

October 6, 2020  
Unapproved Minutes  
Union County Commissioners

The Union County Board of Commissioners met in regular session on October 6, 2020 at the Courthouse in Elk Point, SD at 8:30 a.m.

Members present were Dailey, Joffer, Headid, Kimmel and Ustad.

Motion by Dailey, second by Headid to approve the agenda. Carried.

Motion by Joffer, second by Kimmel to approve the minutes from the September 22, 2020. Carried.

Bank Balance

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER  
September 30, 2020

Total amount of deposits in bank	\$1,795,129.16
Total amount of actual cash	\$4,921.54
Total amount of checks and drafts in Treasurer's possession not exceeding three days	\$121,720.70
Investments	\$8,565,453.00
Cash Variance	\$87.30
Credit card outstanding	\$13,902.37
Total	\$10,501,214.07

\*Note: These figures include all funds administered by the county including city, schools & township revenue and other pass through accounts.

July Reports

Register of Deeds' reported \$14,389.00 in transfer tax and \$19,492.00 in fees.

Sheriff's Office reported Federal Prisoner, out-of-county & INS \$3,705.00 room & board fees.

Nurse- \$0.00.

Abatement 2020-005

Motion by Kimmel, second by Headid to approve abatement Abatement-2020-005 NSC Housing. Should have been exempt. NSC \$203.61, DV School \$1,341.49, County \$303.81, DV Emergency Service \$66.19. Carried.

Abatement 2020-006

Motion by Dailey, second by Joffer to approve abatement Abatement-2020-006 Eric and Robin Lockhorst. Should have been AG not small acreage. Big Spring Twp \$141.25, Beresford School \$5,113.33, Union County \$331.31, Rural Fire \$12.08. Carried.

Personnel

Motion by Kimmel, second by Joffer to approve Collin Elkins to F-T jailer 10-8-2020. Carried.

Resignation

Motion by Dailey, second by Headid to approve the following resignation: Anthony Von Haden 10-8-2020 and Hunter Jones 9-29-2020. Carried

New Hire

Motion by Headid, second by Kimmel to approve the following: Alison Spindler Blood Draw Nurse \$80.00 per draw 9-25-2020. Carried.

Courts

Judge Burns and Clerk of Courts Larsen met with the board on office space.

Recess

Chairman declared a recess from 8:55 to 9:00.

## Department Head Report

Building Supt. Sexton and Planning & Zoning Director Henze presented their monthly report.

