

SULLY COUNTY BOARD OF COMMISSIONERS
OCTOBER 4, 2022

The Board of Sully County Commissioners held their regular scheduled mtg on Tues, October 4, 2022. Chmn Yackley called the mtg to order at 7:30 am. Other members present: William Floyd, Jerry Richards, Joe Fanger & Caleb Shepherd. Also, present were Susan Lamb, Janet Schmahl, JJ Schall, Emily Sovell, Sheila Ring, Bill Stahl, Evan Warner, Vic Utech & Bruce Peterson.

ADOPT AGENDA: Motion by Floyd, second by Richards to adopt the agenda with the addition of Bridge 60-267000 documents & LATCF Funds. Unanimous vote aye.

PUBLIC COMMENT: Comr Fanger shared with Bd comments from public on how nice the courthouse lawn looks.

MINUTES: Motion by Shepherd, second by Floyd to approve minutes from the Bd of Commission mtg held on September 27th. Unanimous vote aye.

STEP INCREASES: Aud Lamb informed Bd that DOE Loesch will be receiving a \$.10/hr step increase for her 3rd yr on October 15th.

GENERAL SURPLUS CASH REPORT: Aud Lamb informed Bd that General Surplus Cash is at 18.6% as of Sept. 30th.

CONFERENCE BRIDGE: Motion by Fanger, second by Richards to remove Conference Bridge phone. Unanimous vote aye.

LATCF FUNDS: Motion by Floyd, second by Fanger to apply for Local Assistance and Tribal Consistency Funds. Unanimous vote aye. Sully County will receive \$50,000 in 2022 and \$50,000 in 2023.

OPERATION GREEN LIGHT: Aud Lamb informed Bd that the Courthouse will be lit green from Nov 7th to 12th in honor of all the past & present veterans. This is being promoted by NACo.

HIGHWAY DEPT PURCHASE REQUESTS: Hwy Supt Schall discussed pickups with Bd. It was decided to not order a new pickup but to look for a good used one available early in 2023. Motion by Shepherd, second by Richards to approve purchase of 2021 CPS gravel trailer from Iron Link in Binford, ND for \$47,900 & authorize Hwy Supt Schall to sign agreement for another one to be purchased in January, 2023. Unanimous vote aye.

BRIDGE 60-267000: Bd reviewed SDDOT ROW & Utility agreements on bridge. Chmn Yackley signed agreements.

HWY DEPT HIRE: Motion by Richards, second by Yackley to approve temp hire of Ed Hauser at \$25.00/hr without benefits effective immediately. Unanimous vote aye.

GENERAL ELECTION BOARD: Motion by Floyd, second by Shepherd to approve Election Board for 2022 General Election. Unanimous vote aye.

5 YEAR ROAD & BRIDGE PLAN: Motion by Floyd, second by Richards to approve plan. Unanimous vote aye.

MONTHLY DEPT REPORTS: Bd reviewed monthly dept reports.

HWY DEPT: Hwy Supt Schall discussed railroad crossing grants, cattle guards & roads with Bd.

P&Z ALTERNATE BD MEMBER: Motion by Floyd, second by Shepherd to appoint Evan Warner as P&Z Alternate Bd Member. Unanimous vote aye.

ORDINANCE 2022-02: Chmn Yackley opened hearing. No one was present. Chmn Yackley closed hearing. 2nd Reading was held on Ordinance 2022-02. Motion by Richards, second by Shepherd to approve Ordinance. Unanimous vote aye.

ORDINANCE 2022-02

AN ORDINANCE AMENDING SECTIONS 2-118 AND 4-205 OF THE ZONING ORDINANCE OF SULLY COUNTY, ADOPTED BY ORDINANCE 2003-02, AS AMENDED, RELATING TO REGULATIONS FOR LARGE WIND ENERGY CONVERSION SYSTEMS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SULLY COUNTY, SOUTH DAKOTA: *Section 1. That Section 2-118, "Large Wind Energy Conversion Systems (LWECS)" of the Zoning Ordinance of Sully County, adopted by Ordinance 2003-02, as amended, shall be further amended by replacing the whole of Section 2-118 with the following:*

Section 2-118. Large Wind Energy Conversion Systems (LWECS).

