

April 15, 2025
Unapproved Minutes
Union County Commissioners

The Union County Board of Commissioners met in regular session April 15, 2025, at the Courthouse in Elk Point, SD at 8:30 a.m.

Members present Ballard, Kimmel, Joffer, Dailey and Ustad

Motion by Dailey, seconded by Ballard to approve the agenda. Carried.

Motion by Kimmel, seconded by Ustad to approve the minutes from April 8, 2025, meeting. Carried.

Resignations

Motion by Dailey, seconded by Ballard to accept the resignation of Dispatcher Rachell Edminson effective 4/2/2025 and thank her for her service. Carried.

Motion by Kimmel, seconded by Ustad to accept the resignation of Deputy Maxus Mach effective 4/7/2025 and thank him for his service. Carried.

Motion by Ballard, seconded by Ustad to accept the resignation of Chief Jailer Dawn Beatty effective 4/24/2025 and thank her for her service and longevity. Carried.

New Hire

Motion by Dailey, seconded by Kimmel to approve Cameron Moore as full-time Chief Jailer at \$26.91. Carried.

Department Heads

Nurse Heirigs, VSO Schenzel, Extension/Weed/Fair Tabke, and EMA Wescott updated the board with their monthly reports.

Recess

Chairman declared recess 9:35 a.m. to 9:43 a.m.

Highway

Motion by Dailey, seconded by Kimmel to hire Aaron Coyle for summer help at \$18/hr starting May 19th. Carried.

Motion by Dailey, seconded by Ustad to sign the AGREEMENT FOR VOLUNTARY RIGHT OF WAY DONATION: Kendell L. and Janna L. Mollet 307 Calumet Circle Yankton, SD 57078 Perpetual Easement: NW ¼ less KJMOLLET tract 1 Section 21 T94N-R50W 0.10 acres, more or less. Temporary Easement: NW ¼ less KJMOLLET Tract 1 Section 21-T49N-R50W 1.75 acres, more or less. Carried. These easements are required for the BIG Replacement Grant to replace 64-023-090.

Motion by Ballard, seconded by Ustad to sign the Union County Transportation Plan certificate to complete the Highway Department's 2026-2030 5-Year Plan. Carried.

Sheriff

Secretary Smith met with the board on behalf of Sheriff Prouty.

Claims

Motion by Kimmel, seconded by Ballard to approve claims. Carried. The Following Claims Have Been Audited, Approved, and Warrants Drawn on the Same: BW Payroll 4/17/2025: \$99,495.03; State's Attorney \$640.00; Register of Deeds \$1177.80; Sheriff \$28,921.35; Jail \$23,122.09; Communications \$13,839.58; Nurse \$279.00; WIC \$446.40; Highway \$29,729.92; VSO \$1338.89; Jurors \$2,347.26; Alcester Municipal Utilities (Util) \$95.81; Alliance Communication (Util) \$242.12; Amazon Capital Services (Supp) \$64.34; AnyWherecam (Subscript) \$1,035.22; AT&T Mobility (Util) \$33.26; Beresford Municipal Telephone (Util) \$279.46; Blue Tequila (Meals) \$1,033.61; Butler Machinery Co (Rep) \$3,747.89; Century Link (Util) \$73.12; Chesterman Co (Maint) \$176.50; Claims Associates (Deductible) \$5,000.00; Clay Rural Water System (Util) \$59.00; Clay-Union Electric Corp (Util) \$162.86; Cole Papers Inc (Supp) \$441.10; Concordance Healthcare (Supp) \$22.63; Continental Research Corp (Supp) \$570.28; Dakota Dunes North Sioux City Times (Pub) \$1,086.87; Dakota Rigger & Tools (Rep) \$209.40; Dakotabilities (Allotment) \$180.00; Dean Schaefer (Court Reporter) \$360.00; Debra Severson (Per Diem) \$66.00; Eakes Office Solutions (Supp) \$156.27; Elk Point Ace Hardware (Supp) \$37.95; Esri Inc (Maint) \$460.00; Fastsigns (Supp) \$76.02; Filter Care (Supp) \$199.45; Henderson Exhaust Plus (Rep) \$15.00; Horizon Health Center Inc

