

December 14, 2021
Unapproved Minutes
Union County Commissioners

The Union County Board of Commissioners met in regular session December 14, 2021 at the Courthouse in Elk Point, SD at 8:30 a.m.

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

Motion by Headid, second by Dailey to approve the agenda with addition of Fair Grounds. Carried.

Motion by Joffer, second by Kimmel to approve the minutes from November 30, 2021. Carried.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER
November 30, 2021

Total amount of deposits in bank	\$5,486,922.75
Total amount of actual cash	\$2,505.43
Total amount of checks and drafts in Treasurer's possession not exceeding three days	\$33,104.97
Investments	\$10,042,672.52
Cash Variance	\$55.32
Credit card outstanding	\$11,187.85
Total	\$15,576,448.84

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

September Monthly Reports

Sheriff Office Federal Prisoner & INS room & board fees- \$25,039.10
Register of Deeds' reported \$12,602.50 in transfer tax and \$13,138.00 in fees.
Clerk of Courts- \$40,804.04. (Oct)
VSO-19 Contacts (Oct), 50 (Nov).
Nurse-Donation \$100.00 (Sept)

Claims

Motion by Headid, second by Kimmel to approve claims. Carried. The Following Claims Have Been Audited, Approved, and Warrants Drawn on the Same: Longevity: 12/14/2021: \$32,525.00: Auditor \$2,100.00; Treasurer \$2,750.00; State's Attorney \$2,100.00; Public Building \$1,700.00; Assessor \$2,550.00; Register of Deeds \$1,400.00; Sheriff \$4,750.00; Jail \$350.00; Nurse \$625.00; P&Z \$1,500.00; Highway \$11,100.00; Communications \$1,600.00. BW Payroll: 12/17/2021: \$72,311.56: Treasurer \$822.69; State's Attorney \$1,468.45; Care of the Poor \$276.15; Register of Deeds \$802.95; Sheriff \$15,042.16; Jail \$17,198.32; Communications \$12,008.41; Nurse \$245.78; WIC \$415.28; Highway \$24,031.37. Alcester Ambulance (Allotment) \$5,000.00; Alcester Fire Dept. (Allotment) \$9,324.51; Alcohol Monitoring Systems (Supp) \$160.00; Alliance Communication (Util) \$235.90; Alternative HRD (Services) \$1,214.70; Amazon Capital Services (Supp) \$43.90; Avera Sacred Heart Hospital (MI) \$600.00; Beresford Ambulance (Allotment) \$5,000.00; Beresford Fire Dept. (Allotment) \$9,324.51; Beresford Municipal Telephone (Util) \$268.80; Blackstrap, Inc. (Supp) \$1,713.68; Bob Barker Company (Supp) \$127.59; Butler Machinery (Supp) \$438.80; Cass Pierce (Trapping) \$175.00; Century Link (Util) \$5.96; Charm-Tex (Supp) \$298.50; Chesterman (Supp) \$205.75; Childrens Inn (Allotment) \$857.50; City of Alcester (Util) \$65.01; Clay Rural Water System (Util) \$38.00; Clay-Union Electric Corp (Util) \$91.65; Counsel (Maint) \$2.52; Dean Schaefer (Maint) \$270.00; Department of Health (State Labs) \$1,895.00; Diesel Specialties (Supp) \$443.34; Elk Point Ace Hardware (Supp) \$77.97; Elk Point Ambulance (Allotment) \$5,000.00; Equipment Blades (Supp) \$1,418.38; Filter Care (Supp) \$193.30; Frieberg, Nelson, & Ask L. (Pub Def) \$2,968.37; Gary's Tree Service Inc. (Services) \$350.00; Greenway & Associates, Ltd (Supp) \$5,000.00; I-State Truck Center (Supp) \$540.83; Interstate Power Systems, (Maint) \$762.55; Intoximeters (Supp) \$2,275.00; Jack's Uniform & Equip (Supp) \$1,584.20; Jackie Sieverding (Phone) \$250.00; JCL (Supp) \$628.36; Jeff's Lawn Care Inc. (Services) \$605.00; Jefferson Ambulance (Allotment) \$5,000.00; Jefferson Fire Dept. (Allotment) \$9,324.51; Jeffrey T Myers (Pub Def) \$5,412.80; Jerry's Chevrolet (Supp) \$74.96; Johnson Engineering (Services) \$20,650.23; Jones Food Center (Supp) \$10.26; Katie Johnson PLLC (Pub Def) \$5,412.80; Klass Law Firm (Services) \$795.60; Knife River (Supp) \$1,396.50; Language Line Services (Supp) \$27.30; Law Enforcement Systems In (Supp) \$268.00; Lewis Family Drug (Dr) \$291.49; McLeods (Supp)