Purpose. The purpose of this section is to ensure that the placement, construction, and modification of a Large Wind Energy Conversion System (LWECS) facility is consistent with Sully County's land use policies, minimizes the impact of the LWECS facility, establishes a fair and efficient process for review and approval of applications, assures a comprehensive review of environmental impacts of such facilities, and protects the health, safety, and welfare of the county's citizens.

Applicability. The requirements of this section shall apply to all Wind Energy Conversion Systems (WECS) facilities excluding private facilities with a single tower height of less than seventy-five (75) feet used primarily for on-site consumption of power.

Federal, State, and Local Requirements. All LWECS facilities shall meet or exceed the standards and regulations of any and all federal, state, and local government agencies with authority to regulate LWECS facilities.

Technical Issues and Expert Review. LWECS and their attendant support facilities may involve complex technical issues that require review and input that is beyond the expertise of county staff. The Board of Adjustment may require the permittee to pay, at permittee's sole expense, reasonable costs for a third-party technical study of a proposed facility. Selection of expert(s) to review the proposal will be at the sole discretion of the Board.

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Definitions.

Board – The Board of Adjustment of Sully County, South Dakota.

Construction – Any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for non-utility purposes or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.

High Voltage Transmission Line – A conductor of electric energy and associated facilities.

Ice Throw – Accumulated ice buildup on the blades of a wind turbine that is, or may be, thrown during normal spinning or rotation.

Large Wind Energy Conversion System or LWECS – All WECS facilities excluding those defined as Small Wind Energy Conversion Systems (SWECS).

Meteorological Tower or Met Tower – The tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Occupied Residence – Any residence established by a personal presence in a fixed and permanent dwelling having occupied such dwelling for at least fifty percent (50%) of the two (2) years directly preceding the date an application for a LWECS facility is submitted.

Overhang Distance – The maximum horizontal extension of the LWECS, including the rotor radius, measured from the centerline of the tower.

Participating – Any person who receives direct or indirect compensation for allowing a WECS to utilize, or have an access or easement to utilize, their property.

Person – An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, consumer power district, or any other entity, public or private, however organized.

System Height – The height above grade of the tallest point of the WECS, including the rotor radius.

Tower Height – The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Turbine – The parts of the WECS including the blades, generator, and tail.

Utility – Any entity engaged in the generation, transmission, or distribution of electric energy including, but not limited to, a private investor-owned utility, a cooperatively-owned utility, a consumer power district, and a public or municipal utility.

Wind Energy Conversion System or WECS – A commonly owned and/or managed, integrated system that converts wind movement into electricity. All of the following are encompassed within this definition:

Tower or multiple towers, including foundations.

Generator(s).

Blades.

Power collection systems, including pad-mount transformers.

Access roads, meteorological towers, on-site electric substation, control building, and other ancillary equipment and facilities.

Electric interconnection systems or portion thereof dedicated to the WECS.

General Provisions.

Mitigation Measures

Site Clearance. The permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the LWECS.

Topsoil Protection. The permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected property owner.

Compaction. The permittee shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small of an area as practicable.

Livestock Protection. The permittee shall take all necessary precautions to protect livestock in the LWECS project area during all phases of the project's life.

Fences. The permittee shall promptly replace or repair all fences and gates removed or damaged by project operations during all phases of the project's life unless otherwise negotiated with the affected fence owner.

Soil Erosion and Sediment Control Plan. The permittee shall develop a Soil Erosion and Sediment Control Plan to be submitted in conjunction with the Conditional Use Permit Application. The Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase and shall, at a minimum, identify plans for: grading, construction, and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive revegetation plan to maintain and ensure adequate erosion control and slope

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stability, and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, identifying methods for the disposal or storage of excavated material, protecting exposed soil, stabilizing restored material, and removal of silt fences or barriers when the area is stabilized.

