

January 17, 2023

The Miner County Board of Commissioners met in regular session on January 17, 2023 in the Miner County Courthouse Commission room. Members Present: Alex Protsch, Tom Reisch, Kathy Faber and Joe Bechen. Absent: Mike Clary. The flag pledge was recited. Motion by Reisch, seconded by Faber and carried to approve the agenda. No Commissioner report of meetings attended was given. Others in attendance for portions of the meeting were Tami Severson and Rob Eggert. No persons appeared for Public Comment.

The minutes of the December 29th were approved. The minutes of the January 3rd meeting minutes were amended as follows: It was moved by Bechen, seconded by Reisch to approve the small structure grant applications of Vermillion, Howard and Belleview townships and salary resolution Deputy Josh Hahn \$46,170.

Motion by Bechen seconded by Faber and carried to approve the following claims for payment: Santel \$55.12, Triotel \$173.53 **911 CHARGES**; FJM \$37.00 **COLLECTION FEE**; First Dist. Assn. Local Govts \$250.00, SD Dept of Ag \$200.00, SD Assn of Co Weed & Pest Boards \$75.00, SD Assn Co Hwy Supts \$350.00, SD Emergency Mgmt Assn \$30.00, Tri State Emergency \$20.00 **DUES**; IState Truck Center \$117,624.00, Office Peeps \$292.19 **EQUIPMENT**; HFCA \$2,125.03 **FUEL**; Glacial Lakes & Prairies \$300.00 **GRANTS**; MOTOROLA \$15,216.85 **HOMELAND SECURITY**; Co Employee \$2,000.00 **INSURANCE REIMBURSEMENT**; Miner Co Treasurer \$60.00 **POSTAGE**; Lake Co Sheriff \$3,210.00 **PRISONER CARE**; Lewis Drug \$17.52 **PRISONER MEDICAL**; Office Ally \$35.00 **PROCESSING FEE**; Miner County Pioneer \$363.50 **PUBLISHING**; Barry Callies \$1,406.00, Dakota Data Shred \$17.00, Dust-Tex \$66.62, Microfilm Imaging Systems \$385.00 **RENT**; Dware \$4,350.00, First District Assn Local Govts \$3,500.00, HFCA \$345.91, Prostrollo Auto Mall \$63.33, Transource \$2,604.00, Two Way Solutions \$9,000.00, Ultra \$1,593.75 **REPAIRS**; Truenorth Steel \$516.80 **ROAD MATERIALS**; Relx, Inc. \$298.00 **SUBSCRIPTIONS**; Butler Machinery \$137.41, Cardmember Services \$148.96, Miner Co Treasurer \$92.20, Office Peeps \$30.17, Shane's Hardware \$374.12, Kent Terwilliger \$112.75, Transource \$2,358.50, Ultra \$120.30 **SUPPLIES**; Alliance \$948.99 **TELEPHONE**; Joe Bechen \$25.50, Kathy Faber \$64.26, HFCA \$19.28, Kim Lewis \$12.75, Dan Page \$16.83, Kent Terwilliger \$55.00, Wyatt Walter \$15.30, Weed & Pest Conference \$305.00 **TRAVEL**; Central Electric Coop \$69.92, Xcel Energy \$81.07 **UTILITIES**.

The board acknowledged receipt of the following correspondence: Miner County Conservation District & NRCS Oct. & Nov. reports; Miner County Sheriff 2022 Annual Report; 2022 Miner County Moisture Report.

It was moved by Reisch, seconded by Bechen to adopt the following resolution.

RESOLUTION 23-4

BE IT RESOLVED that the Plat of TRACT 1 OF BECK ADDITION, AN ADDITION IN THE NORTH HALF OF SECTION 25, TOWNSHIP 105 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINER COUNTY, SOUTH DAKOTA, as described above appears to conform to the system of roads, existing plats, and section lines of Miner County and that adequate provisions has been made for access to adjacent unplatted lands and that all provisions of Miner County Subdivision Regulations have been complied with. Furthermore, all taxes and special assessments upon the Tract or subdivision have been paid and that the plat and the survey thereof have been lawfully executed. Said plat is approved and accepted and the Chairman is hereby instructed to endorse on such plat this resolution and to certify the same.

Voting aye: Reisch, Bechen, Faber and Protsch. Voting nay: none.

Alex Protsch, Chairman
Miner County Board of Commissioners

Attest: Susan Connor, Miner County Auditor

Highway Superintendent Ron Kremppges requested for the commission's approval for use of county snow equipment for emergency situations which was granted. Kremppges reported that Ulteig has completed the Miner County bridge inspections. It was moved by Bechen and seconded by Faber to adopt the following resolution.

