

July 25, 2023  
Unapproved Union  
County Commissioners

The Union County Board of Commissioners met in regular session July 25, 2023, 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 the addition of Assessor Vehicle and Sick Bank. Carried.

Motion by Kimmel, second by Joffer to approve the minutes from July 11, 2023. Carried.

Resolution

Motion by Dailey, seconded by Headid to approve the following resolution. Carried.

**RESOLUTION #2023-003**

**RESOLUTION PROVIDING FOR THE CREATION OF UNIOIN COUNTY TAX  
INCREMENTAL DISTRICT NUMBER SEVEN, UNION COUTNY**

**WHERAS**, Union County Planning and Zoning hereby recommends to the Union County Board of Commissioners the creation of Tax Increment District Number 7 after publishing a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a Tax Incremental District on real property consisting of the following parcels:

**District Legal Description:**

North Park 2nd Addition Tracts E, G, H, J and F in Dakota Dunes Union County

**WHEREAS**, such Notice was published in the official newspaper of Union County not less than ten (10) nor more than thirty (30) days from the date of the hearing which was held on June 1, 2023.

**WHEREAS**, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers of the following taxing entities:

Dakota Dunes Community Improvement District

Union County Commission

DV Emergency Services District

DV School District

**WHEREAS**, a hearing was held on June 1st, 2023, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed Tax Incremental District Seven plan.

**NOW THEREFORE, BE IT RESOLVED** by the County Commission of Union County, South Dakota:

Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, Union County Commission hereby declares the necessity to form a tax incremental district in Dakota Dunes, South Dakota.

**NOW THEREFORE, IT IS HEREBY RESOLVED:**

1. Authority and Declaration of Necessity. The County Commission declares the necessity for the approval of Tax Incremental District Number Seven plan, Dakota Dunes South Dakota after sometimes referred to as the "District", pursuant to SDCL Chapter 11-9, and finds that the improvement of the area within the district are likely to enhance significantly the value of substantially all of the other real property in the District and is necessary to provide infrastructure for economic development.
2. Findings. The County Commission makes the following findings with regard to economic development:
  - A. The proposed improvements will enhance the overall economic base of the Dakota Dunes through infrastructure development.
  - B. The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Increment District Seven of Union County to be Economic Development.
  - C. Not less than twenty-five percent, by area, of the real property within the district is a blighted area as defined under SDCL 11-9-11.
  - D. At least fifty percent of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion of Economic Development.

- E. The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district;
- F. The aggregate assessed value of the district plus the tax incremental base of all other existing Districts in the County does not exceed Ten (10%) percent of the total assessed valuation in the County;
3. Boundaries of District. The Boundaries of the district are determined to be as follows: North Park 2nd Addition Tracts E, G, H, J and F in Dakota Dunes Union County.
  4. Findings of Annual Appropriation TID. Tax Increment District #7 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
  5. Creation of Tax Incremental Fund. There is hereby created, pursuant to SDCL 11-9-31, a Tax Incremental District Number Seven Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Seven shall be deposited into the Tax Incremental District Number Seven Fund. All funds in the Tax Incremental District Number Seven Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9
  6. Adoption of Tax Increment Plan. The Union County Commission does hereby adopt the Tax Increment Plan Number Seven as presented.

#### Resignation

Motion by Kimmel, second by Joffer to approve the following: Resignation from Faith Orcutt P-T Jailer 20 hours with retirement 7-18-2023.

#### New Hire

Motion by Dailey, second by Joffer to approve the following: Raegan Belsha, P-T Jailer @18.62 under 20 hours no benefits.

#### Provisional Budget

Discussion on 2024 budget.

Motion by Headid, second by Kimmel to approve the provisional budget for 2024 with the hearing to be held on September 5, 2023 at 8:45 a.m. and final adoption on September 19, 2023. Carried.

#### Vehicle

Discussion took place on the Assessor's vehicle that needs repair. They are going to take vehicle to get an estimate of how much it is going to cost to fix it.

#### Sick Leave Bank

Recommendation of sick leave bank board to not allow 1 person to give their sick time to another person specifically, according to the sick bank rules in handbook.

