

First District Governing Board Officers

- Pat MaroneyChairman
Miner County Commissioner
- Craig AtkinsVice Chairman
Codington County At-Large
- Ron Smith..... Secretary
Moody County At-Large
- Todd A. Kays.....Executive Director

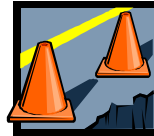
This publication is financed in part through a grant from the Economic Development Administration.

First District Association of Local Governments

**Phone: (605) 882-5115 or
1-800-981-9092
Fax: (605) 882-5049
Web: www.1stdistrict.org**

STIP Meeting Scheduled

Thursday, June 25, 2009, at 10:00 a.m., representatives from the South Dakota Department of Transportation will be in the First District office to give you a preliminary look at the 2010-2014 "Tentative" Statewide Transportation Improvement Program (STIP).

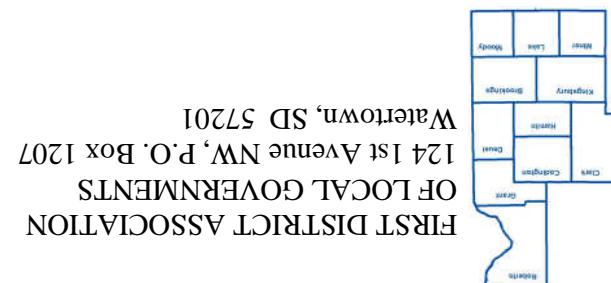


The "Tentative" STIP document lists the projects that the SD Department of Transportation has scheduled in federal fiscal years 2010 through 2014. The purpose of the meeting is to allow you to review and discuss it prior to public meetings that will be held throughout South Dakota in July.



Inside this issue:

2009 Legislative Overview: Planning & Zoning	1 & 5
MY THOUGHTS... Todd A. Kays, Executive Director	2
Upcoming Meetings	2
State Revolving Funds	3
South Dakota GIS Conference	4
Two Businesses Receive First District Loans	5
STIP Meeting Scheduled	6



FIRST DISTRICT ASSOCIATION
OF LOCAL GOVERNMENTS
124 1st Avenue NW, P.O. Box 1207
Watertown, SD 57201

FIRST DISTRICT NEWS

124 1st Avenue NW | P.O. Box 1207 | Watertown, South Dakota 57201-6207

Vol. 30, No. 2 / April 2009

2009 LEGISLATIVE OVERVIEW: PLANNING & ZONING

Every year it seems that there are more local land use planning and zoning issues that are being addressed at the State level—2009 was no exception. This year the South Dakota Legislature acted on a handful of issues relating directly to land use planning and zoning, and several more relating to Wind Energy Systems which also affect planning and zoning decisions.

SB115 amended SDCL 11-2-28, which outlines the process for initiated changes to Comprehensive County Plans. Under this new bill, in order to initiate a change to the Comprehensive County Plan, twenty percent of landowners within a specific district are required to present a petition to the board. SDCL 11-2-28 previously required thirty percent of landowners in a specific district to do the same. This bill also states that for the purposes of initiating this type of change, landowners do not include churches or other tax-exempt organizations. This bill was passed in an effort to make it easier to initiate changes to the Comprehensive Land Use Plans. The original version SB 115 would have changed the requirement of landowners to sign petitions to initiate changes to registered voters. That change narrowly escaped the Senate before being revised to what was stated above and subsequently passed in conference committee.

SB 154 establishes the 2006 International Building Code as the standard by which commercial structures are to be built. This bill essentially establishes a building code for commercial structures in counties and communities that have not adopted a building code. The bill does not, however, address how counties and communities are to enforce the building code. A similar version of this bill was proposed in the 2008 legislature and defeated. Opponents of the bill argued that enforcing the building code will prove costly, as very few communities that have not adopted building codes do not construct enough structures in a year to pay a qualified building inspector. This year it passed with little dissent. *(Continued p. 5 "Planning & Zoning")*



MY THOUGHTS...

**BY: TODD A. KAYS,
EXECUTIVE DIRECTOR**

The American Recovery and Reinvestment Act of 2009 (ARRA) often referred to as the "Stimulus" has brought a significant amount of money into the State. It has been used as a tool to help fill holes in the State budget and bolster employment, social service and educational programs. It has also provided local units of government with possible funding sources to assist in the development of necessary projects. With the implementation of the "Stimulus" it has become evident that the "Stimulus" in some program areas has been very focused in its implementation while at the same time being in a state of flux in other programs. That statement is not an indictment upon the programs impacted by the "Stimulus" or the staff administering them, for the District is in the same boat as many of the other Federal, State and local entities trying to get a handle on the scope of the programs, dollars available and how best to utilize said funds.