RESOLUTION 23-05

MINER COUNTY WEIGHT LIMIT ENFORCEMENT

WHEREAS, seasonal climatic changes can be detrimental to our highways, and

WHEREAS, the Miner County Board of County Commissioners desires to protect existing Miner County Highways, ultimately saving tax dollars, and

WHEREAS, the Miner County Board of County Commissioners desire the enforcement of weight limitations on Miner County roads as set forth and posted by the Miner County Highway Superintendent

NOW THEREFORE BE IT RESOLVED, the limits on Miner County Highways shall be set at 7 ton per axle/40-ton gross vehicle weight, with the exception of county road 17 (425th Ave.) from Carthage south to SD Hwy #34 and county road 22 (242nd St.) from Canova east to US Hwy #81 shall be 40-ton gross vehicle weight, during spring thaw period and when weight limit signs are in place and that the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Miner County roads.

BE IT FURTHER RESOLVED that the penalty for the violation of the load restrictions shall be set forth in SDCL 32-22.55.

Voting aye: Reisch, Bechen, Faber and Protsch. Voting nay: none.

Resolution adopted this 17th day of January, 2023 at Howard, South Dakota.

Alex Protsch, Chairman
Miner County Board of Commissioners

Attest: Susan Connor, Miner County Auditor

It was moved by Faber and seconded by Reisch to approve the following resolution.

RESOLUTION 23-06

WHEREAS, excessive loads can be detrimental to our highways, and

WHEREAS, the Miner County Board of Commissioners desires to protect existing Miner County Highways, ultimately saving tax dollars and,

WHEREAS, the Miner County Board of Commissioners desire the enforcement of weight limitations on Miner County Roads as set forth and posted by the Miner County Highway Superintendent

NOW THEREFORE BE IT RESOLVED, that the limits on Miner County Highways shall be set with South Dakota weight limitations with the exception of 425th Avenue (County Road #17) between 220th Street and 233rd Street (SD Hwy #34) and 421st Avenue (County Road #21) between 233rd street (SD Hwy #34) and 244th Street will be set as 80,000 pounds gross weight for any vehicle or combination of vehicles.

BE IT FURTHER RESOLVED that seasonal spring thaw weight limitations will preside over such weight limitations when signs are in place and displayed and that the SD Highway Patrol be and hereby is authorized and

requested to enforce weight limitations on Miner County roads and that the penalty for the violation of the load restrictions shall be set forth in SDCL 32-22-55.

Voting aye: Reisch, Bechen, Faber and Protsch. Voting nay: none. Resolution adopted this 17th day of January, 2023.

Alex Protsch, Chairman
Miner County Board of Commissioners

Attest: Susan Connor, Miner County Auditor

It was moved by Faber, seconded by Reisch and carried to authorize Chairman Protsch to sign the letter addressed to the SD Dept. of Public Safety Motor Carrier Services-Request for Assistance – Weight Limit Enforcement.

The Volkswagan Truck Program will again be available in 2024. The board instructed Kremppges to submit an application for a truck/tractor. He also reported the snow blower has been used in the south east part of the county and will continue to be utilized to clear problem areas.

The board instructed the auditor to contact the previous coroner for the return of the inventory owned by the county.

The board recessed as a Board of Commissioners and reconvened as a Planning & Zoning Board acting as the Board of Adjustments. It was moved by Reisch, seconded by Faber and carried to elect Alex Protsch as Chairman of the Planning & Zoning Board. Motion by Faber, seconded by Bechen and carried to elect Tom Reisch as Vice-Chairman. A hearing was held, as advertised, to consider an application for a variance from the zoning ordinance from Robert M. Gassman to plant a new shelterbelt of trees closer to the center of the road than current zoning allows (asking for 50’ from center of road to line up with existing shelterbelt, zoning requires 108’) in the parcel described as SW4 of Section 30, T106N, R55W, Clearwater Township, Miner County South Dakota. Present for the hearing were Zoning Administrator Tami Severson, Highway Superintendent Ron Kremppges, Bob & Kaden Gassman. Bob Gassman presented information on the location of the existing trees and the proposed site for the additional shelterbelt. During the derecho the existing belt sustained significant damage. Gassman plans to add an additional belt adjacent to the existing to provide maximum protection. Zoning administrator Severson stated she had received no calls or correspondence objecting to the project. It was moved by Bechen and seconded by Reisch that the following Findings be approved.

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINER)

BEFORE THE MINER COUNTY
BOARD OF ADJUSTMENT

IN THE MATTER OF THE APPLICATION OF)
) FINDINGS
ROBERT M. GASSMAN FOR A VARIANCE)

FINDINGS

That the applicant, Robert M. Gassman, has made an application for a variance for to plant a new shelterbelt of trees closer to the center of the road than current zoning allows (asking for 50' from center of road to line up with existing shelterbelt, zoning requires 108') in the parcel described as SW4 of Section 30, T106N, R55W, Clearwater Township, Miner County South Dakota, and that he is the owner of record thereof.

II

That the proposed use of said realty is specifically prohibited by the zoning ordinance without applicant first obtaining a variance, for which he has applied and paid the applicable fee.

III

That upon said application, notice of hearing was given as required by the Miner County Zoning Ordinance by mailing to the adjoining landowners and by publication.

IV

That hearing upon said application was held on January 17, 2023, in the Commission Room of the Miner County Courthouse.