\$607.33; Microfilm Imaging System (Maint) \$105.00; Mid-American Research Chem (Supp) \$147.14; Mills & Miller, Inc. (Supp) \$1,858.10; Muller Auto Parts (Supp) \$148.88; NCS, Inc. (Collections) \$30.00; Northern Escrow (2019 Infrastructure) \$96,977.70; O'Reilly (Supp) \$241.83; Ollies Drive Inn (Meals) \$12,171.75; Olson's Pest Technicians (Supp) \$695.00; One Office Solution (Copier) \$728.30; Pedersen Machine (Maint) \$36.15; Pharm Chem Inc. (Supp) \$251.60; Powerphone Inc. (Maint) \$3,735.00; Premier Communications (Util) \$266.86; Riverside Technologies Inc. (Maint) \$10,979.75; Running Supply Inc. (Supp) \$1,004.59; Safe Options Services (Allotment) \$857.50; Sanford Health (Dr) \$301.56; Scott Sexton (Phone) \$361.32; SD Association of Weed and (Membership) \$50.00; SDSA (Dues) \$931.97; SDASS (Dues) \$1,094.00; Sioux Laundry (Laundry) \$937.95; Southeast Farmers Coop (Supp) \$540.07; State of South Dakota (Util) \$146.26; Stokes And Associates (Out Of Contract) \$2,340.00; Sturdevant's Auto Parts (Supp) \$53.20; The Home Depot Pro (Supp) \$1,049.75; The Pennington County Jail (Transport) \$138.41; Thomson Reuters (Supp) \$885.66; Two Way Solutions (Maint) \$3,830.27; Ulteig Engineers (Culvert Replacement) \$28,785.21; Union County (Checks) \$64.22; Union County Conservation (Allotment) \$8,750.00; Union County Electric (Util) \$274.00; Vast Broadband (Util) \$1,186.72; Verizon (Maint) \$113.33; Verizon (Supp) \$745.30; Verizon Wireless (Util) \$210.87; Wrenn's Plumbing & Heating (Maint) \$733.12.

2022 Elected Officials Salaries

Motion by Headid, second by Kimmel to move forward with elected officials raise as set in the 2022 budget with Treasurer Hertel receiving \$1,500.00 more. 4 years 1 nay (Joffer).
Carried.

2022 Employees' Salaries

Motion by Joffer, second by Headid to move forward with employees' wages as set in the 2022 budgets. Carried.

Recess

Chairman declared a recess from 8:55 a.m. to 9:04 a.m.

Department Head Report

Building Supt. Sexton and VSO Tompkins presented their monthly reports.

Adult Detention Service

Motion by Headid, second by Joffer to authorize Chairman Ustad to sign the agreements with Lake, Clay, Lincoln, Moody and Turner. Carried.

Redistricting

Discussion took place.

Highway

Hwy Supt Buum met with board to discuss various matters.

Motion by Dailey, second by Joffer to approve the Right of Way Agreement with Mike and Joanne Rozell, temporary and permanent easements for the CR #9 culvert replacement project. Carried.

Motion by Dailey, second by Joffer to approve the Right of Way Agreement with Pat and Cheryl Walsh, temporary and permanent easements for the CR #9 culvert replacement project. Carried.

