

July 12, 2022  
Unapproved Minutes  
Union County Commissioners

The Union County Board of Commissioners met in regular session July 12, 2022, at the Courthouse in Elk Point, SD at 8:30 a.m.

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

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

Motion by Joffer, second by Kimmel to approve the minutes from June 28, 2022.

Carried.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER  
June 30, 2022

Total amount of deposits in bank	\$8,683,207.33
Total amount of actual cash	\$3,044.26
Total amount of checks and drafts in Treasurer's possession not exceeding three days	\$34,611.20
Investments	\$9,295,524.50
Cash Variance	\$-34.53
Credit card outstanding	\$11,575.09
<b>Total</b>	<b>\$18,027,927.85</b>

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

February Monthly Reports

Sheriff Office Federal Prisoner & INS room & board fees- \$17,579.25.

Register of Deeds reported \$19,699.50 in transfer tax and \$12,165.00 in fees.

Veteran Service- 18 Contacts,

Claims

Motion by Kimmel, second by Joffer to approve claims. Carried.

The Following Claims Have Been Audited, Approved And Warrants Drawn On The Same:

BW Payroll: 7/12/2022: \$76,522.25 State's Attorney \$1,515.80; Care of Poor \$288.60; Register Of Deeds \$1,021.84; Sheriff \$15,114.71; Jail \$17,053.34; Communications \$12,347.48; Nurse \$249.40; WIC \$404.20; Weed \$3,575.60; Highway \$24,370.64; VSO \$590.64; Aaron J Bates (Travel) \$74.00; Alcohol Monitoring Systems (Supp) \$233.60; Allan Kollbaum (Tokens) \$100.00; Alliance Communication (Util) \$236.14; Alternative HRD (Services) \$2,360.62; Barkley Asphalt Paving Co (Supp) \$19,602.54; Beresford Municipal Tele (Util) \$272.06; Brandon Cooper (Travel) \$134.00; Butler Machinery Co. (Supp) \$854.39; Century Business Products (Maint) \$151.79; Century Link (Util) \$386.48; Century Link (Util) \$5.81; Chesterman Co. (Util) \$229.08; City of Alcester (Util) \$84.14; Continental Research Corp (Supp) \$531.40; Crystal Harkness (Travel) \$40.00; Dakota Dunes North Sioux (Pub) \$411.77; Dawn Steckelberg (Travel) \$134.00; Dean Schaefer (Mi) \$414.00; Eakes Office Solutions (Supp) \$137.48; Echo (Supp) \$1,787.66; Election Systems (Supp) \$3,265.02; Elk Point Ace Hardware (Supp) \$278.31; Filter Care (Supp) \$350.30; Frieberg, Nelson, & Ask L. (Out of Contract) \$206.40; Horizon Health Center Inc. (Dr) \$579.80; I-State Truck Center (Supp) \$649.76; Jack's Uniform (Supp) \$41.95; Jeffrey T Myers (Pub Def) \$6,111.00; Jerry Miller (Travel) \$74.00; Jim Hawk Truck Trailers (Supp) \$403.81; Johnson Feed Inc. (Repairs) \$27.82; Jones Food Center (Repairs) \$20.90; Kalins (Repairs) \$424.33; Kathy Zenner (Travel) \$74.00; Katie Johnson Pllc (Pub Def) \$6,111.00; Knife River - South Dakota (Supp) \$35,670.05; Knife River Midwest, L.L.C (1b Settlement) \$84,903.13; Kollman Appliance (Maint) \$238.56; Lambeth Law Office (Pub Def) \$6,111.00; Leader Courier (Pub) \$418.12; Loffler Companies, Inc. (Supp) \$277.06; Malloy Sioux Falls (#1) (Repairs) \$110.57; Michael Bucholz (Fuel) \$50.00; Michael Mcgill (Mi) \$490.70; Microfilm Imaging System, (Annual Service Agreement) \$1,259.00; Midway Service/Vollan Oil (Supp) \$39,576.68; Midwest Wheel Companies (Repairs) \$201.57; Msc Industrial Supply Co (Supp) \$194.24; Muller Auto Parts (Repairs) \$252.81; New Century Press (Pub) \$31.36; O'Reilly (Repairs) \$505.80; Ollies Drive Inn (Meals) \$13,956.25; Olson's Ace Hardware (Supp) \$179.98; Olson's Pest Technicians (Repairs) \$185.00; One Office Solution (Supp) \$704.98; Pete's Produce (Repairs) \$41.75; Pharm Chem Inc. (Supp) \$251.60; Premier Communications (Util) \$266.86; Quill Corporation (Supp) \$174.90; Ramkota Hotel - Pierre (Travel) \$154.00; Red Wing Shoe Store (Clothing Allow) \$200.00; Riverside Technologies Inc. (Services) \$3,089.40; Rubida Insurance (Notary) \$80.00; Running Supply Inc. (Repairs)

