

OFFICIAL PROCEEDINGS KINGSBURY COUNTY BOARD OF COUNTY COMMISSIONER

De Smet, South Dakota
December 3, 2024

The Kingsbury County Board of County Commissioners met Tuesday, December 3, 2024, at 8:30 AM in the Courtroom of the County Courthouse with Commissioners Kyle Lee, Roger Walls, Corey Lundquist, Steve Spilde, and Troy Nelson present. Chairman Lee presided.

Also in attendance was Gary Schumacher, States Attorney, Barbara Brosvik Paulson, States Attorney Paralegal, Joe Jensen, Planning and Zoning, Mia and Tyler Gehm.

Attending via Zoom were Michelle Longville - Treasurer, Echo Steffensen - Auditor, Abbi Steeke - 4-H Advisor, and Amy Halverson - Kingsbury Journal.

PLEDGE OF ALLEGIANCE

Those present stood and recited the Pledge of Allegiance

APPROVE AGENDA

Chairman Lee asked if there were any additions to the agenda.

Motion by Lundquist and seconded by Spilde to approve the agenda as stated. All present voting aye. Motion carried.

MINUTES

Motion by Spilde and seconded by Walls to approve the minutes of November 19, 2024. All present voting aye. Motion carried.

PUBLIC COMMENT

Chairman Lee asked for public comment.

Mia and Tyler Gehm addressed the Board with their concerns for the Carbon pipeline permits.

CONFLICT OF INTEREST

Chairman Lee asked the Board if there was any conflict of interest. There was none.

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.