Motion by Headid, second by Joffer to approve the following Resolution # HD 2021-12. Carried.

HD2021-12

BRIDGE IMPROVEMENT GRANT PROGRAM

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Union County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-020-063, 5.3 miles South of Beresford over Creek, carries 472 Ave.

and WHEREAS, Union County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Union County agrees to pay the 30 % match on the Bridge Improvement Grant funds;

and WHEREAS, Union County hereby authorizes the Bridge

Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Joffer, second by Headid to approve the following Resolution # HD 2021-13.
Carried.

HD2021-13

BRIDGE IMPROVEMENT GRANT PROGRAM

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Union County wishes to submit an application(s)
for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-030-034, 1.0 mile East and 2.4 miles South of Beresford over Creek, carries 473 Ave.

and WHEREAS, Union County certifies that the project(s) are listed in
the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Union County agrees to pay the 30 % match on the
Bridge Improvement Grant funds;

and WHEREAS, Union County hereby authorizes the Bridge
Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Headid, second by Dailey to approve the following Resolution # HD 2021-14.
Carried.

HD2021-14

BRIDGE IMPROVEMENT GRANT PROGRAM

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Union County wishes to submit an application(s)
for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-034-090, 1.4 miles East and 8.0 miles South of Beresford over Creek, carries 306 St.

and WHEREAS, Union County certifies that the project(s) are listed in
the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Union County agrees to pay the 30 % match on the
Bridge Improvement Grant funds;

and WHEREAS, Union County hereby authorizes the Bridge
Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Joffer, second by Dailey to approve the following Resolution # HD 2021-15.
Carried.

HD2021-15

BRIDGE IMPROVEMENT GRANT PROGRAM

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Union County wishes to submit an application(s)
for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-040-144, 2.0 miles East and 13.4 miles South of Beresford over Creek, carries 474 Ave.

and WHEREAS, Union County certifies that the project(s) are listed in
the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Union County agrees to pay the 30 % match on the
Bridge Improvement Grant funds;

and WHEREAS, Union County hereby authorizes the Bridge
Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Headid, second by Dailey to approve the following Resolution # HD 2021-16. Carried.

HD2021-16
BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Union County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):
64-070-130, 2.0 miles West and 9.0 miles South of Alcester over Creek, carries 477 Ave.

and WHEREAS, Union County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Union County agrees to pay the 30 % match on the Bridge Improvement Grant funds;

and WHEREAS, Union County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Dailey, second by Headid to approve the following Resolution # HD 2021-17. Carried.

HD2021-17
BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Union County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):
64-084-030, 0.6 miles West and 1.0 mile North of Alcester over Creek, carries 300 St.

and WHEREAS, Union County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Union County agrees to pay the 30 % match on the Bridge Improvement Grant funds;

and WHEREAS, Union County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Joffer, second by Headid to approve the following Resolution # HD 2021-18. Carried.

HD2021-18
BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Union County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):
64-134-040, 3.4 miles East of Alcester over Creek, carries 301 St.

and WHEREAS, Union County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Union County agrees to pay the 30 % match on the Bridge Improvement Grant funds;

and WHEREAS, Union County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Kimmel, second by Dailey to approve the following Resolution # HD 2021-19. Carried.

HD2021-19
BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, _____ Union County _____ wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-140-003, 12.0 miles East and 0.3 miles South of Beresford over Creek, carries 484 Ave.

and WHEREAS, _____ Union County _____ certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, _____ Union County _____ agrees to pay the 30 % match on the Bridge Improvement Grant funds;

and WHEREAS, _____ Union County _____ hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Joffer, second by Headid to approve the following Resolution # HD 2021-20. Carried.

HD2021-20

BRIDGE IMPROVEMENT GRANT PROGRAM

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, _____ Union County _____ wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-088-090, 5.0 miles South and 0.2 miles West of Alcester over Creek, carries 306 St.

and WHEREAS, _____ Union County _____ certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, _____ Union County _____ agrees to pay the 30 % match on the Bridge Improvement Grant funds;

and WHEREAS, _____ Union County _____ hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Motion by Dailey, second by Headid to approve the following Resolution # HD 2021-21. Carried.