\$200.91; Samantha Langley (Travel) \$40.00; Schoeneman Bros (Repairs) \$185.88; Scott Sexton (Mileage) \$394.92; SD Dept Transportation (Repairs) \$12,019.48; SDACC(Clerp) \$1,019.00; Shawn Tabke (Mileage) \$44.94; Sherri Bousquet (Travel) \$523.34; Simpco (Dues) \$2,362.00; Sioux City Truck Sales (Repairs) \$236.55; Southeast Farmers Coop (Repairs) \$368.01; State of South Dakota (Util) \$189.68; The Home Depot Pro (Supp) \$479.40; Total Stop (Gas for Mower) \$50.18; Transunion (Supp) \$75.00; Two Way Solutions, Inc. (Supp) \$93.99; Ulteig Engineers, Inc. (Rural Access Infrastructure) \$7,896.44; Union Co. Fair (Cking Acct) \$3,000.00; Vast Broadband/Bluepeak (Util) \$1,212.08; Verizon (Fleet Cameras) \$745.30; Verizon Wireless (Util) \$210.72; Woodhouse (Maint) \$353.30.

New Hire

Motion by Joffer, second by Dailey to approve the following: Faith Orcutt P-T Jailer @\$16.62 starting 7-1-2022. Carried.

Cash Transfer

Motion by Kimmel, second by Dailey to approve the cash transfer from ARPA Fund of \$804,757,31 to General Fund. Carried.

Weed

Motion by Dailey, second by Joffer to approve the appointment of Benny Quam to the weed board. Carried.

Juvenile Detention Center

Motion by Kimmel, second by Joffer to authorize the Chairman Ustad and Auditor Sieverding to sign the Joint Powers Agreement for Juvenile Detention Services with Minnehaha County. Carried.

Surplus

Motion by Dailey, second by Kimmel to approve the April 2022 to June 2022 surplus property. Carried. List can be viewed in the Auditors Office

Budget

Discuss on 2023 budget.

Department Head Reports

Public Building Supt Sexton came in with his monthly updates.

Recess

Chairman declared a recess from 9:16 a.m. to 9:30 a.m.

Highway

Hwy Supt Buum met with board to discuss various matters.

Motion by Dailey, second by Joffer to hire Isak Edwards and P-T Seasonal @ \$16.62 starting July 18, 2022. Carried.

Motion by Joffer, second by Kimmel Resolution HD2022-07: Resolution Authorizing Submission of Applications BRIDGE IMPROVEMENT GRANT/ LOCAL FEDERAL BRIDGE PROGRAMS. HD2022-07

**BRIDGE IMPROVEMENT GRANT / LOCAL FEDERAL BRIDGE PROGRAMS  
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, Union County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

64-140-003, 0.3 miles South and 12.0 miles East of Beresford, SD  
64-060-137, 12.7 miles South and 4.0 miles East of Beresford, SD  
64-030-034, 1.0 miles East and 2.4 miles South of Beresford, SD  
64-070-130, 2.0 miles West & 9.0 miles South of Alcester, SD  
64-040-144, 13.4 miles South and 2.0 miles East of Beresford, SD  
64-034-090, 1.4 miles East & 8.0 miles South of Beresford, SD  
64-020-063, 5.3 miles South of Beresford, SD

and Union County certifies that the project(s) are listed in  
WHEREAS, \_\_\_\_\_

the county's Five-Year County Highway and Bridge Improvement Plan\*;  
and Union County agrees to pay the 20% match on the  
WHEREAS, \_\_\_\_\_  
Bridge Improvement Grant funds and/or 0.0% match on the Local Federal Bridge funds;  
and Union County hereby authorizes the Bridge  
WHEREAS, \_\_\_\_\_  
Improvement Grant and Local Federal Bridge 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 and/or Local Federal Bridge application(s).

Motion by Dailey, second by Kimmel Agreement for Voluntary Right of Way Donation: Gerald and Genee VanWyk Perpetual Easement SW ¼ of Sec. 20-T95N-R48W 0.02 acres, Temporary Easement SW ¼ of Sec 20-T95N-R48W 0.20.

Motion by Dailey, second by Joffer Agreement for Voluntary Right of Way Donation: Lucas Boyer Perpetual Easement NW ¼ & NE ¼ of Section 29-T95N-R48W 0.03 acres, Temporary Easement NW ¼ & NE ¼ of Section 29 T95N-R48W 0.21 acres, more or less.

#### Lewis & Clark BH

Dr. Tom Stange met with the board to request a 6% increase. Dr. Stange gave a report to the commissioners on the number that they were taking in.

#### States Attorney

States Attorney Miller met with the board on various matters.

#### Recess

Chairman declared a recess from 10:40 a.m. to 10:45 a.m.

#### Convention Center

Union County Commissioner held a public hearing for the second reading of ordinance # UCC 2022-002 Convention Center Facility On-Sale Liquor Licenses.

Motion by Dailey, second by Kimmel to approve the following Ordinance # UCC 2022-002. 4 aye 0 nay. Carried.

#### ORDINANCE NO. UCC-2022-002 Convention Center

AN ORDINANCE ENTITLED, UCC-2022-002 "An Ordinance providing for the process and requirements of an interested party to apply and compete for a Convention Center Facility On-Sale Liquor License in Union County as defined in said Ordinance."