Roads

Public roads. Prior to final submission of a Conditional Use Permit Application, the permittee shall identify all public haul roads that may be used for the LWECS project and shall notify the governing bodies having jurisdiction over such roads. The governing bodies shall be given adequate time to inspect the proposed haul roads. As part of any such inspection of county roads, the county may require the permittee to hire a third-party engineer, approved by the county and at the permittee's sole expense, to inspect the haul roads, document the current condition of the haul roads, and prepare a written report for the county regarding the adequacy of the haul roads for the activities associated with the LWECS. The permittee shall meet with the Sully County Highway Superintendent to discuss traffic, signs, repair, and maintenance responsibilities on county roads to be used as haul routes. Where practicable, existing roadways shall be used for all activities associated with the LWECS, and all-weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles, and all other heavy components. The permittee shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate governing bodies having jurisdiction over approved haul roads for the maintenance and repair of the roads. An approved, written Haul Road Agreement shall be submitted in conjunction with the Conditional Use Permit Application.

Turbine Access Roads. Construction of turbine access roads shall be minimized. Access roads shall be low profile to accommodate farm equipment crossings and shall be covered with Class 5 gravel or similar material. If access roads must be constructed across streams and drainage ways, the roads shall be designed in a manner so that runoff from the upper portions of the watershed can readily flow to the lower portions of the watershed.

Private Roads. The permittee shall promptly repair private roads or lanes damaged while moving equipment or obtaining access to the site unless otherwise negotiated with the affected property owner.

Dust Control. The permittee shall utilize all reasonable measures and practices of construction to control dust. A Dust Control Plan shall be submitted in conjunction with the Conditional Use Permit Application.

Setbacks

Wind turbines shall at least meet the minimum spacing requirements of the following table:

	Setback Distance
Participating occupied residence, business, church, or school	3,000' or 6x the height of the wind turbine, whichever is greater*
Non-Participating occupied residence, business, church, or school	21,120'*
Distance from the edge of the right-of-way of a public road	3,000' or 6x the height of the wind turbine, whichever is greater**
Municipal boundaries at the time of Conditional Use Permit application	21,120'
Distance from Non-Participating property line	21,120'***
Distance from Participating property line	3,000' or 6x the height of the wind turbine, whichever is greater***

* Setback distance to be measured from the wall line of the neighboring principal building to the base of the tower. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position.

** The horizontal setback shall be measured from the base of the tower to the nearest edge of the public right-of-way.

*** The horizontal setback shall be measured from the base of the tower to the adjoining property line. For the purposes of this section only, the "property owner" shall be defined as an individual owner or entity.

Towers

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The towers shall be of a neutral color and the finish of the exterior surface shall be non-reflective and non-glass. All towers shall be of singular tubular design.

Blade Height

The minimum height above the ground surface of blade tips measured when a blade is in a fully vertical position shall be twenty-five (25) feet above grade.

Turbine Spacing

The turbines shall be spaced no closer than three (3) rotor diameters (RD) within a straight line. If required during micro-siting of the turbines to account for topographic conditions, up to ten (10) percent of the towers may be sited closer than the above spacing, but the permittee shall minimize the need to site the turbines closer.

Footprint Minimization

The permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the project. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected property owner.

Collector Lines

When located on private property, the permittee shall place electric energy lines running from the Wind Energy Conversion System to the feeder lines, known as collectors, together with communication cables, underground between the WECS and the feeder lines. An exception to this requirement occurs when the total distance of collectors from the substation requires an overhead installation due to line loss of current from an underground installation. Collectors and cables shall also be placed within or immediately adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected property owner. This section does not apply to feeder lines.

Feeder Lines

The permittee shall place overhead electric lines that run from the collector lines to the main electric terminal, known as feeders, on public rights-of-way or private property. Changes in routes may be made as long as feeder lines remain on public rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-way. If no public right-of-way exists, the permittee may place feeder lines on private property. When placing feeder lines on private property, the permittee shall place the feeder in accordance with the easement negotiated with the affected property owner. The permittee shall submit the site plan and engineered drawings for the feeder lines to the Board prior to commencing construction. Feeder line support structures (power poles) shall be placed on private property where concrete or other similar material is used as an exposed or above-ground permanent foundation.