## Claims

Motion by Headid, second by Kimmel to approve claims. Carried. The Following Claims Have Been Audited, Approved, and Warrants Drawn on the Same: BW Payroll 10-6-2020: \$77,541.89; Treasurer \$1,220.56; State's Attorney \$1,050.45; Care of the Poor \$270.15; Register of Deeds \$972.63; Sheriff \$16,752.18; Jail \$19,225.82; Communications \$11,944.94; Nurse \$239.98; WIC \$405.48; Highway \$25,459.70; Ad Ventures, LLC. (Construction) \$2,502.50; Arctic Ice (Supp) \$15.00; Avery Brothers Sign Company (Frames And Prints) \$882.00; Beresford Municipal (Util) \$268.80; Best Western Of Huron (Travel) \$700.00; Bierschbach Equipment (Clothing Allowance) \$71.00; Bomgaars (Supp) \$43.98; Brian's Repair Inc. (Maint) \$1,967.49; Brownells, Inc. (Supp) \$12.80; CDW Government (Supp) \$225.65; Century Link (Util) \$150.34; City of Alcester (Supp) \$381.92; Concrete Materials (Construction Supplies) \$10,137.05; Counsel (Maint) \$432.77; Dakota Dunes North Sioux (Pub) \$202.45; Dan Fullenkamp (Mileage) \$1.68; Dave Reiff (Mileage) \$28.56; Dean Schaefer (Transcripts) \$336.00; Department of Health (State Labs) \$200.00; Dept of Legislative Audit (Audit) \$13,699.30; Duane Diez (Mileage) \$30.24; Eakes Office Solutions (Supp) \$21.12; Election Systems & Software (Ballots) \$4,395.04; Elk Point Ace Hardware (Supp) \$256.87; Frieberg, Nelson, & Ask L. (Pub Def) \$5,332.81; Heartland Association (Supp) \$105.00; Honeywell International Inc. (Maint) \$8,322.57; Hydro Klean (Construction) \$11,000.00; Intab (Seals) \$141.08; JCL - Sioux Falls Branch (Supp) \$333.95; Jeff's Lawn Care Inc. (Services) \$343.40; Jeffrey T Myers (Pub Def) \$5,332.81; Jensen Insurance Agency (Insurance) \$968.00; Jim Hawk Truck Trailers (Supp) \$205.53; Katie Johnson PLLC (Pub Def) \$5,332.80; Leader Courier (Pub) \$208.95; Leslie Reifke (Mileage) \$31.92; Loffler Companies (Maintenance Agreement) \$157.90; Loffler Companies, Inc. (Supp) \$84.18; Loiseau Construction Inc. (Construction) \$30,366.66; Mary Anne Meyer Csr Rdr (Transcripts) \$516.80; Microfilm Imaging System, (Maint) \$60.00; Mid Country Machinery, Inc. (Supp) \$32.10; MidAmerican Energy Co (Util) \$209.65; Midwest Wheel Companies (Supp) \$109.86; Myrl & Roys Paving (Construction Supplies) \$118,909.20; NCS, Inc. (Collections) \$7.50; Ollies Drive Inn (Meals) \$8,397.48; Olson's Pest Technicians (Pest Control) \$75.00; One Office Solution (Chair) \$657.66; Otis Elevator Company (Elevator) \$32,081.69; Premier Communications (Util) \$266.86; Quill Corporation (Supp) \$271.36; Riverside Technologies Inc. (Supp ) \$6,074.94; Robert James (Mileage) \$43.68; Running Supply Inc. (Supp) \$38.41; Runnings (Supp) \$9.99; Sanford Health (Dr) \$67.66; Sanford USD Medical Center (Dr) \$236.47; SD Dept Transportation (Pro Rata Share) \$25,523.60; SDACC (SDACC) \$7,278.00; Southeast Farmers Coop (Supp) \$6,745.50; Star Publishing (Pub) \$1,119.45; The Home Depot Pro (Supp) \$162.96; Tracy Breske (Supp) \$39.39; Tracy Lea Smith (Supp) \$50.00; Triview Communications, Inc. (Maint) \$50.00; Union County (Fuel) \$1,510.13; US Post Office (Postage Due) \$135.95; Vast Broadband (Util) \$725.27; Yankton Co Courthouse (Transcripts) \$17.00

## Highway

Hwy. Supt. Buum met with the board to discuss various matters.

## Voya

Discussion

## Recess

Chairman declared a recess from 9:47 to 10:00.

## Hearing on Independence Waste

State's Attorney Miller, Planning and Zoning Director Henze, Joe Arends, Kay Kramer and Aaron Kueck were all present for hearing.

Motion by Joffer, second by Headid to approve the following Resolution UCC-2020-005 with the change of the 30 days to 60 days. Carried.

**UNION COUNTY BOARD OF COMMISSIONERS  
RESOLUTION #UCC-2020-005**

Union County Ordinance UCC 2003-02, an ordinance that provides for the declaration and abatement of nuisances, provides in Section 4 of that ordinance:

1. Whenever the Union County Land Use Administrator, or his or her authorized designee, shall determine that a public nuisance exists, the Administrator shall report such violation to the Union County Board of Commissioners
2. The Union County Board of Commissioners shall determine if a nuisance does exist. If, in the opinion of the Board of Commissioners a nuisance does exist, that individual responsible for the nuisance shall be notified of such violation by registered mail, return receipt requested. In the notice the Commissioners shall set a public hearing within thirty (30) days of mailing the notice of violation.
3. After the hearing, if the Union County Board of Commissioners determines that a nuisance does exist, they may order the nuisance to be removed within thirty (30) days from the date of hearing.
4. After the thirty (30) days, if the nuisance has not been removed, the Union County Board of Commissioners may order the nuisance to be removed at the owner's expense. Such expense shall be added to the property tax of the property creating the nuisance.