Union County, as authorized by state statute (SDCL 35-4-11.1, 35-4-11.2), may issue up to two convention center facility on-sale liquor licenses. As the ownership of a liquor license has evolved into a valuable commodity, the Union County Commission has elected to institute a process whereby the taxpayers of the county shall receive the benefit of that value as a license fee. When a Convention Center Facility On-Sale Liquor License becomes available and when the County Commissioners shall, before the second of September in each calendar year, determine the number of Convention Facility On-Sale Licenses that the County is willing to authorize. If it is determined that such a license is available, the County Commissioners shall designate a special session whereby all interested parties will be allowed to submit a deposit and a business plan for the right to apply and bid for the license. The bids will be received in an open bid auction format conducted by the Chair of the Commission. The bid amount shall include the amount statutorily authorized as the fee amount the commission may impose. To qualify as a bidder, interested parties shall submit the following to the County Auditor:

1. Certified funds in the amount of \$5,000.00;
2. A letter of intent identifying the party bidding and an affidavit stating the owner(s) and/or management plan. The plan shall show that the applicant acknowledges and accepts the following:
  - a. An affidavit identifying the owner(s) and/or officers of a business or corporation applying for the Convention Center Facility On-Sale Liquor License.
  - b. An awareness of statutory obligations set forth in SDCL 35-2-2.1. and a statement that the statutory obligations shall be complied with.

- c. The affidavit shall list all persons having an interest in the Convention Facility On-Sale License and must include a statement of compliance with SDCL § 35-2-6.2;
  - d. An awareness and understanding of the obligations and risks stated by SDCL § 35-2-5.3.
  - e. An awareness and understanding that SDCL § 35-2-5.3 does not entitle the license holder to a refund of the license fee.
  - f. An awareness and understanding that an immediate and/or subsequent transfer request of a Convention Center Facility On-Sale Liquor License pursuant to SDCL § 35-2-5.2, is subject to independent reviews by the Board of County Commissioners and the Secretary of Revenue, and therefore is not guaranteed.
  - g. An understanding that a transfer of the Convention Center Facility On-Sale Liquor License is disfavored unless, the transfer: 1) is part of the sale of the ownership of both the location and the license; and/or 2) is part of a transfer from an original location to another location under the same ownership.
  - h. An awareness and understanding that the owner(s) or business that receives the license shall be subject to a public hearing pursuant to SDCL § 35-2-5.
  - i. An awareness and understanding that this application process shall be complete upon a majority vote of the County Commissioners in open session following the discussion at the public hearing on this matter.
  - j. An awareness and understanding of SDCL § 35-2-5.1 will preclude a denied applicant (person's / business / corporations with interest identified in the original application) from participating for a license for one year.
  - k. A business plan listing:
    - i. Location of establishment;
    - ii. Statement of zoning compliance;
    - iii. Statement of compliance with an applicable covenant;
    - iv. Square footage / planned square footage;
    - v. Cursory or primary activities associated with planned establishment;
    - vi. Statement that hotel-motel convention facility does have at least forty rooms that are suitable lodging accommodations (See SDCL35-4-11.2); and
    - vii. Statement that the convention facilities include seating for at least one hundred fifty persons (See SDCL35-4-11.2).
  - l. A completed Uniform Alcoholic Beverage License Application.
  - m. All required elements and funds must be submitted to the County Auditor at least five (5) days prior to the date of the auction.
3. Business plans are subject to review by the commissioners and may disapprove an application and/or reject a transfer pursuant to SDCL § 35-2-1.2.
  4. Unsuccessful bidders shall receive their deposited funds upon closing of the sale.
  5. Upon completion of the bid process, confirmation of the successful bid shall be placed on the agenda pursuant to SDCL § 35-2-4.
  6. The successful bidder shall then submit certified funds for the (license fee) purchase amount on the date of the auction to the County Auditor.
  7. In order to preserve the process, but not to exercise favoritism, the County Commission reserves the right to reject any and all bids upon finding that the bidder intends to subvert the process, and/or hamper the Commission's efforts to maximize the benefits to the taxpayers.
  8. The County reserves the right to rescind, amend or otherwise change this process at any time. Any such change would apply to any license holder following the modification of either this ordinance or any change in the State statute involving the a license holder's obligations.
  9. Modification and/or clarifications as to this ordinance may be completed through the process of a resolution. Such modification and/or clarifications shall be made in open session of a County Commission meeting in the form of a resolution.
  10. Failure of the successful bidder to consummate the purchase of the Convention Center Facility On-Sale Liquor License fee shall forfeit their deposit.
  11. Bids under \$25,000 shall automatically be rejected.
  12. SEVERABILITY AND SAVING CLAUSE: If any provision of this ordinance shall be held invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this saving purpose the provision of this ordinance is hereby declared to be severable.

Executive Session

Motion by Dailey, second by Kimmel to enter into executive session for legal matters per SDCL 1-25-2 at 10:51 p.m. Carried. Chairman declared the board out of executive session at 11:25 a.m.

Adjournment

Motion by Kimmel, second by Joffer to adjourn at 12:33 p.m. until the July 26, 2022, at 8:30 a.m. Carried.

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

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

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