

November 28, 2023
Unapproved Minutes
Union County Commissioners

The Union County Board of Commissioners met in regular session November 28, 2023, at the Courthouse in Elk Point, SD at 8:30 a.m.

Members present Dailey, Headid, Kimmel, and Ustad.

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

Motion by Kimmel, second by Headid to approve the minutes from November 14, 2023, meeting. Carried.

New Hire

Motion by Headid, second by Dailey to approve the following: Claudia J Chasing Hawk, part time Jailer starting November 14, 2023, at \$18.62/hour. Carried.

SD Department of Health

EMA Director, Jason Westcott met with the board to discuss Naloxone program HB1162.

Motion by Headid, second by Dailey to approve the purchase of 3 boxes of Naloxone to have in courthouse and Training for employees. Carried.

Claims

Motion by Kimmel second by Dailey to approve claims. Carried. The Following Claims Have Been Audited, Approved, and Warrants Drawn on the Same: CH Payroll 11/31/2023: \$156,616.82; Commissioners \$7,050.00; Auditor \$20,080.73; Information Technology \$520.00; Treasurer \$22,174.17; States Attorney \$27,932.77; Care of Poor \$862.88; Public Building \$9,711.72; Assessor \$17,897.92; Register of Deeds \$8,595.83; Sheriff \$12,478.75; Nurse \$1,241.19; Jail \$153.41; Extension \$2,021.25; Weed \$724.17; Fair \$2,021.25; P&Z \$5,096.21; Highway \$13,509.23; EMA \$4,388.34; Coroner \$232.00; BW Payroll 12/1/2023: \$95,205.07; State's Attorney \$480.00; Public Building \$693.00; Register of Deeds \$1,061.76; Sheriff \$25,156.78; Jail \$22,406.04; Communications \$15,086.15; Nurse \$566.40; WIC \$384.00; Highway \$28,226.71; VSO \$1,144.23; Amazon Capital Services (Supp) \$116.45; Aramark (Supp) \$153.96; Bob Barker Company (Supp) \$854.62; Bomgaars (Supp) \$288.25; Brian's Repair (Repair) \$887.34; Carlson's Body Shop (Maint) \$110.60; Century Business Products (Maint) \$267.32; Century Link (Util) \$803.99; City Of Elk Point (Util) \$4,038.24; CNA Surety Direct Bill (Notary) \$50.00; Dave Reiff (Mileage) \$26.52; Dean Schaefer (Court Report) \$310.00; Eakes Office Solutions (Supp) \$687.17; Elk Point Ace Hardware (Supp) \$409.97; Elk Point Ambulance (Transport) \$1,407.25; Equipment Blades, Inc. (Supp) \$17,810.00; Fastenal Company (Repair) \$56.14; Foulk Bros Plumbing Inc (Maint) \$177.50; Grossenburg Implement (Supp) \$140.64; Horizon Health Center (Dr) \$306.15; IAFE (Dues) \$120.00; Interstate Power Systems, (Maint) \$2,447.69; Jack's Uniform & Equip (Supp) \$235.85; JCL - Sioux Falls Branch (Supp) \$987.34; Jeff's Lawn Care (Maint) \$280.00; L G Everist Inc (Salt) \$6,053.63; Language Line Services (Intrep) \$89.88; Lewis Family Drug (Meds) \$1,212.20; Loffler Companies, Inc. (Maint) \$1,712.39; Marisa Landwehr (Mileage) \$168.30; Mark A Nickles (Mileage) \$122.40; Michael Dailey (Mileage) \$38.25; MidAmerican Energy Co (Util) \$649.44; Midcontinent Communication (Util) \$255.42; Midway Service/Vollan Oil (Fuel) \$61,068.71; Milton Ustad (Mileage) \$84.15; New Century Press (Pub) \$250.20; Olson's Pest Technicians (Maint) \$150.00; One Office Solution (Supp) \$571.27; Overhead Door Company (Repair) \$4,025.00; Pressing Matters (Supp) \$298.00; Printing Plus (Supp) \$404.00; Quill Corporation (Supp) \$182.40; Richard Green (Mileage) \$30.60; Richard Headid (Mileage) \$32.64; Riverside Technologies Inc (Wifi Upgrade) \$21,155.40; Robert Ballard (Mileage) \$15.30; Rumi Weigel (Mileage) \$19.04; Sanford Health (Autopsy) \$7,910.26; SD Secretary Of State (Notary) \$30.00; SDACHS (Dues) \$350.00; SDSU Extension (Mileage) \$199.88; Shop 4-H (Supp) \$194.13; Sign Solutions (Supp) \$227.62; South Dakota Sheriff's Assoc (Dues) \$1,004.33; Stan Houston Equipment (Supp) \$962.50; Subsurface, Inc (Supp) \$80,268.00; The Claussen Group (Snow Removal) \$138.75; The Home Depot Pro (Supp) \$363.50; Thomson Reuters - West (Maint) \$708.35; Tom Kimmel (Mileage) \$28.56; Total Stop (Supp) \$76.19; Transunion (Supp) \$75.00; Union County Treasurer (Title) \$43.20; US Bank (Credit Card) \$5,937.23; Vast Broadband/Bluepeak (Util) \$672.28; Verizon Wireless (Util) \$1,373.49; Wrenn's Plumbing & Heating (Repairs) \$2,122.23

Treasurer

Treasurer, Myron Hertel, met with the board of Commissioners to discuss the Delinquent Tax Payment on parcel 02.05.04.1030 for a 16-month contract from December 2023 to March 2025.