ALEX ANDERSON 31.25 2024 GEN ELECTION, ANDERSON LUMBER, LLC 6.99 HWY SUPPLIES, APPEARA 70.33 HWY SUPPLIES, ARLINGTON CITY 100.00 BUILDING RENT-ELECTION, AT&T 100.01 HWY UTILITIES, BADGER OIL COMPANY 4478.55 HWY SUPPLIES/FUEL, TOWN OF BADGER 100.00 BUILDING RENT-2024 ELECTIONS, CINDY BAU 60.00 UTILITIES, BEADLE COUNTY SHERIFF 4465.00 PRISONER CARE, BOB BODE CONSTRUCTION 867.35 CULVERTS, BROOKINGS COUNTY SHERIFF'S OFF 2945.00 PRISONER CARE, BUTLER MACHINERY COMPANY 6791.74 HWY SUPPLIES/REPAIRS, CITY OF DESMET 159.60 SUPPLIES, COWBOY COUNTRY STORE-DESMET 67.70 SHERIFF FUEL, CR CORNER LLC 18.59 HWY SUPPLIES, CREATIVE PRINTING 1108.71 HWY SUPPLIES, DE SMET WELDING 1009.30 HWY REPAIRS, BRANDON DUFFY 260.00 PRO SERVICES, E. BROOKMYER, INC. 1350.00 GEN BLDG SUPPLIES, FIELDS FISH & GAME, LLC 2484.94 SHERIFF'S SUPPLIES, FREEDOM CUSTOMS 300.00 SHERIFF- REPAIRS, GALLS, LLC 506.73 SHERIFF - UNIFORMS, VIKKI HASCHE 24.12 ELECTION WORKER-MILEAGE, CARYN HOJER 80.40 TRAVEL -ROD, IROQUOIS FIRE & RESCUE DISTRICT 100.00 ELECTION-BUILDING RENT, JOE JENSEN 196.50 TRAVEL, KINGSBURY ELECTRIC COOP 230.00 REPAIRS-HWY, KINGSBURY JOURNAL 3413.18 PUBLISHINGS, DAVID LAGROUE 89.68 WITNESS FEES -STATES ATTY, LAKE PRESTON CITY 100.00 ELECTION-BUILDING RENT, LINDE GAS & EQUIPMENT INC 230.11 HWY SUPPLIES, LYLE SIGNS, LLC 535.00 HWY FUEL, MACHINERY TRADERS LLC 280.00 HWY- EQUIP RENTAL, MAYNARD'S FOOD CENTER 75.96 HWY SUPPLIES, RICHARD MCGUIRE 33.16 2024 GEN ELECTION, MCLEODS PRINTING & OFFICE SUPP 236.19 SHERIFF-SUPPLIES, MICHAEL JOHNSON CONSTRUCTION 3117.24 HW SUPPLIES, MICRO COMPUTER SYSTEMS 120.00 PRO SERV-ST ATTY, MINNEHAHA COUNTY AUDITOR 112.09 BMI, SHELLEY STRANDE 31.25 2024 GEN ELECTION, EASTLINE SUPPLY 793.98 HWY SUPPLIES, EASTLINE SUPPLY 22.45 SHERIFF- REPAIRS, NAPA CENTRALOF HURON 187.50 HWY SUPPLIES, NORTHWESTERN ENERGY 13.55 HWY UTILITIES, O'KEEFE IMPLEMENT 6578.12 HWY REPAIRS/SUPPLIES, OFFICE PEEPS INC 1326.57 OFFICE SUPPLIES, PALMLUND AUTOMOTIVE 1779.06 HWY REPAIRS, PALMLUND AUTOMOTIVE 639.78 DOE-VEHICLE REPAIRS, PHEASANTLAND INDUSTRIES 755.78 HWY SUPPLIES, MAGGIE PURINTUN 25.00 2024 GEN ELECTION, QUILL 4.94 OFFICE SUPPLIES, ROLLIE WALTER 400.00 HWY - MAINTENANCE, RUNNING SUPPLY INC. 29.98 HWY SUPPLIES, SANITATION PRODUCTS INC. 721.20 HWY REPAIRS, LA RER SCHAEFERS 296.90 JUDICIAL INTERPRETOR, SD DEPT OF TRANSPORTATION 347.52 PRO SERV-BRIDGE INSPECTIONS, SD SHERIFF'S ASSOCIATION 655.61 ANNUAL DUES-SHERIFF, SD ASSOC COUNTY HIGHWAY 350.00 DUES, STERN OIL COMPANY, INC. 22829.76 HWY FUEL, STEVE STRANDE 35.84 POSTAGE, TRAV'S OUTFITTER 139.98 SHERIFF-UNIFORMS, TRUSTWORTHY HARDWARE 89.94 HWY SUPPLIES, TRUSTWORTHY HARDWARE 24.43 SUPPLIES, ABI VAN REGENMORTER 31.25 2024 GEN ELECTION, VERIZON 214.60 UTILITIES, VISA 906.85 SUPPLIES/TRAV/REPAIRS/EQUIP, VOLAN OIL 1296.25 HWY SUPPLIES, DAVID WHEELER 437.33 CAA FEES, JOAN WOLLSCHLAGER 15.00 ELECTION

SCHOOL, WW TIRE 2991.86 HWY REPAIRS, ZEP SALES AND SERVICE 116.75 HWY
 SUPPLIES,
 END OF MONTH
 COURTHOUSE SALARIES \$105,629.33
 HIGHWAY SALARIES 46,999.78

PAYROLL DEDUCTIONS
 Wellmark Health Plan 39,984.83
 Three Fivers Benefits 6,928.86
 AFLAC 1,264.66
 AFLAC 337.18
 Reliance Life Insurance 187.04
 Reliance Matrix Dental 2,060.55
 Reliance Matrix Vision 284.00
 SD Retirement Supplement Pretax 612.00
 SD Retirement System 23,064.76
 SD Retirement Supplement 565.00
 AFSCME 279.12
 Kingsbury County 43,704.34

OFFICE REPORTS

The Register of Deeds, Sheriff's and Director of Equalization's Reports of Fees Collected during the month of November 2024 were reviewed by the Board. Motion by Lundquist and seconded by Nelson that the Auditor's report with the Treasurer as of the close of business November 30, 2024 be accepted as follows. All present voting aye. Motion carried.

