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The Director's Corner

There is a short window for business and healthcare providers in South Dakota to access funding from the CARES Act. Additional information is below. Please note the deadline to apply is **October 23rd!**

Lynne Keller Forbes
Executive Director

GOVERNOR NOEM ANNOUNCES SMALL BUSINESS AND HEALTHCARE PROVIDER RELIEF PROGRAM

Governor Kristi Noem announced the launch of the Small Business and Healthcare Provider Relief Program, which will utilize up to \$580 million in Coronavirus Relief Fund (CRF) dollars to assist small businesses, community-based healthcare providers, and non-profits negatively impacted by the COVID-19 pandemic.

There are five components of this program:

- The Small Business COVID Interruption program will provide up to \$400 million to help eligible South Dakota small businesses who experienced a reduction in business as a result of the pandemic. Specifics can be found [here](#).
- The Small Business Startup program will provide up to \$10 million in direct grants to recently started eligible South Dakota businesses whose growth has been impacted as a result of the pandemic. Specifics can be found [here](#).
- The Acute Care in Hospitals program will provide up to \$15 million to eligible hospitals that are licensed by the state to provide acute inpatient care. Specifics can be found [here](#).
- The Small Nonprofit COVID Interruption program will provide up to \$40 million to eligible South Dakota small nonprofits who have experienced negative impact as a result of the pandemic. Specifics can be found [here](#).
- The Community Based Healthcare Providers program will provide up to \$115 million for eligible community providers who have experienced a reduction in business as a result of the pandemic. Specifics can be found [here](#).

Eligible businesses and organizations will be able to apply for these various grants from October 13-23, 2020. For assistance, please contact the call center from 8:00 am to 5:00 pm Monday through Friday at 605-937-7243. You can also email covid.bizgrants@state.sd.us or covid.healthcaregrants@state.sd.us.

To learn more about the Small Business and Healthcare Provider Relief Program, visit COVID.SD.GOV.



2045 Long-Range Transportation Plan Public Hearing

The public is invited to provide comments on the final draft of Go Sioux Falls, the Sioux Falls Metropolitan Planning Organization's (MPO) 2045 Long-Range Transportation Plan. Go Sioux Falls will establish goals and priorities to guide how future transportation investments are made to help shape the region's transportation network through the year 2045. The final draft of the 2045 LRTP will be reviewed at a public hearing conducted at a meeting of the MPO's Technical Advisory Committee (TAC).

The public hearing will be held by Zoom video conference on November 5, 2020, at 2:00 PM CT. Interested parties may attend by calling 312.626.6799 or going to <https://zoom.us/join>. The meeting ID is 861 9230 2319 and the password is 106462. The document is available at: <http://siouxfallsmpo.org/committees/tac/agendas/>.

Written comments must be received by noon on November 4, 2020, and may be submitted through the project website www.gosiouxfalls2045.com/comment or by mail to SECOG, 500 N. Western Avenue, Suite 100, Sioux Falls, SD 57104.

Sioux Falls MPO 2021 Meeting Schedule

The Sioux Falls Metropolitan Planning Organization (MPO) meeting schedule for 2021 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/>.

Leslie & Sara's Notes



CARES Act Funding for Municipalities

Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide much needed resources to help governments, businesses, and individuals respond to the COVID-19 pandemic. Within the CARES Act, South Dakota was provided funding to create the Local Government COVID Recovery Fund to provide financial resources to cities and counties within the state.

Contact Leslie or Sara if you have questions about the registration process or reimbursement eligibility of expenses.

Funding Awarded

The following grants and loans were awarded with the assistance of SECOG:

- Sioux Falls – A \$18,500,000 loan from the Board of Water and Natural Resources (BWNR) for the expansion of the water reclamation facility.
- Tea – A \$2,700,000 loan from BWNR for a water tower project.
- Montrose – A \$644,800 grant from EDA for disaster wastewater infrastructure improvements.
- Hartford – A \$69,700 grant from FEMA for a portable generator.
- Salem – A \$27,625 grant from FEMA for an H&H Study.

Upcoming Deadlines

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

- October 31, 2020
 - LIIP provides grants to construct or reconstruct public infrastructure associated with an economic development project.

South Dakota Department of Environment and Natural Resources

- January 1, 2021
 - Drinking Water Facilities Funding Applications
 - Sanitary/Storm Sewer Facilities Funding Applications
 - Solid Waste Management Program Applications

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The Planners' Plans



The *Hines* Two-Part Test for Granting a Variance

According to SDCLs 11-2-53(2) and 11-4-17(2), the Board of Adjustment may “[a]uthorize upon appeal in specific cases a variance from the terms of the ordinance that is not contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance is observed and substantial justice done”. While most of the debate about variances focuses on the meaning of the term “unnecessary hardship”, the Court often looks beyond this definition and applies a two-part test for granting a variance. As articulated in *Hines v. Bd. of Adjustment of Miller*, 2004 S.D. 13, “for a [board of adjustment] to grant a variance, both the public interest prong and special conditions prong [of the statutes] must be met.”