WHEREAS, Union County Planning Director Dennis Henze submitted a report to the Union County Commissioners of a public nuisance on the property of Peter and Kay Kramer, legally described as: Lot 102 SW1/4 Less 102-A and 102-B, Lots 101A SW1/4 less Lot 101-D and 101-E, and Lot 101-D of Lot 101-A in SW1/4, all in 29-91-49, alleging an accumulation of garbage, refuse, waste, trash, and rubbish.

AND WHEREAS, on May 20, 2019, Dennis Henze attempted to notify Peter and Kay Kramer via registered mail, return receipt requested, that a hearing on the nuisance was scheduled in front of the Union County Commissioners on June 4, 2019,

AND WHEREAS, on June 18, 2019, Dennis Henze attempted to notify Peter and Kay Kramer via registered mail, return receipt requested, that a hearing on the nuisance was scheduled in front of the Union County Commissioners on June 19, 2019,

AND WHEREAS, on June 18, 2019, Dennis Henze attempted to notify Peter and Kay Kramer via registered mail, return receipt requested, that a hearing on the nuisance was scheduled in front of the Union County Commissioners on June 26, 2019,

AND WHEREAS, all of these letters were returned unopened and uncollected.

AND WHEREAS, on June 26, 2019 the Union County Commissioners held a hearing on the nuisance and declared that a nuisance existed on the property.

NOW THEREFORE BE IT RESOLVED that Union County declares that a nuisance consisting of an accumulation of garbage, refuse, waste, trash, and rubbish on property legally described as: Lot 102 SW1/4 Less 102-A and 102-B, Lots 101A SW1/4 less Lot 101-D and 101-E, and Lot 101-D of Lot 101-A in SW1/4, all in 29-91-49. The County shall allow Peter and Kay Kramer an additional thirty days to remove the nuisance. If, at the end of thirty days, the nuisance is not removed, the county is now authorizing and ordering the nuisance to be removed at the expense of Peter and Kay Kramer. Any expense incurred by the county to remove the nuisance shall be added to the property tax of the property legally described as: Lot 102 SW1/4 Less 102-A and 102-B, Lots 101A SW1/4 less Lot 101-D and 101-E, and Lot 101-D of Lot 101-A in SW1/4, all in 29-91-49.

Executive Session

Motion by Headid, second by Joffer to move into executive at 10:30 a.m. to discuss legal matters per SDCL 1-25-2. Carried. Chairman declared the board out of executive session at 10:47 a.m.

Architecture Inc.

Steve and Andrew presented the board with plan for the expansion of the courthouse. Discussion took place.

Recess

Chairman declared a recess from 11:47 to 11:50.

Rezoning Ordinance

Motion by Headid, second by Dailey to approve the following Ordinance UCC-2020-001. Commercial to Residential Zoning. Carried.

NOTICE OF ADOPTION  
ORDINANCE NO. UCC 2020-001

AN ORDINANCE TO AMEND THE 2008 REVISED ZONING REGULATIONS FOR UNION COUNTY, SOUTH DAKOTA, TO REZONE CERTAIN PROPERTY FROM COMMERCIAL (C) TO RESIDENTIAL (R).

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, UNION COUNTY, SOUTH DAKOTA:

Section 1. That the 2008 Revised Zoning Regulations for Union County, South Dakota, be and the same is hereby amended to rezone the following Property from Commercial (C) to Residential (R) to wit:

Part of SE1/4 of NW1/4 and part of E1/2 SW1/4 in section 22, T89, R48, Union County, South Dakota.

Section 2. The Planning Director is hereby authorized to enter such change Upon the official zoning map upon adoption of this amendment.

Adjournment

Motion by Kimmel, second by Headid to adjourn at 12:02 pm until October 20, 2020. Carried.

ATTEST: \_\_\_\_\_  
Jackie Sieverding, Auditor  
Union County

\_\_\_\_\_  
Milton Ustad, Chairman  
Union County Board of Commissioners

Published once at the total approximate cost of\_\_\_\_\_.