Lighting

Towers shall be marked as required by the Federal Aviation Administration (FAA). During construction, any temporary or permanent structure, including all appurtenances, which exceed an overall height of two hundred (200) feet above ground level shall be lighted. The preferred manner of lighting is by means of an Aircraft Detection Lighting System (ADLS). Subject to FAA approval, the permittee shall install the ADLS within twelve (12) months of the approval for the specified project. Lighting must be equipped by the start of commercial operation and for the life of the structure, subject to normal maintenance and forced outages. In the event the FAA does not approve an ADLS, the permittee shall comply with all lighting and marking requirements as otherwise mandated by the FAA. There shall be no lights on the towers other than that as required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment. Security lighting on the site shall not exceed twenty (20) feet in height and be directed toward the ground to reduce light pollution, prevent off-site light spillage, and avoid illuminating the tower.

Flicker Analysis

A flicker analysis shall include the duration and location of flicker potential for all schools, churches, businesses, and occupied dwellings within a one (1) mile radius of each turbine within a LWECS project. The permittee shall provide a site map identifying the locations of shadow flicker that may be caused by the project and expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall account for topography but not for obstacles such as accessory structures and trees. Flicker at any receptor shall not exceed thirty (30) minutes per day or fifteen (15) hours per year within the analysis area. Permittee shall install turbine control equipment on the project's turbines that allow for individual turbines to be shut down as necessary to ensure the shadow flicker does not exceed thirty (30) minutes per day or fifteen (15) hours per year.

Exception. The Board of Adjustment may allow for a greater amount of flicker than identified above if the participating or non-participating property owners agree to said amount of flicker. If approved, such agreement shall be filed and recorded with the Sully County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.

Electromagnetic Interference

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The permittee shall not operate the LWECS so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other laws. In the event such interference is caused by the LWECS or its operation, the permittee shall take the measures necessary to correct the problem.

Noise

Noise level generated by the LWECS shall not exceed 35 dBA average A-weighted sound pressure including constructive interference effects at the perimeter of the principal and accessory structures of existing participating and non-participating occupied residences, businesses, churches, or schools.

Exception. The Board of Adjustment may allow for a greater noise level than identified above if the participating or non-participating property owners agree to said noise level. If approved, such agreement shall be filed and recorded with the Sully County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.

Ice Throw

The permittee shall utilize all measures to minimize ice throw. Permittee shall use two (2) methods to detect icing conditions on turbine blades: (1) sensors that detect when blades become imbalanced or create vibration due to ice accumulation; and (2) meteorological data from on-site permanent meteorological towers, on-site anemometers, and other relevant meteorological sources that will be used to determine if ice accumulation is occurring. These control systems will either automatically shut down the turbine(s) in icing conditions (per the sensors), or permittee will manually shut down the turbine(s) if icing conditions are identified (using meteorological data). Turbines will not return to normal operation until the control systems no longer detect an imbalance or when weather conditions either remove icing on the blades or indicate icing is no longer a concern. Permittee shall bear financial responsibility for any documented damage caused by ice throw from a turbine.

Maintenance

All LWECS components, support structures, and facilities shall be maintained in good condition, order, and repair to ensure that they do not endanger the life or property of any person. Upon the determination of the Board that a structure within the project area is a hazard to public safety, the owner shall be required to pay, at the owner's sole expense, for the services of a registered professional engineer as approved by the Board to perform an inspection and make all recommended corrections. If an owner discontinues use of a LWECS, the owner or operator shall give immediate written notice to the Board of the date of such discontinuance.

Decommissioning, Abandonment, and Restoration.

Decommissioning Plan

In conjunction with the Conditional Use Permit Application, the permittee shall submit a detailed decommissioning plan describing the manner in which the permittee anticipates decommissioning the LWECS project in accordance with the requirements that follow.

Cost Responsibility

The owner or operator of a LWECS facility is responsible for decommissioning that facility and for all costs associated with decommissioning that facility and associated facilities. The responsible party shall be clearly identified within the decommissioning plan.