#### Claims

The Following Claims Have Been Audited, Approved, and Warrants Drawn on the Same: BW Payroll 7/28/2023: \$86,006.43; State's Attorney \$320.00; Register of Deeds \$1,066.50; Sheriff \$21,259.29; Jail \$18,831.35; Communications \$14,119.90; Nurse \$278.40; WIC \$230.40; Fair \$925.91; Weed \$1,683.19; Highway \$26,599.63; VSO \$691.86; Alcohol Monitoring Systems (Supp) \$259.20; Ann Soenen (Per Diem) \$19.38; Anyglide (Supp) \$1,350.00; Aramark (Rep) \$208.94; Arctic Ice (Supp) \$22.50; Avera Occupational Medicine (Test) \$252.00; Barco Municipal Products (Supp) \$456.31; Beresford Municipal Telephone (Util) \$272.94; Bernies Lawn & Garden Cent (Chainsaw) \$330.98; Brian's Repair (Maint) \$1,114.59; Brigita Rasmussen (Per Diem) \$13.26; Carlson's Body Shop (Maint) \$71.60; Century Business Products (Maint) \$242.96; Century Link (Util) \$859.46; Century Link (Util) \$6.11; Certified Languages Intern (Intrep) \$99.00; Chesterman (Rep) \$26.50; City Of Alcester (Util) \$86.28; City Of Elk Point (Util) \$4,622.42; D.A.D.'S Automotive Repair (Rep) \$679.27; David Smith (Per Diem) \$7.14; Department Of Health (State Labs) \$780.00; Drain Specialists (Rep) \$175.00; Eakes Office Solutions (Supp) \$189.31; Elk Point Ace Hardware (Supp) \$138.56; Ge Software (Maint) \$5,539.00; Gene Ericson (Per Diem) \$13.26; Geotek Engineering (Construction) \$4,000.00; Haki & Associates (Supp) \$470.00; Horizon Health Center (Dr) \$863.85; I Grow (Conf) \$185.00; Intab (Supp) \$146.74; Jack's Uniform & Equip (Supp) \$1,251.14; Jebro (Supp) \$821.63; Jennifer Beermann (Per Diem) \$21.42; Jensen Insurance Agency (Ins) \$131,393.66; Jones Food Center (Supp) \$9.87; JPats/USMS (Transport) \$2,954.00; Knife River (Asphalt) \$37,961.52; Lewis Family Drug (Meds) \$795.77; Marisa Landwehr (Subpoena/Mile) \$194.42;

Michael Dailey (Per Diem) \$45.90; MidAmerican Energy (Util) \$379.56; Midcontinent Communication (Util) \$249.15; Milton Ustad (Per Diem) \$56.10; Minnehaha County Auditor (MI) \$1,207.84; Minnehaha County Regional (Juv Housing) \$10,848.72; Motorola Solutions (Radio) \$12,503.03; New Century Press (Pub) \$114.00; O'Reilly (Supp) \$908.60; Olson's Pest Technicians (Maint) \$75.00; One Office Solution (Supp) \$946.83; Pomp's Tire Service (Supp) \$634.51; Quadient Leasing USA (Lease) \$452.58; Quill Corporation (Supp) \$349.35; Richard Headid (Per Diem) \$27.54; Runnings Supply (Supp) \$115.96; Sanford Laboratories (Labs) \$325.80; Shawn Tabke (Per Diem) \$27.03; Sirchie Acquisition Company (Supp) \$33.82; State 4-H Office (State Fair Pass) \$140.00; State Industrial Products (Supp) \$304.00; Subsurface (Construction) \$93,500.00; Summit Food Service (Jail Meals) \$8,808.00; The Akron Hometown (Pub) \$26.29; The Fillin' Station (Supp) \$3,411.43; Thomson Reuters - West (Maint) \$1,163.53; Tom Kimmel (Per Diem) \$28.56; Tom Noll (Mileage) \$15.30; Training 9-1-1 Heroes (Training) \$80.00; Two Way Solutions (Supp) \$359.99; Union Co Jail Inmate (Check Blanks) \$72.04; Union County Electric (Util) \$538.00; US Bank (US Bank) \$3,358.65; Vander Haags Inc (Rep) \$833.79; Vast Broadband/Bluepeak (Util) \$82.99; Verizon (Util) \$745.30; Verizon Wireless (Util) \$951.07; Wrenn's Plumbing & Heating (Rep) \$150.00

#### Generator

EMA Westcott, Sexton Bldg Supt, Limoges Sheriff met the board on the information for the generator.

#### Department Head Reports

Bldg Supt Sexton, Nurse Heirigs, Ext,Fair,Weed Tabke, EMA Westcott presented their monthly reports.