(Dr) \$1,548.30; Interstate Battery System (Supp) \$335.90; Jack's Uniform & Equip (Supp) \$1,801.94; Jeffrey T Myers (Expenses) \$1,247.50; Jerry Buum (Per Diem) \$84.00; Jim Hawk Truck Trailers - (Rep) \$1,838.10; Jim J Christenson (Mileage) \$82.14; Jones Food Center (Supp) \$91.54; Katie Winquist (Per Diem) \$66.00; Language Line Services (Interp) \$426.54; Leader Courier (Pub) \$1,246.79; Lewis Family Drug LLC (Meds) \$944.18; Loffler Companies, Inc. (Rep) \$565.11; McMaster-Carr (Supp) \$1,220.27; Menards (Supp) \$736.75; MercyOne Siouxland Occupat (Physical) \$226.00; Microfilm Imaging System, (Maint) \$1,733.00; Midcontinent Communication (Util) \$1,107.00; Midstates Equipment & Supp (Supp) \$55,976.05; Midwest Wheel Companies (Supp) \$589.21; Millborn Seeds Inc (Supp) \$1,160.00; Monroe Systems (Supp) \$323.02; New Century Press (Pub) \$617.02; Northside Glass (Rep) \$1,040.00; O'Reilly (Supp) \$984.54; Olson's Ace Hardware (Supp) \$45.76; Olson's Pest Technicians (Pest Control) \$70.00; One Office Solution (Supp) \$117.33; Peggy Ustad (Per Diem) \$54.00; Pete's Produce (Supp) \$55.00; Pharm Chem Inc (Supp) \$1,790.34; Premier Communications (Util) \$266.86; Quill Corporation (Supp) \$131.04; Riverside Technologies Inc (Computer) \$11,229.50; Runnings Supply Inc (Supp) \$290.23; SD Dept Of Public Safety (Maint) \$2,840.00; SDACO (Workshop) \$400.00; SDEMA (Maint) \$25.00; Select Parts Inc (Rep) \$291.40; Shawn Tabke (Per Diem) \$14.00; Sherri Bousquet (Supp) \$129.74; Sioux City Truck Sales (Rep) \$292.60; Sioux Laundry (Laundry) \$1,297.02; Siouxland Humane Society (Fee) \$56.00; Southeast Farmers Coop (Fuel) \$1,097.41; Supercom, Inc (Supp) \$100.75; Talbott Collision Repair (Rep) \$21,078.45; The Claussen Group (Contract) \$855.00; The Lodge At Deadwood (Conference) \$315.00; Topkote, Inc (Supp) \$8,000.00; Transource Truck & Equip (Rep) \$512.93; TransUnion (Maint) \$75.00; Ulteig Engineers, Inc (Services) \$16,873.00; Union County Electric (Util) \$564.00; Verizon (Util) \$1,011.64; Verizon Wireless (Util) \$1,964.80

Treasurer

Motion by Dailey, seconded by Ballard to move forward with the distress warrant of Christin Awalt's property 309 W 6th St #6 Alcester, SD and declare it uncollectable. Carried.

Surplus

Motion by Kimmel, seconded by Ballard to accept the bid by Greg McKenzie for the surplus 2019 Dodge Ram. Carried.

Motion by Dailey, seconded by Ustad to accept the bid by Greg McKenzie for the surplus 2020 Dodge Ram. Carried.

State's Attorney

State's Attorney Zenner met with the board.

Risty Benefits, Inc

Risty Benefits representatives presented the board with ancillary insurance options.

Chairman Joffer left meeting and Vice Chairman Dailey took over the meeting.

Planning and Zoning

Motion by Ballard, seconded by Kimmel to appoint Mike Voortman to the Planning and Zoning committee. Carried.

Second Reading of Fire Danger Emergency Amendment

Motion by Ustad, seconded by Ballard to approve the amendment to Union County Ordinance #UCC 2003-02 Section 3 Fire Danger Emergency. Carried.

Union County Ordinance #UCC 2003-02

Fire Danger Emergency Amended and Adopted April 15, 2025

UCC 2003-02 Section 3 Fire Danger Emergency.

ORDINANCE #UCC 2003-02 Section 3 Fire Danger Emergency

An Ordinance Authorizing the Union County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning within Union County.