Abandoned Turbines

The owner or operator of a LWECS facility shall submit a written report to the Board of Adjustment detailing any turbines that have been abandoned prior to termination of operation of the LWECS. A turbine is presumed to be at the end of its useful life if the individual turbine generates no electricity for a continuous period of one hundred and eighty (180) days, at which point the Board may require the owner or operator to decommission any abandoned turbine. Owner or operator shall submit on an annual basis, on December 1, a report of activity including disclosure of the number of calendar days of energy generating operation for each turbine located within the permitted project. Annual reports shall be submitted to the Board and kept on file in the office of the Planning and Zoning Administrator for a period of three (3) years.

Abandoned LWECS

A LWECS is presumed to be at the end of its useful life if the facility generates no electricity for a continuous period of one hundred and eighty (180) days, at which point the Board of Adjustment may require the owner or operator to decommission the entirety of the LWECS. The presumption may be rebutted by submitting for approval to the Board a plan outlining the steps and schedule for returning the LWECS to service within twelve (12) months of the submission.

Decommissioning Period

The decommissioning of the turbine or LWECS facility shall begin within eight (8) months of abandonment or expiration of the Conditional Use Permit and must be completed within eighteen (18) months of the abandonment or expiration of the permit.

Site Restoration

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The owner or operator of the LWECS facility shall be obligated to dismantle and remove from the project site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment to a depth of six (6) feet. To the extent possible, the owner or operator shall restore and reclaim the project site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected property owner requesting that one (1) or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth, no removal, or access road retention shall be filed and recorded with the Sully County Register of Deeds and shall show the locations of all such foundations and/or roads. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land. All such agreements between the owner and the affected property owner shall be submitted to the Board prior to completion of restoration activities.

Financial Assurance

The Board of Adjustment shall require a performance bond, surety bond, escrow account, letter of credit, corporate guarantee, or other form of financial assurance that is acceptable to the Board to cover the anticipated costs of decommissioning the LWECS facility. The Decommissioning Plan shall contain the following provisions relating to financial assurance:

The financial assurance is funded by the LWECS facility owner, prior to construction, in the form of a required bond in the amount of the full and complete cost of the project plus additional funds added to the bond annually matching the amount of inflation based on the Consumer Price Index (CPI). The financial assurance is submitted for the purpose of decommissioning the LWECS. This requirement may not be necessary if the owner is required by another entity to maintain financial assurance equal to or exceeding the amount required in this section.

All interest earned by the account remains in the account.

An account statement shall be provided annually to the Sully County Board of Commissioners

The account shall follow ownership of the LWECS.

The account is not subject to foreclosure, lien, judgment, or bankruptcy.

Beginning in year ten (10) following the start of operation, and each fifth year thereafter, the LWECS owner or operator shall submit to the Board of Adjustment an estimated decommissioning date, if established, and estimated decommissioning costs and salvage values. Based on the verification of the information in this filing, the Board may change the annual escrow funding rate to more closely match the estimated amount needed for decommissioning.

Failure to Decommission

If the LWECS facility owner or operator does not complete decommissioning and proper material disposal, the Board of Adjustment may take such action as may be necessary to complete decommissioning and proper material disposal, including requiring forfeiture of the financial assurance. The entry into a participating property owner agreement shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Board may take such action as will be necessary to decommission the LWECS facility and seek additional expenditures necessary to do so from the facility owner.

Permitting Requirements.

Any Wind Energy Conversion System that is not defined as a Small Wind Energy Conversion System shall require a Conditional Use Permit, which shall become void if no substantial construction has been completed within twelve (12) months of issuance or the permitted use ceases for a period of twelve (12) months, and, at a minimum, shall include the following additional information:

If not the named permittee, the name, address, phone number, and email address of the contact person for the LWECS project. The contact person must be currently employed by the project and must be kept up to date. If the original named contact person is no longer employed by the project, the information for the new contact person must be supplied to the Board within ten (10) business days.

Boundaries of the site proposed for the LWECS facility and associated facilities shown on a United States Geological Survey map or other map as appropriate.

Map of the easements for the LWECS project.

Copies of the easement agreements with the property owners.

A map of the occupied residential structures, businesses, cemeteries, and public buildings within four (4) miles of the proposed LWECS project site boundaries.

A preliminary map of tower sites within the LWECS project area, access roads, and utility lines, along with the location of any other LWECS facility located within five (5) miles of the proposed LWECS site.