V

That applicant Robert M. Gassman did appear in person.

VI

That no person appeared in objection to granting the variance.

VII

That a presentation in support of said variance and testimony on behalf of said variance was received at the hearing and that no testimony regarding the granting of the variance was received at the hearing.

NOW, THEREFORE, that application and testimony at the hearing all having been considered, it is the FINDING of the Miner County Board of Adjustment that the application of Robert M. Gassman for a variance plant a new shelterbelt of trees closer to the center of the road for the following reasons:

- 1) That the Miner County Board of Adjustment is empowered under Section 506 to grant the variance and that the requirements of the zoning ordinance regarding a variance have been met by the applicant.
- 2) That the Miner County Board of Adjustment is able to make the applicable findings required by Section 506 of the ordinance, which are considered prerequisite to the granting of a variance.

VIII

That the Board of Adjustment vote upon approval of such application was four in favor thereof and none opposed thereto.

It is, therefore, ORDERED that said application be approved.

Dated this 17th day of January, 2023.

II

That the proposed use of said realty is specifically prohibited by the zoning ordinance without applicant first obtaining a conditional use, for which they have applied.

III

That upon said application, notice of hearing was given as required by the Miner County Zoning Ordinance by mailing to the adjoining landowners and by publication.

IV

That hearing upon said application was held on January 17, 2023 in the Commission Room of the Miner County Courthouse.

V

That applicant, East River Electric Power Cooperative, represented by Jerae Wire appeared in person.

VII

That no written testimony was received in opposition to granting said conditional use.

VIII

That a presentation in support of said conditional use and testimony on behalf of said conditional use was received at the hearing and that no concerns to the granting of the conditional use were received at the hearing.

NOW, THEREFORE, that application, testimony at the hearing having been considered, it is the FINDING of the Miner County Board of Adjustment that the application of East River Electric Power Cooperative for a conditional use be approved for the following reasons:

- 1) That the Miner County Board of Adjustment is empowered under Section 505 of the Miner County Zoning Ordinance to grant with conditions the conditional use and that the granting of the conditional use will not adversely affect the public interest.
- 2) That the Miner County Board of Adjustment certifies compliance with the specific rules governing individual conditional uses.
- 3) That the Miner County Board of Adjustment is able to make the applicable findings required by Section 505, Subsection 4 & 5 of the ordinance, which are considered prerequisite to the granting of a conditional use.

IX

That the Board of Adjustment vote upon approval of such application was four in favor thereof and none opposed thereto.

It is, therefore, ORDERED that said application to construct a new 115 KV switching station to accommodate load growth, mitigate potential voltage violations and thermal overloads, and to improve reliability in the Miner County area. The proposed site will be platted as 7.3 acres from the current parcel owned by QF Roswell LLC and currently described as SE4 Exc

Tract PS-SD-MN-0791.000 Roswell Pump Station of Section 20, T106N, R57W, Roswell Township, Miner County, South Dakota be approved.

Dated this 17th day of January 2023.

Alex Protsch, Chairman
Miner County Board of Adjustment

Attest: Susan Connor, Secretary

The board adjourned as a Planning and Zoning Board and reconvened as a Board of Commissioners.

Executive Director Todd Kays of First District of Local Governments presented his annual review of the district's activities within Miner County. Kays reported that in fiscal year 2022 Miner County entities received \$2,839,000 in grants in which the district assisted. This is much higher than in previous years due to the influx of \$'s received from the federal government American Rescue Fund grants. A complete listing of district activities is on file in the auditor's office.

The board recessed as a board of commissioners and reconvened as a Planning & Zoning Board. Kays continued his review of the proposed changes to the Miner County Zoning Ordinance. The final draft will be reviewed at the February 7th meeting. Tentatively, the public hearing of the final draft will be held on March 7th.

Curt Neises of Miner Insurance reviewed the existing values placed on county owned buildings. Neises encouraged the board to increase the values as he feels they are lower than 90% of the actual value. An updated value and insurance premium cost estimate will be completed by Neises and presented at the February 7th meeting.

Finance Officer Tyler Genzlinger attended the meeting to request access of the county's Pictometry files to assist with the city's electrical upgrade project. Director of Equalization Severson reported several counties she had surveyed charge 10-12% of the cost of implementing Pictometry. The commission would like to see the city contribute 10% (\$7700) to have the access requested. Genzlinger will take this information back to the council for their decision.

A letter from East Dakota Water Development District & Vermillion Basin Water Development District was discussed. At a November 2022 meeting, Jay Gilbertson & Brad Preheim presented information on the expansion of the Vermillion Basin WDD and the timeline involved. Since that meeting, the realization of the complexity of completing this effort has forced the process to be delayed. They are estimating the transition to begin during the 2024 Legislative Session.

No applications have been received for the position of Miner County Coroner. The board will discuss the position further at its February 7th meeting.

Having no further business, the meeting adjourned until February 7th. Dated this 17th day of January, 2023.

Alex Protsch, Chairman
Miner County Board of Commissioners

Attest: Susan Connor, Miner County Auditor