

SECOG

SOUTH EASTERN COUNCIL OF GOVERNMENTS

SOUTH DAKOTA

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The Director's Corner

Governors House Program

Workforce housing continues to be a need not only in SECOG's region, but nationwide. Since 2015, SECOG has been serving at the non-profit developer in Sioux Falls using the Governor's House.

To date, over 30 homes have been developed and sold. The 2019 homes are now nearing completion. These homes are new construction and a great value. Please contact me if you are interested in additional information.



1,200 Square Feet

3 Bedroom, 2 Bath, 2 Car Garage

Little to No Money Down

Brand New Construction

Appliances Included

Ready to Finish Basement

Household Income Limit:

\$52,710 for 2 People

\$60,240 for 3 or more People

***Other income restrictions for forgivable loan**

PRICING DETAILS

\$183,900	Total House Price
-\$14,290	Forgivable Loan over 5 Years
-\$10,000	0% SEDF Loan
\$159,610	Total Bank Loan + Closing Costs

From Jim's Desk



2019 MPO Committee Appointments

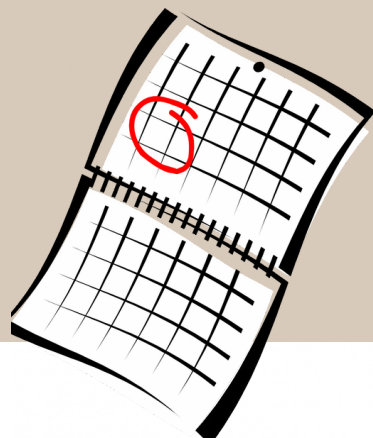
The Metropolitan Planning Organization's (MPO) governing body, the Urbanized Development Commission, has approved the appointment of Amanda Snoozy and Sean Garney to the Citizen Advisory Committee (CAC) and Jarod Larson to the Technical Advisory Committee (TAC).

Amanda Snoozy is the Executive Director of Touchmark at All Saints and was appointed to the CAC as a retirement community representative in May. Amanda oversees all aspects of the full-service retirement community, including independent and assisted living as well as memory care. In her application, Amanda stated, "I have been looking for an opportunity to serve the Sioux Falls community. Touchmark is located in the heart of Sioux Falls and actively involved with the All Saints Neighborhood Association which would add a unique and beneficial perspective to your committee."

P. Sean Garney is with Scopelitis Transportation Consultants and was appointed to the CAC as a safety representative in September. Sean has worked in the freight transportation and transportation safety fields and has held positions in both the private sector and working at non-profit advocacy organizations. In his application, Sean stated, "I am passionate about transportation and eager to help the MPO continue to bring economic development to the region. Developing a strong regional transportation planning process is key to the growth of any region, and citizen input is imperative to this process."

Dr. Jarod Larson is Superintendent of the Brandon Valley School District and was appointed to the TAC's Public Transportation Carrier position in January. In his application, Jarod stated, "the Brandon Valley School District transports over 2,000 children daily during the school year. We are committed to safely, efficiently, and effectively providing transportation services to the children of our district. In addition, our district is committed to involvement and civic engagement."





Dates to remember



November 6, 2019
CAC Meeting @ 3:00pm

November 7, 2019
TAC Meeting @ 2:00pm

November 7, 2019
UDC Meeting @ 4:00pm

The Sioux Falls Metropolitan Planning Organization (MPO) meeting schedule for 2020 has been posted on the MPO website at <http://siouxfallsmpo.org/committees/>.

The MPO has three committees that meet seven times per year. All meetings are open to the public.

The Urbanized Development Commission (UDC) is primarily comprised of elected officials from each of the local governmental participants in the process. The UDC, with input from the other MPO committees, makes area transportation planning decisions.

The Technical Advisory Committee (TAC) is the committee comprised of staff from each of the participating units of government as well as representatives from various modes of transportation. The TAC's role in the local process is to advise the policy board (UDC) on the technical aspects of transportation plans under consideration.

The Citizens Advisory Committee (CAC) is the committee established to solicit public input into the local transportation planning process. The CAC's membership is comprised of interested citizens representing either themselves or various metro area businesses and organizations.

Additional information can be found at <http://siouxfallsmpo.org>.





Upcoming Deadlines:

Governor's Office of Economic Development
Local Infrastructure Improvement Program (LIIP)

October 31, 2019

LIIP provides grants to construct or reconstruct public infrastructure associated with an economic development project.

South Dakota Department of Game, Fish and Parks
Land Water Conservation Fund (LWCF)

November 8, 2019

LWCF provides grants to develop outdoor recreation projects.

South Dakota Department of Public Safety – Emergency Management
Pre-Disaster Mitigation (PDM) Grant Program

December 13, 2019

PDM funds, in addition to funding Pre-Disaster Hazard Mitigation Plans, may also be used for projects that reduce risk to any natural hazard.