Evidence of consultation on project-specific environmental and cultural concerns. This information shall be obtained by consulting with, at minimum, the following agencies:

Federal Communications Commission

Federal Aviation Administration

United States Fish and Wildlife Service

South Dakota Department of Game, Fish and Parks

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South Dakota Public Utilities Commission
South Dakota State Historical Society
Environmental Impact Study.
LWECS project schedule.

A copy of the approved Haul Road Agreement and a haul road map.
The Soil Erosion and Sediment Control Plan and the Dust Control Plan.
The Decommissioning Plan.

The status of any interconnection studies/agreements.

Any other information that the Board of Adjustment may deem necessary for consideration in enforcing the provisions of this section.

A Building Permit shall be required for the buildings and structures to be erected, added to, or altered within the LWECS project area before construction begins, and shall automatically expire if the permitted work has not been started within twelve (12) months of the approval date. In addition to the requirements outlined in the Zoning Ordinance of Sully County, the Building Permit Application, at a minimum, shall include the following additional information:

System specifications, including manufacturer and model, rotor diameter, tower height, and tower type.

Tower blueprints or drawings.

Tower foundation blueprints or drawings.

Proof of notification to the utility in the service territory in which the LWECS facility is to be erected.

Proof of the agreements with property owners for reduced setbacks, increased flicker, or increased noise.

Any other information that the Planning and Zoning Administrator may deem necessary for consideration in enforcing the provisions of the Ordinance.

At least forty-five (45) days prior to commencement of construction, the permittee shall submit final maps depicting the approximate location of the proposed wind turbines, access roads, and collector and feeder lines. Upon completion, the permittee shall also supply an "as-built" ALTA survey showing that all facilities comply with the setback requirements.

Section 2. That Section 4-205, "Conditional Uses" (Agriculture District B) of the Zoning Ordinance of Sully County, adopted by Ordinance 2003-02, as amended, shall be amended by insertion of the following:

7. Large Wind Energy Conversion System (LWECS) in conformance with Section 2-118.

Section 3. That the provisions of Ordinance 2022-02 are severable as follows:

If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

Section 4. That all ordinances or parts thereof in conflict herewith are hereby repealed.

Passed and adopted this 4th day of October 2022.

s:/Greg Yackley, CHAIRPERSON

Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan Lamb, AUDITOR

Sully County, South Dakota

First Reading: September 27, 2022

Second Reading: October 4, 2022

Published: October 13, 2022

EFFECTIVE: November 2, 2022

SD DEPT OF REVENUE GIS DATA REQUEST: State Property Tax Specialist Amber Jensen visited with Bd by phone regarding request for Sully County GIS Data. State's Attny Sovell will visit with GIS Dir Schmahl & DOE Loesch regarding data. Bd requested contract from SDDOR stating that data would not be sold at any time.

HDR AGREEMENT: Following lengthy discussion, motion by Richards, second by Floyd to approve HDR agreement contingent upon updates being included from State's Attny Sovell. Roll Call Vote: Shepherd-nay, Fanger-nay, Yackley-aye, Richards-aye, Floyd-aye. Motion carried 3-2.

LEGAL MATTERS: States Attny Sovell discussed court room & jail transport with Bd.

CLAIMS: Motion by Richards, second by Yackley to approve claims. Unanimous vote aye. Oahe Electric 109.92 Util, SDACO 96.00 Collections, State Treasurer 75,036.05 Collections, Agar Town 673.74 Collections, ABO School 23,622.38 Collections, Central Plains Water 92.62, City of Onida 2,838.91 Collections, Codgers Cove Road District 250.00 Collections, 258 Coffee 230.00 T&C, A&B Business Solutions 67.60 Maint, American Solutions for Business 74.90 Supl, Bankwest 15508.36 Loan Payment, Beadle County Auditor 550.00 Approp, BIT Resource Billing 36.25 Prof Svc, Black Hills Ammunition 1853.00 Supl, Blue360 Media 276.68 Supl, Leroy Braun 212.95 Safety Clothing, Capital Area Counseling Serv 362.50 Approp, Capital One Bank 655.34 Supl, Cardmember Service 688.54 Supl, Connecting Point 449.00 Prof Svc, Dakota Fluid Power Inc 187.66 Supl, Don's Sinclair Inc 95.00 Maint, Election Systems &