BE IT ORDAINED BY UNION COUNTY, that the Commissioners of Union County are charged with protecting the health and safety of the citizens of Union County, including all property situated herein; and

By South Dakota Codified Law 7-8-20(18) the Union County Board of Commissioners authorizes the Union County Office of Emergency Management to enact the Declaration of a Fire Danger Emergency and to Prohibit Open Burning within Union County or restrict open

burning, after consultation with local fire officials and law enforcement officials, to protect the public health and safety; and

Subject to separate action by the Union County Board of Commissioners, said declaration of fire danger emergency and prohibition or restriction of open burning within Union County will be enforced immediately and autonomously when the National Weather Service has issued a **wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect.**

“Open burning” shall be defined as any outdoor fire, including but not limited to the prescribed burning of fence rows, fields, wildlands, trash, and debris, the intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames, or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames, or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient to meet the exception from the definition of an open burning set forth herein. This also excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds.

Section I. Definitions:

1. Open Fire: Any outdoor fire, including a campfire, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney with spark arresters. Open fire shall not include charcoal grills, liquid fuel grills, outdoor fireplaces, burn barrels, as defined
2. Charcoal Grill: A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar
3. Liquid Fuel Grill: A metal or stone device designed to cook food using liquefied or gaseous combustible
4. Burn Barrel: A metal container used to hold combustible or flammable waste materials so that they can be ignited for the purpose of Burn barrels must have a metal grate; metal grate opening shall be no larger than 1/4" square covering at any time when in use. Burn barrels must be in a safety zone, away from any or all combustible materials, of a 15 feet radius of the burn barrel.
5. Outdoor Fireplaces: A manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, including a screen, (screen opening shall be no larger than 1/4" square), chimney or other device placed above the fuel area, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually
6. Campground: Any permitted commercial campground operated by private individuals or corporations, State of South Dakota, Union County, or the United States National Park.

Section II. Regulations:

1. Open Fire: No person shall set any open fire in Union County, outside the boundaries of any Municipality, when the National Weather Service has issued a **wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect**, or when the Union County Emergency Management Office, through the Union County Emergency Manager after consultation with local fire and law enforcement officials, initiates a “No Open Burning Ban” by providing notice via social media and local news outlets that no person shall set any open fire.
2. Burn Barrels: No person may ignite a fire in a burn barrel when the National Weather Service has issued a **wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect**, or when the Union County Emergency Management Office, through the Union County Emergency Manager after consultation with local fire and law enforcement officials, initiates a “No Open Burning Ban” by providing notice via social media and local news outlets that no person shall set any open fire.
3. Campgrounds: The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any permitted commercial, state,

county or federal campgrounds unless otherwise specifically banned by resolution of the Union County Board of Commissioners.

4. No person shall start an Open Burning without first notifying the Union County Sheriff's Office Communications Center at 605-356-2679 and provide the burner's name, address, phone number, type of material to be burned and location of the burn.

5. Open Burning must be under supervision while in progress.

Subject to separate action by the Union County Board of Commissioners, said declaration of fire danger emergency and prohibition or restriction of open burning within Union County will remain in place only until the area is no longer in a **wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning** status according to the National Weather Service. ; *and the notice of such shall be with local media outlets, posted on the Union County website, and also Emergency Management social media sites.*

The maximum penalty for violation of this ordinance shall be as follows: thirty days imprisonment in county jail or five hundred dollars fine, or both according to South Dakota Codified Law 22-6-2(2) or its progeny. In accordance with South Dakota Codified Law 7-18A-2, the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts, and compensation to the firefighters for time lost from their employment, shall be born directly by the individual or individuals responsible for setting the fire in violation of this ordinance.

This Ordinance is necessary to protect and immediately preserve the public peace, health, or safety and is therefore immediately effective following second reading pursuant to SDCL 7-18A-8. This Ordinance shall be enforceable no sooner than 17th day of April 2025. Upon this Ordinance taking effect, the prior version of this ordinance shall be revoked.

Passed and adopted this 15th day of April 2025.

Kevin Joffer, Chairperson

Attest:

Auditor

Notice of Hearing: March 20, 2025

1st Reading: March 18, 2025

2nd Reading: April 1, 2025

Adopted: April 15, 2025

Published: April 23, 2025

Effective: April 23, 2025

Adjournment

Motion by Ustad, second by Ballard to adjourn at 11:58 a.m. until April 22, 2025. Carried.

ATTEST:_____

Katie Winquist, Auditor
Union County

Kevin Joffer, Chairman
Union County Board of Commissioners

Published once at the total approximate cost of_____.