Cash on Hand \$ 1,599.33
 Checks in Treas. Possession less than 3 days 20,057.09
 Credit Card 3,109.96
 Demand Deposits 150,465.28
 Savings Account 4,104,211.08
 Revolving Loan Fund 120,077.11
 Big Ditch MM 360,278.42
 Time Deposits 1,657,523.80
 TOTAL \$6,417,322.07

BREAKDOWN OF MONEY BY FUNDS

County General Fund \$3,568,807.34
 Special Revenue Funds (Road & Bridge, E911 Fund
 CH Bldg, Revolving Loan,
 Emergency Management,
 Domestic Abuse Funds
 24/7 & M&P Fund
 American Rescue, Rural
 Infrastructure) 2,093,247.10
 Drainage Ditch #4 164,561.69

Drainage Ditch Debt Service Cash	12,670.39
Amount held for School Dist.	282,627.36
Amount held for Townships	32,428.81
Amount held for Cities	41,722.46
Amount held for East Dakota Water Dist.	1,034.49
State Remittance	125,541.17
Amount held for others	94,681.26
TOTAL	\$6,417,322.07

HIGHWAY

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

Sorenson requested to move into an executive session for personnel.

Motion by Lundquist and seconded by Nelson to adjourn from regular session and move into executive session for personnel at 8:57 AM. All present voting aye. Motion carried.

Chairman Lee declared the Board back into regular session at 9:02 A.M.

Sorenson requested approval to carry vacation accrued from 2024 through to March 31, 2025. The board tabled the request for future discussion.

MAINTENANCE

Lonny Palmlund, Building and Grounds Superintendent, met with the Board to update them on current and upcoming building projects.

Palmlund requested to move into an executive session for personnel.

Motion by Lundquist and seconded by Nelson to adjourn from regular session and move into executive session for personnel at 9:15 A.M. All present voting aye. Motion carried.

Chairman Lee declared the Board back into regular session at 9:28 A.M.

KINGSBURY COUNTY LAW ENFORCEMENT ADVISORY BOARD

Gary Schumacher, State's Attorney, presented the 2025 Law Enforcement Service contracts with the cities of De Smet, Arlington, and Lake Preston, making the following recommendations:

The Kingsbury County Sheriff's office will provide 50 hours of service per week for the city of De Smet, 40 hours of service per week for the city of Arlington, and 15 hours of service per week for the city of Lake Preston, at a rate of \$32.00 per hour.

Motion by Lundquist, second by Nelson to approve the 2025 Law Enforcement Service Contracts as presented and for Chairman Lee to sign the same. All present voting aye. Motion carried.

BOARD OF ADJUSTMENT-AAMOT VARIANCE HEARING

Motion by Nelson and seconded by Lundquist to adjourn from regular session and move into Board of Adjustment at 9:46 A.M. All present voting aye. Motion carried.

Chairman Lee declared the Board out of Board of Adjustment and back into regular session at 10:04 A.M.

RIVERVIEW, LLP

Toby Morris, Colliers, Aaron Drenth, A-1 Development, Ty Eschenbaum, A-1 Development, and Brady Janzen, Riverview, LLP joined the meeting.

Toby Morris presented information concerning the TIF for Riverview LLP. Morris presented a preliminary discussion on the projected costs and payment terms, and calendar for the project. A request was made to be added to one of the January meetings, time and date to be determined. No action was taken.

COMMISSIONER OPEN DISCUSSION

Commissioner Lee requested travel for the CAFO training to be held in Huron, SD on December 4, 2024. Those attending will be Commissioner Lee, Commissioner Walls, and Joe Jensen. Motion by Lundquist seconded by Nelson to approve the travel and payment of \$50.00 registration fee each. All present voting aye. Motion carried.

AUDITOR

Rhonda Siefker, Deputy Auditor presented the Board with the 2025 4-H Memorandum of Understanding Addendum with SDSU for approval and to be signed by the chairman.

Motion was made by Walls, seconded by Spilde to approve the 2025 4-H Memorandum of Understanding addendum with SDSU as presented and for the chairman to sign the same. All present voting aye. Motion carried.

