

DOUGLAS COUNTY COMMISSIONER MEETING

April 11, 2017

PURSUANT TO ADJOURNMENT the Board of County Commissioners of Douglas County met at 9:00 a.m. on April 11, 2017, at the Courthouse in Armour, SD. Present were Ivan Lau, Jerod Star, Floyd Muntefering and Marlin Maas. Steve Lau arrived at 9:30 a.m. Also present were Auditor, Director of Equalization Jessica vanWyk and Sam E. Grosz, representing Douglas County Publishing. The meeting was called to order by Chairman Muntefering and began with the reciting of the Pledge of Allegiance.

COUNTY BOARD OF EQUALIZATION

A motion was made by Maas and seconded by Star to recess as a Board of County Commissioners and convene as the County Board of Equalization for 2017. All members voted in favor of this action, motion carried. Each member present signed an Oath of Office and reviewed their duties as stated on the distributed exhibit supplied by the Director of Equalization.

VanWyk distributed information regarding all changes that have occurred over the past year, listing them by townships and cities.

A motion was made by Maas to approve the 80 Applications for Property Tax Exempt Status (per SDCL 10-4-15). Star seconded the motion. All present voted in favor of this action, motion carried. There was three renewable resource energy applications (geothermal) for 2017 resulting in a \$37,697 loss of valuation. Eighteen elderly assessment freeze applications for 2017 resulted in a \$215,921 loss of valuation. Five fully Disabled Veteran Applications will show a loss in valuation of \$250,836.

Final Values will be given at the next meeting as van Wyk has not yet received the figures from the State.

APPEALS:

van Wyk explained that a clerical error was made on record #1391, which is owned by East River Electric. A motion was made by Star and seconded by Maas to change the class from NA-C to NA-CC and to decrease the value from \$12,160.00 to \$5,864.00 on Record #1391. All members voted in favor of this action, motion carried.

Marjean Eldridge, Armour Resident, met with the Board to discuss her appeal. Eldridge explained that the building is falling down and she feels that it is overvalued.

A motion was made by S. Lau and seconded by Star to enter into executive session at 9:40 a.m. with van Wyk and Barker present to discuss a privacy matter. At 9:42 a.m. Chairman Muntefering declared the meeting back to open session.

A motion was made by Lau and seconded by Star to decrease the value on Record #2675, owned by Marjean Eldridge, to \$20,352, which it was valued at in 2016. All members voted in favor of this action, motion carried.

A motion was made by Star and seconded by S. Lau to recess as a Board of Equalization and reconvene as a Board of County Commissioners. All members voted in favor of this action, motion carried.

PLAT

A motion was made by Maas and seconded by S. Lau authorizing the Chairman to sign the Plat of Anderson Tract 1 in the E ½ of the SE ¼ of Section 19, T-99-N, R-66-W. All members voted in favor of this action, motion carried.

A motion was made by Star and seconded by S. Lau to introduce the following resolution:

RESOLUTION #2017-03

CONTINUING RESOLUTION OF THE COUNTY OF DOUGLAS, SOUTH DAKOTA
ESTABLISHING NUMBER OF ON-SALE LIQUOR LICENSES AND COSTS
PURSUANT TO SDCL 35-4-11.1

WHEREAS, pursuant to South Dakota Law, the State of South Dakota has established a procedure allowing the county commissioners to approve liquor licenses and costs for same in the county, pursuant to SDCL Title 35 and amendments and;

WHEREAS, SDCL 35-4-11.1 provides that the board of county commissioners shall, on or before the first of September in each year, determine the number of on-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses.