There have been recent examples of "Stimulus" dollars beginning to impact communities and counties within the District. For example, all of the District counties and several communities have been awarded funds from the Department of Transportation. Many of those entities have decided to combine those funds with other transportation dollars to pay for future transportation projects. Also, the South Dakota Department of Environment and Natural Resources has established rules regarding allocating funds and extended deadlines for being placed on the State Water Plan. Many District communities are currently in the process of making application for clean water and drinking water SRF funds.

There are several Federal programs that are beginning to come on line with the potential to positively impact local units of government. Existing programs in Federal agencies, such as the Economic Development Administration and USDA Rural Development, have been recapitalized with funds to further assist local units of government with housing, infrastructure and business development projects.

Finally there are several State programs which have received an injection of capital for community projects. They include the Community Development Block Grant program, the Neighborhood Stabilization Program – administered through the South Dakota Housing Authority, and the Energy Efficiency and Conservation Block Grant Program. While the NSP program, covered in the last District newsletter, is not part of the "Stimulus" program, there are significant dollars available for housing/redevelopment projects. The Energy Efficiency and Conservation Block Grant Program may hold several opportunities for local units of government to apply for funds to implement strategies to reduce fossil fuel emissions, total energy use, and improve energy efficiency in all sectors. This may include improvements to existing public buildings.

One thing is for certain, the "Stimulus" has been stimulating an increase in work activities for District staff. This has been especially true for our principle grant writers, Greg and Ted. They have been very busy speaking with many of you regarding a wide variety of projects. If you have questions regarding possible projects and available "Stimulus" programs please do not hesitate to contact the office and ask for Greg, Ted, or myself.

In other District news, you may recall from the last newsletter the District is in the process of hosting meetings in every county of the District with the purpose of providing information to our members about the District and hearing from you about possible projects. We have had positive feedback regarding the "Meet the District" meetings that have occurred in Codington, Miner and Deuel counties, and the staff look forward to our upcoming meetings in the counties of Hamlin, Brookings, Moody and Grant.

- Upcoming Meetings**
- April 30—Hamlin County "Meet the District"
 - May 18—Sioux Valley Commissioners, Moody County
 - May 28—Brookings County "Meet the District" and First District Governing Body Meeting
 - June 25—STIP Meeting
 - June 25—Moody County "Meet the District"
 - July 16—Grant County "Meet the District"
 - July 23—First District Annual Picnic

PLANNING & ZONING (Continued from page 1)



SB 141 establishes minimum setbacks for wind turbines. It states that small (private) wind energy systems are to be set back 1.1 times (110%) the height of the tower from any surrounding property line. It states that large wind energy systems are to be set back 500 feet or 1.1 times the height of the tower, whichever is greater, from any surrounding property lines. Towers are allowed to be close to property lines if an agreement between property owners is in place. This bill allows counties to set greater setbacks if they so choose.

SB 184 states that holders of wind easements or other easements are to accommodate neighboring holders of easements if possible. This will allow for the most efficient placement of wind towers and other utilities.

Lastly, Senate Concurrent Resolution 5 was passed stating "...the Legislature encourages local governments to write their ordinances so that any residential property subject to covenants or other restrictions is exempt from any such restrictions that apply to the erection of residential wind turbines." Similar resolutions and ordinances have been passed in other states regarding private wind and solar energy development. This resolution asks South Dakota communities not to restrict the construction of residential (private) wind turbines.

**Two Businesses Receive
First District Loans**

First District provided financing for **Watertown Chiropractic, P.C.** of Watertown, South Dakota, to construct a professional office for the practice. Since 2004, Bryan Dingsor, D.C., was leasing a small space for his business. The new location on Highway 212 in Watertown has helped Dr. Dingsor realize his dream of a larger office that would improve patient flow, practice efficiency and visibility of the business.



Watertown Chiropractic, P.C.



Westside Implement, Inc.

Westside Implement, Inc., Clark, South Dakota, recently received a loan from First District to assist with the construction of their new building. Westside Implement carries small and large lines of farm equipment, used equipment, a full line of parts, and services all equipment. Owner, Kyle Gaikowski, has managed Westside since 1992 and purchased the business from his father, Terry, in 2002. His new 20,000 square foot building allows for an expanded parts area and the ability to service equipment year round.