HD2021-21

BRIDGE IMPROVEMENT GRANT PROGRAM

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, _____ Union County _____ wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-060-137, 12.7 miles South and 4.0 miles East of Beresford over Creek, carries 476 Ave.

and WHEREAS, _____ Union County _____ certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, _____ Union County _____ agrees to pay the 30 % match on the Bridge Improvement Grant funds;

and WHEREAS, _____ Union County _____ hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Recess

Chairman declared a recess from 9:54 a.m. to 10:00 a.m.

Executive Session

Motion by Dailey, second by Kimmel to enter into executive session for legal matters per SDCL 1-25-2 at 10:00 a.m. Carried. Chairman declared the board out of executive session at 10:40 a.m.

Bids

Bids were opened for a 2004-BA30 Barracda 30” Pioneer Propane Floor Stripper. Motion by Headid, second by Dailey to accept the following bid from Richard Vondrak for \$500.00. Carried.

Recess

Chairman declared a recess from 10:41 a.m. to 10:45 a.m.

Executive Session

Motion by Headid, second by Dailey to enter into executive session for legal matters per SDCL 1-25-2 at 10:45 a.m. Carried. Chairman declared the board out of executive session at 11:40 a.m.

Recess

Chairman declared a recess from 11:40 a.m. to 11:43 a.m.

Executive Session

Motion by Headid, second by Dailey to enter into executive session for legal matters per SDCL 1-25-2 at 11:43 a.m. Carried. Chairman declared the board out of executive session at 12:51 p.m.

Recess

Chairman declared a recess for lunch at 12:51 p.m. to 1:47 p.m.

Fair Grounds

Discussion took place.

State’s Attorney

States Attorney Miller, Deputy State’s Attorney Bates and Deputy State’s Attorney Zenner met with board to discuss various matters.

RESOLUTION NO. UCC 2021-005

WHEREAS, Union County has previously passed an ordinance governing the issuance of Marijuana Licenses in Union County Ordinance UCC#2021-007; and

WHEREAS, UCC#2021-007 is scheduled to become effective on December 15, 2021; and

WHEREAS, UCC#2021-007 section 5.2.2 makes one (1) marijuana dispensary license available to allow the operation of a marijuana dispensary within the county’s jurisdiction; and

WHEREAS, UCC#2021-007 section 5.2.3 provides “the Commissioners shall consider all qualified applications in the order they were received, subject to any resolution establishing a different procedure”;

NOW THEREFORE BE IT RESOLVED that Union County shall adopt the following procedures for determining the winner of the one (1) available marijuana dispensary license:

- 1. After the County Auditor receives the first application for an available marijuana dispensary license and presents the application to the County Commissioners at the next County Commissioner meeting, the County Commissioners shall only consider applications submitted to the County Auditor before 5:00 pm twenty-seven (27) days after such meeting.**
- 2. The county shall only receive one application for each physical location within the county. Any additional applications for the same location shall be automatically denied.**
- 3. All remaining applications shall be placed into a lottery. The first application drawn will be considered the winner of the lottery. The Commissioners shall continue to draw applications out of the lottery to set a priority for alternatives in the event the South Dakota Department**

of Health does not approve the winner of the lottery.

- 4. If the winner of the lottery is not approved by the South Dakota Department of Health, each qualifying applicant will be directed to submit their application to the South Dakota Department of Health in the order that they were drawn from the lottery until one of the applicants has been approved or there are no further qualifying applicants.**
- 5. At the point the South Dakota Department of Health issues a license to one of the applicants, that application will be considered approved, and the County Commissioner shall decline the remaining applications.**

Adjournment

Motion by Kimmel, second by Dailey to adjourn at 2:25 p.m. until December 28, 2021 regular meeting. Carried.

ATTEST: _____
Jackie Sieverding, Auditor
Union County

Milton Ustad, Chairman
Union County Board of Commissioners