South Dakota Department of Public Safety – Emergency Management
Flood Mitigation Assistance (FMA) Grant Program

December 13, 2019

FMA funds may assist communities in their efforts to reduce or eliminate the risk of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program.

South Dakota Department of Environment and Natural Resources
Drinking Water State Revolving Fund (DWSRF)
Consolidated Water Facilities Construction Program (CWFCP)
Clean Water State Revolving Fund (CWSRF)

January 1, 2020

DWSRF, CWFCP, and CWSRF programs funds are available to improve or maintain wastewater treatment, storm water management, or drinking water infrastructure.



Application Announcement

The application cycle for the Land and Water Conservation Fund (LWCF) has been announced. These funds are now available on an annual basis. The deadline for applications is November 8, 2019.

LWCF provides up to 50 percent reimbursement for outdoor recreation projects. The minimum request is \$10,000 and, new this year, there is no ceiling on the request amount. Applicants are encouraged to look at their community needs to identify projects that will enhance outdoor family recreation. Some projects that have been recently funded in SECOG's district include a pickleball court in Crooks and playground equipment in Colton and Spencer.

Contact Leslie in Minnehaha, McCook and Clay Counties and Sara in Union, Lincoln and Turner Counties with your project ideas.

Grants Awarded

At its September 26th meeting, the state Board of Water and Natural Resources approved a total of \$44,648,000 in grants and loans for water and sewer projects. Grants and loans were awarded to the following communities and organizations with the assistance of SECOG:

Sioux Falls – A \$41,625,000 loan for Phase I of the Water Reclamation Facility Expansion.

Lennox – A combined \$1,000,000 loan for sanitary and storm sewer facilities and \$375,000 loan for drinking water facilities for Phases 2 & 3 of the Central Basin Improvement Project.

Hartford – A \$1,334,000 loan for the Western Avenue Sewer Expansion Project.

Lincoln County Rural Water System – A \$750,000 loan for the Main Transmission Line Improvements Project.



Lum wins award

SECOG Planner, Sara Lum, has received the 2019 American Institute of Architects South Dakota Young Architect Award. The award is given to an AIA South Dakota member who has been licensed fewer than 10 years, and the award is based on the following criteria:

- ★ Leadership in professional practice, design, service and/or education;
- ★ Service to the AIA through participation and encouragement of fellow members and nonmembers;
- ★ Exceptional contributions to the profession and the community.

Sara received the award on Friday, September 13, 2019 as part of the 2019 AIA SD Design Awards Ceremony and Dinner. Other award recipients included Dale Lamphere, who was honored with the Champion of Architecture Award and Jeff Hazard, who was posthumously honored with the Legacy Award.



A Summary of Regulatory Takings

There are two types of government acquisition or “takings” of private property. The first involves the federal, state, or local government acquiring private property for some public purpose through the process of eminent domain. The second, and the subject of this article, occurs when the government enacts a law or regulation that limits the right of a private landowner to develop or use his or her land. These are commonly referred to as “regulatory takings”.

There are three categories of regulatory takings. The first involves the actual physical invasion of private property. The principal physical invasion case is *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982), where a New York law required a landlord to allow a cable television company to install its cable facilities on the roof of her apartment building. Here, the U.S. Supreme Court held that even the smallest physical occupation authorized by the government is a taking without regard to the public interests that it may serve. As such, the test for a physical invasion taking is the simplest of the three: if the government physically takes any portion your property, they must pay for it. End of discussion.

The second category of taking, and perhaps the most rare, is the total regulatory taking. This type of taking is called a “categorical taking”, and its principal case is *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992). David Lucas owned two coastal lots in South Carolina. Several years after he purchased the properties, the State enacted The Beachfront Management Act, which permanently banned all construction on beachfront property in order to prevent erosion and advance other legitimate public goals. Here, the U.S. Supreme Court held that the regulation went above and beyond the reasonable adjustments and burdens that typically result from governmental regulations. In fact, it effectively resulted in the total deprivation of all economically beneficial or productive options for the use of his properties, which is the equivalent of a total physical appropriation.



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A Summary of Regulatory Takings cont.

As such, the test for categorical takings in Lucas, just like the test for physical takings in Loretto, is simply that if your property is rendered valueless, whether by regulation or because it has been physically occupied by the government, the landowner must be compensated.

The final category of taking, and by far the most common, is the partial regulatory taking. In the most famous partial regulatory takings case, *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922), the general rule was established that “while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.” The U.S. Supreme Court attempted to clarify this rule in *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978). In that case, the court enunciated a three-part test for determining whether a partial regulatory taking has occurred.

The resulting balancing test is an essentially ad hoc, factual inquiry that turns on a number of factors: (1) the economic impact of the challenged regulatory action, (2) the extent to which the law or regulation “interferes with distinct investment-backed expectations,” and (3) the “character” of the government’s action. Naturally, this three-part test has proven difficult to apply with any predictability. There are volumes of cases from all over the country that apply the factors in slightly different ways.