WHEREAS the Douglas County Board of County Commissioners hereby desires, by continuing resolution, to set the number of on-sale liquor licenses it will approve for the ensuing calendar year and the fees to be charged for them; therefore;

NOW, THEREFORE, BE IT RESOLVED by the board of County Commissioners, County of Douglas, South Dakota, that the following is established:

A. On-sale liquor licenses for the retail sale of any alcoholic beverage for consumption on the premises where sold and only issued outside the boundaries of a municipality. The fees for an on-sale liquor license shall be as follows:

1. For all applicants, the fee shall be Twelve Hundred Dollars (\$1200.00).

BE IT FURTHER RESOLVED by the County of Douglas, South Dakota, as follows:

That the licensee must comply with all applicable state laws concerning the consumption of alcoholic beverages as set forth in SDCL ch. 35-4; and

BE IT FURTHER RESOLVED by the County of Douglas, South Dakota that there shall be approved a maximum of three (3) on-sale licenses for the ensuing year.

Passed, adopted and approved by the County of Douglas, South Dakota, this 11th day of April, 2017.

EFFECTIVE DATE: April 11, 2017.

A roll call vote was taken as follows:

Voting aye: I. Lau, Maas, S. Lau, Star and Muntefering. Voting nay: None. Absent: None. Motion carried.

Signed: _____
CHAIRMAN, BOARD OF COMMISSIONERS

ATTEST: _____
AUDITOR, DOUGLAS COUNTY

A motion was made by S. Lau and seconded by Star to introduce the following Ordinance for its first reading:

ORDINANCE NO. 2017-01

An Ordinance providing for times when on-and off-sale alcoholic beverage services are prohibited in Douglas County.

WHEREAS, Douglas County desires to regulate the time for selling or serving intoxicating liquor; therefore,

BE IT ORDAINED by the Board of County Commissioners of Douglas County, South Dakota: No on-sale or off-sale licensee, licensed under SDCL 35-4-2(3), (4), (5), (6), (9), (11), (13), or (18), may sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages between the hours of two a.m. and seven a.m. or at any time on Christmas Day.

The sale, service, and consumption of alcoholic beverages shall be permitted on Sundays and Memorial Day, except between the hours of two a.m. and seven a.m.

Penalty: A violation of this section is a Class 2 misdemeanor punishable by thirty (30) days imprisonment in a county jail or a five hundred dollar (\$500.00) fine, or both.

Severability: This ordinance and the various parts, sections, paragraphs, and subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SIGNED: _____
Chairman of the Board
Douglas County Commission

ATTEST: _____
County Auditor

Passed and adopted by the Douglas County Commissioners, Douglas County, South Dakota on the first reading on the 11th day of April, 2017, by the following vote:

Ayes: Maas, S. Lau, Star, I. Lau and Muntefering. Nays: None. Absent: None. Motion carried.

WEBSITE DISCUSSION

States Attorney Parkhurst and Jessica van Wyk met with the Board to discuss the option of a county

website. The Board agreed that it would be a good idea for the county to implement a website. It was decided that more work will be done on the website, then shown to the commission again before launching the site.

CONTINGENCY TRANSFER

A motion was made by Maas and seconded by Star to introduce the following resolution:

RESOLUTION #2017-04
TRANSFER FROM CONTINGENCY FUND

WHEREAS, insufficient appropriation was made in the 2016 adopted budget for the following department to discharge just obligations of said appropriations; and WHEREAS, SDCL 7-21-32.2 provides that the transfers be made by resolution of the board from the contingency appropriation established pursuant to SDCL 7-21-6.1 to other appropriations;

THEREFORE BE IT RESOLVED that the appropriation be transferred from the contingency budget (101-112-429) to the following department budgets:

101-441-422 (Mental Health- Professional Fees) in the amount of \$8000.00.

A Roll call vote was taken with the following votes recorded: Voting aye: Star, I. Lau, Maas, S. Lau and Muntefering. Voting nay: none. Absent: none. Motion carried.

ADJOURNMENT

At 10:35 a.m. Maas moved to adjourn until 9:00 a.m. on April 18, 2017. Star seconded the motion. All present voted aye, motion carried.

SIGNED: _____
Floyd Muntefering, Chairman
Board of County Commissioners

ATTEST: _____
Phyllis Barker, Auditor