Motion by Headid, second by Kimmel, to accept the contract for the Delinquent Tax Payment on parcel 02.05.04.1030. Carried.

Department Head Report

Custodian Scott Sexton, Nurse Karley Heirigs, EMA Director Jason Westcott, Weed and Fair, Shawn Tabke and Sheriff Dan Limoges presented their monthly reports.

SDSU

Motion by Dailey, second by Headid to authorize Chairman Ustad sign the SDSU Memorandum of Understanding. Carried.

Recess

Chairman declared a recess from 9:23 a.m. to 9:30 a.m.

Highway

Hwy Supt Jerry Buum met with the board to discuss various items.

Motion by Dailey, second by Headid to approve the following: hiring Jamie Jurgensen, Highway 3 at \$19.00/hour starting 12/04/2023. Carried.

Motion by Dailey, second by Kimmel accepting the resignation for Dale Jurens on December 8, 2023. The commissioners wish to thank him for his service. Carried.

Tower

Motion by Kimmel, second by Headid to authorize Chairman Ustad sign the \$14,000 plus reimbursable expenses (tower project) contract with Architecture Incorporated. Carried.

2024 Employee Salaries

Motion by Headid, second by Dailey to move forward with employees' salaries as set in 2024 budget. Carried.

Executive Session

Motion by Headid, second by Dailey to enter into executive session for legal matters per SDCL 1-25-2 at 9:55 a.m. Carried. Chairman declared the board out of executive session at 10:05 a.m.

Medical Cannabis

Tabled discussion until December 8th, 2023, at 10:00 a.m.

Planning and Zoning

Motion by Dailey, second by Kimmel to approve the adoption of Ordinance NO #2023-003 and Ordinance NO #2023-004 and approved events per year from 36 to 52 events per year and increase max capacity from 150 people per event to 200 people per event. Carried.

NOTICE OF ADOPTION

ORDINANCE NO. 2023-003

ORDINANCE NO. 2023-004

AN ORDINANCE OF UNION COUNTY, SD, AMENDING THE 2008 REVISED ZONING REGULATIONS FOR UNION COUNTY, SD, BY AMENDING ARTICLE 6: AGRICULTURAL DISTRICT, SECTION 603: CONDITIONAL USES; ARTICLE 14: ADDITIONAL USE REGULATIONS; ARTICLE 17: PARKING AND LOADING REGULATIONS, SECTION 1702: OFF-STREET PARKING REQUIREMENTS; AND ARTICLE 26: DEFINITIONS, SECTION 2602: DEFINITIONS.

AN ORDINANCE OF UNION COUNTY, SD, AMENDING THE 2008 REVISED ZONING REGULATIONS FOR UNION COUNTY, SD, BY AMENDING ARTICLE 26, DEFINITIONS, SECTION 2602: DEFINITIONS.

ORDINANCE NO. UCC 2023-003

AN ORDINANCE OF UNION COUNTY, SD, AMENDING THE 2008 REVISED ZONING REGULATIONS FOR UNION COUNTY, SD, BY AMENDING ARTICLE 6: AGRICULTURAL DISTRICT, SECTION 603: CONDITIONAL USES; ARTICLE 14: ADDITIONAL USE REGULATIONS; ARTICLE 17: PARKING AND LOADING REGULATIONS, SECTION 1702: OFF-STREET PARKING REQUIREMENTS; AND ARTICLE 26: DEFINITIONS, SECTION 2602: DEFINITIONS.

BE IT ORDAINED BY UNION COUNTY, SD:

Section 1. That Article 6: Agricultural District, Section 603: Conditional Uses of the 2008 Revised Zoning Regulations for Union County, SD, is hereby amended to include the following:

38. Agricultural Event Venue

Section 2. That Article 14: Additional Use Regulations of the 2008 Revised Zoning Regulations for Union County, SD, is hereby amended to included the following:

Section 1410. Agricultural Event Venues.