Currently, the U.S. Supreme Court has an opportunity to address the problems with the Penn Central three-part partial regulatory takings test. It has been asked to review a decision by the Massachusetts Appellate Court in *Smyth v. Conservation Comm’n of Falmouth*, 94 Mass. App. Ct. 790 (App. Ct. 2019). This will be a case to watch in the coming months. If you are interested, you can follow it, case number 2017-P-1189, at the U.S. Supreme Court’s website.



Keep Your Zoning Map Up to Date

When was the last time you thought about your zoning map? Five minutes ago? Five months ago? Five years ago? Whatever the answer to that question, there is no better time than now to take a look at your map. The zoning map is an important part of any Zoning Regulation Ordinance. Zoning maps are important because they allow people to quickly determine what zoning districts exist in any given location in their city or county. However, it can be one of the easiest items to forget to keep up to date. Depending on the rate of growth or change in your municipality or county, it can be a good idea to review your official zoning map every 1 to 3 years to make certain that all rezoning amendments and annexations have been included in the map.

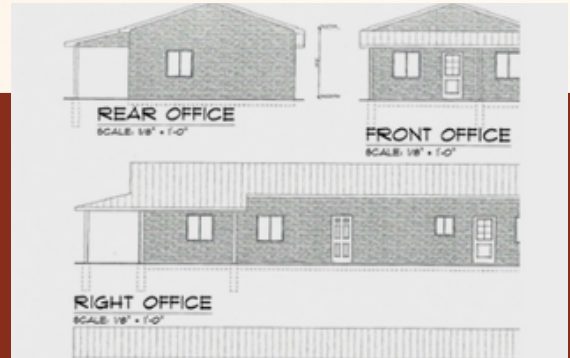
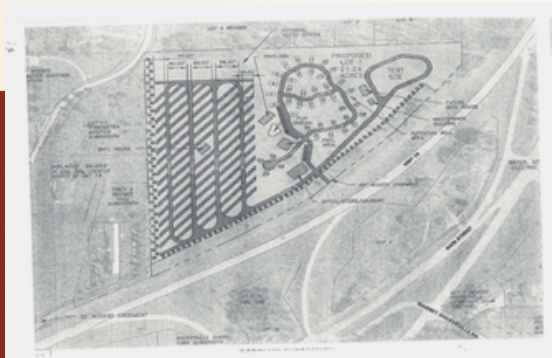
There are a couple of options when it comes to keeping your map up to date. First is a map codification which is much like a codification of any official document. In this case, you amend the map via a text ordinance that gives the legal description of the property of which the zone will be changed. During the codification of the map, the property will be changed to the new correct zone and the change will be recorded on a table located on the map document. This is a good option if you know you have kept your map up to date over time and have a good record of all rezoning amendments that have taken place. The second option is a map revision. In this option you are able to rezone properties as needed in the case that the current zoning does not match existing land use or if there was an area annexed and needs new zoning. With this second option, the entire map needs to go through the full zoning amendment procedure and be legally adopted by the city council or board of commissioners.

If you would like any assistance in codifying or revising your zoning map please contact Kristen at 681-8174 or gis@secog.org.



New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Rushmore Cabins & RV Resort Rockerville, SD

Purpose: Purchase of land & construction of campground & RV Park
Participating Lender: Dillion Kjerstad, First National Bank, Phillip

Preform Solutions, Inc. Sioux Falls, SD

Purpose: REfinancing of
equipment & Working
Capital

Participating Lender:
Trisha Viss, Dacotah Bank



Hartford Building Center Hartford, SD

Purpose: Refinance existing
debt & expansion of
current location

Participating Lender:
Paula Brown, CorTrust Bank

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New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Meadows on Sycamore, Inc.
Sioux Falls, SD

Purpose: Refinancing of building & working capital
Participating Lender: Dave Kroll, First Dakota Bank



Pinz, LLC
Dell Rapids, SD
Purpose: Business Acquisition
Participating Lender: Weston Hansen,
The First National Bank
in Sioux Falls



Gage Brothers Concrete Products, Inc.
Sioux Falls, SD
Purpose: Purchase of equipment,
machinery and working capital.
Participating Lender: Jay Mitchell,
Great Western Bank

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New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Beresford Family Chiropractor
Beresford, SD

Purpose: Purchase of an
existing building

Participating Lender:
Cory Worth,
First Dakota Bank

Thrivent Financial
Sioux Falls, SD

Purpose: Purchase real estate

Participating Lender:

Dave Kroll,
First Dakota National Bank



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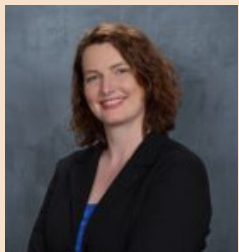
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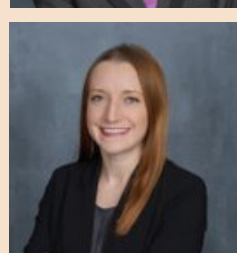
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