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Software 398.00 Supl, Executive Mgmt Finance Office 322.65 Prof Svc, Hughes Co Finance Officer 4275.00 Jail, Inmans Water Technologies 84.00 Rental, Integrated Weed Control 2525.00 Insects, Kimball Midwest 51.56 Supl, Lamb Chevrolet & Implement Inc 472.35 Supl, Lamb Discount Supply 2451.59 Supl, Lamb Motor Co Inc 313.29 Supl, Susan Lamb 53.72 T&C, Leanne Loesch 42.00 T&C, Lyle Signs Inc 1309.68 Supl, Marco 175.74 Maint, Mid-Dakota Rural Water System 86.00 Util, Minnesota GIS/LIS Consortium 545.00 T&C, Bryan Murphy 191.65 Supl, Lynette Murphy 53.72 T&C, Northern Tool 299.00 Supl, City of Onida 1434.88 Util, Onida Watchman, Inc 406.91 Publ, Helen J Paxton 53.72 T&C, Powerplan 9597.41 Supl, Premier Biotech Inc 278.01 Supl, Quill Corporation 465.98 Supl, Safety Benefits, Inc 150.00 T&C, Janet Schmahl 314.58 T&C, SD Department of Trans 818.13 Prof Serv, SD Peace Officers' Assn 50.00 T&C, SD Sheriffs Association 115.00 T&C, Servall Uniform 313.34 Rent, Sign Solutions 480.20 Supl, South Dakota Ltap 125.00 T&C, Sovell Oil, Inc 28712.94 Fuel, Sovell Law Office 700.00 Util, Sully Co Treasurer/Petty Cash 24.20 Supl, Titan Machinery 2025.00 Supl, Tote-A-Vote 340.00 Supl, Trugreen Heartland Lawn Care 337.00 Maint, Venture Communications 1144.18 Phone, Verizon Wireless 103.78 Phone, Charles Weischedel 241.56 Supl, Zander Auto Parts Inc 535.36 Supl,

CD RATE REPORT: Treas Paxton informed Bd that Sunrise Bank Dakota was high quote at 2.52% on 6 Co CDs.

FUEL QUOTES: The following is the fuel quote received for the month of October. Sovell Oil-unleaded \$3.96, diesel #1-\$4.04, diesel #2-\$3.99 A monthly inventory listing was also reviewed of fuel used by the Co in the month of September.


SEPTEMBER WAGES Salaries by Office: Comrs 3998.28; Aud 8047.11; Treas 6614.23; States Attny 8301.14; Cthse 3585.97; DOE 4072.85; Reg of Deeds 6597.46; GIS 4698.35; Sheriff 17,767.66; Coroner 134.57; Weed & Pest 670.55; P&Z 805.54; Highway 58,036.81; Emg Mgt 1004.18.

ACCOUNT WITH THE TREASURER AS OF 09/30/22

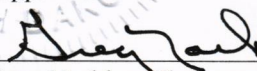
Cash on Hand	475.80
Checks	13,425.63
Checks on Hand	0.00
NSF Checks	0.00
Cash Items	24.20
ROD Cash Box	50.00
Sunrise Bank Now	3,050,275.38
Sunrise Bank MM	415,408.16
BankWest Checking	13,065.59
BankWest MM	3,830.87
INVESTMENTS	
Sunrise Bank Dakota	1,191,593.26
BankWest	
Sheriff Checking	146.32
Register of Deeds Checking	3,638.00
Total Cash Balance	4,691,933.21
Total Assets in Custody of County as of 09/30/22	
County Amount	4,495,402.19
Amounts Held for Other Gov	196,531.02
Amounts Held for Others	0.00
Total Assets	4,691,933.21

MTG DATES: The next regular meeting will be November 10th at 7:30 am.

ADJOURNMENT: There being no further business, Chairman Yackley declared the mtg adjourned.


Susan Lamb, Sully County Auditor

11.10.2022
Approved


Greg Yackley, Chairman