Siefker requested approval of budgeted cash transfers for the Highway Fund of \$372,050.00 and \$58,729.00 from General Fund to Emergency Management Fund to cover necessary expenses.

Motion by Lundquist, second by Spilde, to approve a budgeted cash transfer of \$372,050.00 from General Fund to Highway Fund to cover necessary expenses. All present voting aye. Motion carried.

Motion by Walls, second by Nelson, to approve a budgeted cash transfer of \$58,729.00 from General Fund to Emergency Management Fund to cover necessary expenses. All present voting aye. Motion carried.

The 2025 Community Health Contract was tabled to allow the State's Attorney time for review.

EXECUTIVE SESSION

Chairman Lee, requested to move into an executive session for personnel and contract negotiations.

Motion by Lundquist and seconded by Nelson to adjourn from regular session and move into executive session for personnel and contract negotiations at 10:50 AM. All present voting aye. Motion carried.

Chairman Lee declared the Board back into regular session at 10:56 A.M.

STATE'S ATTORNEY

Schumacher presented a Burn Ban Ordinance for the board's consideration and requested Rhonda Siefker, Deputy Auditor, to read the proposed ordinance.

ORDINANCE 72

Siefker read proposed Ordinance 72 -first reading.

Ordinance 72 (Proposed)

An Ordinance Authorizing the Kingsbury County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning Within the County

WHEREAS, pursuant to South Dakota Codified Law §7-8-20(18) the Kingsbury County Board of Commissioners authorizes the Kingsbury County Office of Emergency Management and the Chairman of the Kingsbury County Board of Commissioners to enact the Declaration of a Fire Danger Emergency and to prohibit open burning within the County or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect public health and safety; and

BE IT ORDAINED BY KINGSBURY COUNTY, that if a "Fire Danger Emergency" be declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Kingsbury County until such time as the resolution declaring the "Fire Danger Emergency" shall have been rescinded by appropriate action of the Kingsbury County Board Commissioners; and

BE IT FURTHERORDAINED BY KINGSBURY COUNTY, that any person who shall create, commit, maintain, or permit to be created, committed or maintained an open burning in violation of a resolution declaring a "Fire Danger Emergency" shall be deemed to have committed a public nuisance in violation and subject to all criminal and civil penalties provided for therein. Any person who maintains, commits, or fails to abate a public nuisance as required under the provisions of this ordinance shall be subject to a maximum penalty of thirty (30) days in jail, a Five Hundred Dollar (\$500.00) fine, or both. Each day that the violation continues may constitute a separate offense.

Section 1. Definitions:

- A. Open Burning: Any outdoor fire, including but not limited to the prescribed burning of fence rows, fields, wildlands, trash, and debris, the intentional burning of any substance whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or escape of any sparks, flames, or hot ashes from the container. This also excludes fires that are contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds.
- B. Open Fire: Any outdoor fire, including a campfire, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directed to the open atmosphere without passing through a stack, duct, or chimney with spark arresters. Open fire shall not include charcoal grilles, liquid fuel grills, outdoor fireplaces, or burn barrels, as defined herein.
- C. Charcoal Grill: A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.
- D. Liquid Fuel Grill: A metal or stone device designed to cook food using liquefied or gaseous combustible fuel.

- E. Burn Barrel: A metal container used to hold combustible or flammable waste materials so that they can be ignited for the purpose of disposal. Burn barrels must have a metal grate; metal grate opening shall be no larger than a quarter square inch (1/4") covering at any time when in use. Burn barrels must be located in a safety zone, away from any or all combustible materials, of a fifteen-foot (15') radius of the burn barrel.
- F. Outdoor Fireplace: A manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three feet (3'), including a screen (screen opening shall be no larger than a quarter square inch (1/4")), chimney or other device placed above the fuel area, fueled by cut or split wood, located not closer than fifteen feet (15') to any combustible surface and continually attended.
- G. Campground: Any permitted commercial campground operated by private individuals or corporations, State of South Dakota, Kingsbury County, or the United State National Park Service.