#### Recess

Chairman declared a recess from 9:25 a.m. to 9:35 a.m.

#### Highway

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

Motion by Dailey, second by Kimmel to approve the following: Nathan Willms seasonal hwy worker at \$18.00 starting August 1, 2023. Carried.

Motion by Joffer, second by Dailey to approve the Chairman and Auditor to sign to sign the SDDOT Bridge Improvement Agreement 64-030-034. Carried.

### **HD2023-05**

#### **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 over Un-named Creek

64-060-137, 12.7 miles South and 4.0 miles East of Beresford, SD over Un-named Creek

64-070-130, 2.0 miles West & 9.0 miles South of Alcester, SD over Un-named Creek

64-034-090, 1.4 miles East & 8.0 miles South of Beresford, SD over Un-named Creek

64-020-063, 5.3 miles South of Beresford, SD over Un-named Creek

64-023-080, 7.0 mile South and 0.3 miles East of Beresford, SD over Un-named Creek

64-060-090, 8.0 miles South and 4.0 miles East of Beresford, SD over Un-named Creek

64-080-034, 0.5 miles West and 0.6 miles North of Alcester, SD over Drainage Ditch

64-061-150, 3.0 miles East and 1.0 miles North of Spink, SD over Un-named Creek PE

64-032-070, 6.0 miles South and 1.2 miles East of Beresford, SD over Un-named Creek PE

64-096-150, 11.5 miles South and 0.6 miles East of Alcester, SD over West Union Creek PE

64-100-112, 1.0 miles East and 6.2 miles South of Alcester, SD over Un-named Creek PE

64-103-130, 8.5 miles South and 1.3 miles East of Alcester, SD over East Union Creek PE

64-080-251, 2.0 miles East and 1.9 miles North of Elk Point, SD over Un-named Creek PE

and Union County certifies that the project(s) are listed in

WHEREAS,

Union County the county's Five-Year County Highway and Bridge Improvement Plan;

and Union County agrees to pay the 30% 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).

Vote of Commissioners/Council: Yes 5 No 0

Motion by Joffer, second by Headid to approve the resolution HD2023-06 Bridge Improvement Grant Program. Carried.

#### HD2023-06

#### BRIDGE IMPROVEMENT GRANT PROGRAM

#### RESOLUTION AUTHORIZING 5 YEAR COUNTY PLAN AMENDMENTS

WHEREAS, \_\_\_\_\_ Union County wishes to amend their previously approved 5 Year County Plan for the Bridge Improvement Grant Program:

#### ADDITION/REMOVAL OF STRUCTURE NUMBER(S) AND LOCATION(S):

64-061-150, 3.0 miles East and 1.0 miles North of Spink, SD over Un-named Creek  
64-032-070, 6.0 miles South and 1.2 miles East of Beresford, SD over Un-named Creek  
64-096-150, 11.5 miles South and 0.6 miles East of Alcester, SD over West Union Creek  
64-100-112, 1.0 miles East and 6.2 miles South of Alcester, SD over Un-named Creek  
64-103-130, 8.5 miles South and 1.3 miles East of Alcester, SD over East Union Creek

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the Amended 5 Year County Highway and Bridge Improvement Plan, previously approved on September 1, 2022.

Vote of Commissioners/Council: Yes 5 No 0

#### States Attorney

State's Attorney Miller met to discuss various matters.

#### Recess

Chairman declared a recess from 10:14 a.m. to 10:28 a.m.

#### Jail Meal Bids

Ollie's Food Service was the only bid received.

Motion by Joffer, second by Headid to accept the bid from Ollie's Food Services for jail meals. Breakfast – 3.75, Lunch – 7.25 and Dinner – 6.75, starting July 30, 2023. Carried.

#### Executive Session

Motion by Headid, second by Kimmel to enter into executive session for legal matters per SDCL 1-25-2 at 10:45 a.m. Chris White was also present. Chairman declared the board out of executive session at 12:01 p.m. Carried.

Motion by Headid, second by Kimmel to send letters to Peterson Family and Missouri River Outdoors addressing potential ordinance issues. Carried.

#### Adjournment

Motion by Kimmel, second by Dailey to adjourn at 12:05 p.m. until August 8, 2023, at 8:30 a.m. Carried.

ATTEST: \_\_\_\_\_

Carol Sommervold, Deputy Auditor  
Union County

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

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

