB TOTAL		
OUTSIDE LIMITED LEVY:	2,421,936.61	1.634
County Snow Removal Fund (34-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)		
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		

RESOLUTION

ADOPTION OF ANNUAL BUDGET FOR Kingsbury County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR Kingsbury County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of Kingsbury County, South Dakota, this 22nd day of September, 2023. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Kingsbury, County, South Dakota. The accompanying taxes are levied by Kingsbury County for the year January 1, 2023 through December 31, 2023.

UNLIMITED LEVY - SUB TOTAL	-	-
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	2,421,936.61	1.634
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)		
Fire Protection (34-31-3)		
Opt-Out	300,000.00	0.202
TOTAL TAXES LEVIED BY COUNTY	2,721,936.61	1.836

BOARD OF COUNTY COMMISSIONERS OF
 _____ County, South Dakota
 _____ Chairman
 _____ Commissioner
 _____ Commissioner
 _____ Commissioner
 _____ Commissioner
 _____ Commissioner
 ATTEST _____ County Auditor

* These Amounts include the 25% to be distributed to cities.

The Board adjourned to Tuesday, October 4, 2022, at 8:30 A.M.

SIGNED _____
 Doug Kazmerzak, Chairman

ATTEST _____
 Echo Steffensen, County Auditor

Published 1 week at the total approximate cost of _____.