The second reading of Ordinance 72 will be read on December 17, 2024.

Schumacher, State's Attorney, presented the Jail Contract Agreement with Lake County on behalf of Sheriff Strande. There were no changes noted from the 2024 contract.

Motion by Lundquist, seconded by Nelson to approve the contract and for the chairman to sign said contract. All present voting aye. Motion carried.

EXECUTIVE SESSION

Chairman Lee called for a motion to move into executive session for legal matters.

Motion by Lundquist and seconded by Nelson to adjourn from regular session and move into executive session for legal matters at 11:35 AM. All present voting aye. Motion carried.

Chairman Lee declared the Board back into regular session at 12:01 P.M.

Jerri Anderson and Paul Tschetter of Boyer Law Firm joined the meeting.

BOARD OF ADJUSTMENTS

Motion by Walls and seconded by Nelson to adjourn from regular session and move into Board of Adjustment at 12:02 P.M. All present voting aye. Motion carried.

Chairman Lee declared the Board out of Board of Adjustment and back into regular session at 12:05 P.M.

PLANNING AND ZONING

Motion by Lundquist and seconded by Nelson to adjourn from regular session and move into Planning & Zoning at 12:08 P.M. All present voting aye. Motion carried.

Chairman Lee declared the Board out of Planning & Zoning and back into regular session at 12:27 P.M.

RESOLUTION 2024-25 and 2024-26

Siefker read the following resolution for the Plat of Manchester Substation Addition forwarded to the Board by the Planning and Zoning Commission:

RESOLUTION # 2024-25

WHEREAS, The Kingsbury County Planning & Zoning Board met to review the Plat of Manchester Substation Addition in the NE $\frac{1}{4}$ of Section 30, Township 110, Range 57 West of the 5th P.M., Kingsbury County, South Dakota December 3, 2024; 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 Manchester Substation Addition in the NE $\frac{1}{4}$ of Section 30, Township 110, Range 57 West of the 5th P.M., Kingsbury County, South Dakota

Motion by Spilde and seconded by Nelson to accept and adopt Resolution 2024-25 and for Chairman Lee to sign the same.

All present voting via roll call. Lee - aye, Nelson - aye, Spilde - aye, Walls - aye and Lundquist - aye. Motion carried.

Siefker read the following resolution for the Plat of St Paul's Catholic Cemetery forwarded to the Board by the Planning and Zoning Commission:

RESOLUTION # 2024-26

WHEREAS, The Kingsbury County Planning & Zoning Board met to review the Plat of St.Pauls's Catholic Cemetery NE $\frac{1}{4}$ of Section 6, Township 110

North, Range 58 West of the 5th P.M., Kingsbury County, South Dakota
December 3, 2024; 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 St.Pauls's Catholic Cemetery NE ¼ of Section 6, Township 110 North, Range 58 West of the 5th P.M., Kingsbury County.

Motion by Walls and seconded by Spilde to accept and adopt Resolution 2024-25 and for Chairman Lee to sign the same.

All present voting via roll call. Lee - aye, Nelson - aye, Spilde - aye, Walls - aye and Lundquist - aye. Motion carried.

HUMAN RESOURCES

Natalie Remund, HR Consultant, requested a motion to approve the 2025 AFSCME Union Contract for the Kingsbury County Highway Department as presented.

Motion by Lundquist, seconded by Nelson to approve the 2025 AFSCME Union Contract with the Kingsbury County Highway Department as presented. All present voting aye. Motion carried.

Remund requested to move into executive session for personnel and contract negotiations.

Motion by Nelson and seconded by Lundquist to adjourn from regular session and move into executive session for personnel at 12:49 P.M. All present voting aye. Motion carried.

Chairman Lee declared the Board back into regular session at 2:23 P.M.

The Board adjourned to Tuesday, December 17, 2024, at 8:30 A.M.

SIGNED _____

Kyle Lee, Chairman

ATTEST _____

Rhonda Siefker, Deputy Auditor

Published 1 week at the total approximate cost of _____.