- A. Intent. Regulations regarding the development of agricultural event venues are intended to encourage the development of agricultural event venues while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community.
- B. Small Agricultural Event Venue. Agricultural event venues that allow a maximum of two hundred (200) guests or attendees must meet the following conditions:
 - 1. Located on a minimum parcel size of four (4) acres.
 - 2. Contains an enclosed structure located on the parcel which can accommodate all guests or attendees while complying with all applicable local, state, and federal laws.
 - 3. Provides adequate parking in conformance with Section 605.
 - 4. The parcel immediately connects to an arterial or major collector road as set forth in the current Union County Comprehensive Plan.
 - 5. Number of events held at the agricultural event venue shall be limited to 52 events per calendar year.
 - 6. All noise generating activities, such as music, shall not begin until after 9:00 a.m. and shall cease by 10:00 p.m. or move such activities into an enclosed structure which will reduce the noise level to a minimum of 20 decibels at the event venues exterior property lines.
- C. Intermediate Agricultural Event Venue. Agricultural event venues that allow a maximum of three hundred (300) guests or attendees must meet the following conditions:
 - 1. Located on a minimum parcel size of eight (8) acres.
 - 2. Contains an enclosed structure located on the parcel which can accommodate all guests or attendees while complying with all applicable local, state, and federal laws.
 - 3. Provides adequate parking in conformance with Section 605.
 - 4. The parcel immediately connects to an arterial or major collector road, as set forth in the current Union County Comprehensive Plan.
 - 5. Number of events held at the agricultural event venue shall be limited to 52 events per calendar year.
 - 6. All noise generating activities, such as music, shall not begin until after 9:00 a.m. and shall cease by 10:00 p.m., or move such activities into an enclosed structure which will reduce the noise level to a minimum of 20 decibels at the event venues exterior property lines.

Section 3. That Article 17: Parking and Loading Regulations, Section 1702: Off-Street Parking Requirements of the 2008 Revised Zoning Regulations for Union County, SD, is hereby amended to include the following:

Agricultural Event Venue (Small or Intermediate)	1 space for each 3 guests or attendees.
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Section 4. That Article 26: Definitions, Section 2602: Definitions of the 2008 Revised Zoning Regulations for Union County, SD, is hereby amended to revise and add the following definitions:

AGRIBUSINESS. Any business establishment including buildings, structures, lots, parcels, or parts thereof which provides services, goods, storage, transportation, or other activities directly related to agricultural production.

AGRICULTURE. The use of land for agricultural purposes including farming, dairying, raising, breeding, or management of livestock, poultry, or honey bees, truck gardening, forestry, horticulture, floriculture, viticulture, and the necessary accessory uses for packaging, treating, or storing the produce providing that the operation of any such accessory use shall be secondary to the normal agricultural activities. This definition shall not include intensive agricultural activities such as concentrated animal feeding operations.

AGRICULTURAL EVENT VENUE. A venue for special functions such as weddings, receptions, meetings, or similar gatherings of people. Must meet the requirements established in Section 1410 for a small or intermediate event venue in the Agricultural District.

ORDINANCE NO. UCC 2023-004

AN ORDINANCE OF UNION COUNTY, SD, AMENDING THE 2008 REVISED ZONING REGULATIONS FOR UNION COUNTY, SD, BY AMENDING ARTICLE 26: DEFINITIONS, SECTION 2602: DEFINITIONS.

BE IT ORDAINED BY UNION COUNTY, SD:

Section 1. That Article 26: Definitions, Section 2602: Definitions, of the 2008 Revised Zoning Regulations for Union County, SD, is hereby amended to revise and add the following definitions:

CEMETERY. A burial ground or graveyard.

CHURCH. A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

GARDEN CENTER. A building or premise used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants, including books, appliances, and tools, but not including power tools or tractors.

GOLF COURSE. A tract of land for playing golf, improved with tees, greens fairways, hazards, and which may include clubhouses and shelters.

HUNTING LODGE. A building or structure used as a temporary shelter or accommodation for hunters as a place to stay, rest, or prepare for hunts.

HUNTING PRESERVE. A property and facilities either privately owned or leased for holding, rearing, releasing, or processing captive-raised game for the purpose of hunting, for a fee, over an extended season.

LIVESTOCK SALES BARN. A structure of premises where livestock is sold on a regular basis to the public.

ROADSIDE STAND. A stand or kiosk located along the side of a road where a person sells, directly to consumers, agricultural products that the person grew, raised, or produced.

SCHOOL, ELEMENTARY, OR SECONDARY (HIGH SCHOOL). Any building or part thereof, whether public or private, which is designed, constructed, or used for instruction in elementary or secondary (high school) education.

Recess

Chairman declared a recess from 10:37 a.m. to 10:41 a.m.

Executive Session

Motion by Headid, second by Dailey to enter into executive session for personnel per SDCL 1-25-2 at 10:47 a.m. Carried. Chairman declared the board out of executive session at 11:26 a.m. Carried.

Adjournment

Motion by Kimmel, second by Headid to adjourn at 11:26 a.m. Carried.

ATTEST: _____

Jackie Sieverding, Auditor
Union County

Milton Ustad, Chairman
Union County Board of Commissioners

Published once at the total approximate cost of _____.