While the test was established in *Hines*, the Court ended up only examining the public interest prong. In that case, the City of Miller’s Board of Adjustment unanimously denied a variance request solely because a group of neighbors objected to the proposal. In deciding to overturn the Board’s decision, they reasoned, “The ultimate determination of the public’s best interest is for the legislative body, not a minority of neighboring property owners. Because the Constitution protects a landowner’s right to use land for any legitimate purpose, we are wary of decisions that are based on whims of neighboring landowners. This is so because their decisions may be lacking any standards or guidelines, leading to decisions that may be arbitrary or capricious. Worse, their opinions may be wholly self-serving.” A few years later in *Dunham v. Lake County Commission*, 2020 S.D. 23, the Court clarified that even just a finding that the variance “would not be injurious to the neighborhood or detrimental to the public welfare” is seemingly enough to satisfy this requirement.

The second part of the test, the special conditions prong, was more fully addressed by the Court in *Dunham*. There, the local zoning ordinance required that some “exceptional

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topographic conditions or other extraordinary and exceptional situation or condition of such piece of property” exist in order to grant a variance. Ultimately, the Court overturned the Board’s decision because they found it had made only a “terse finding that special conditions exist on the property but failed to meaningfully address [which] special conditions [necessitated granting the variance]. More specifically, the Board made no determination that because of a particular feature of the property at the time the Ordinance was enacted, or because of some ‘extraordinary and exceptional’ situation on the property, a variance was necessary.” As such, “The Board exceeded its authority by failing ‘to follow the prescribed test’ within the Ordinance.” Therefore, unlike the first prong of the test, the second seems to require an examination and explicit determination that specific special conditions exist, rather than a mere conclusory statement.

The general rule is that courts will not interfere with or overturn the decision of a local government so long as they did not act “fraudulently or in arbitrary or willful disregarding of undisputed and indisputable proof.” *Lamar Outdoor Advert. of S.D., Inc. v. City of Rapid City*, 2007 S.D. 35 (quoting *Cole v. Bd. Of Adjustment of Huron* (Cole I), 1999 S.D. 54). While it sounds easy enough to comply with the law, litigation regarding variances often boils down to the record made during the hearing. Therefore, especially for the special conditions prong, it is important that the Board thoroughly and directly articulate its justifications and reasoning in order to ensure that its decision is above reproach.



SECOG Welcomes New Team Members

The South Eastern Council of Governments, South Eastern Development Foundation, and Dakota Business Finance are happy to welcome new members to our team.

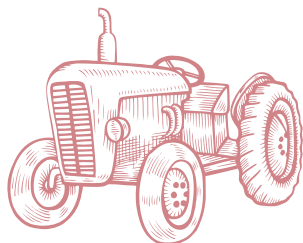
David Eiesland and Curt Zaske started in August as part-time loan officers. The ability to create their positions was made possible through CARES Act funding. Their essential duties will involve working with existing businesses that are struggling due to COVID by assessing their current situation and working with the business to explore solutions through refinancing debt options, restructuring debt options, employment, working capital needs, and any other innovative solution to help the business weather the current situation.



David Eiesland holds a Bachelor's degree in Agricultural Economics and Agricultural Business from South Dakota State University. He is also a graduate of the ABA Commercial Lending Graduate School. He comes into this current position backed by 46 years of banking and business consulting experience.



Curt Zaske is a retired Market President from Wells Fargo Bank. He earned a Bachelor of Science degree in Agri-Business from South Dakota State University. In his more than 40 years spent with Wells Fargo, he acted as an Ag Banker and a Commercial Business Banker, and moved up to managing both Ag and Commercial Banking in eastern South Dakota for the last 10 years.



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Jenna Lequire was hired in August as the Administrative Assistant. Jenna's time will be split between administrative office duties in the mornings, and her afternoons will be spent assisting with the affordable housing being developed by the South Eastern Development Foundation.

Jenna moved to Sioux Falls from St. Paul, MN with her family four years ago. She is planning to start college in January to achieve her Business Management degree. Her goals are to complete her degree and to advance in her position with SECOG/SEDF/DBF. Jenna finds inspiration daily from her children and husband to continue to reach her goals.



BWNR Approves Grant for Solid Waste Management Projects

The South Dakota Board of Water and Natural Resources (BWNR) has awarded the South Eastern Council of Governments a \$500,000 Solid Waste Management Program grant for the recapitalization of the Regional Revolving Loan Fund (RLF).

These funds are available through the RLF to for-profit businesses for solid waste disposal, recycling, and waste tire projects in Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties.

The loan rates are 1.875% for 10 years or 2.0% for 20 years. Contact Jessica, Dan, or Trisha at 605-367-5353 for more information.



New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Katie Sires Home Design
Milford, IA

SBA 504 Loan through DBF

Purpose: Purchase and renovation
of a building

Participating Lender:

Brett Johnson, Central Bank

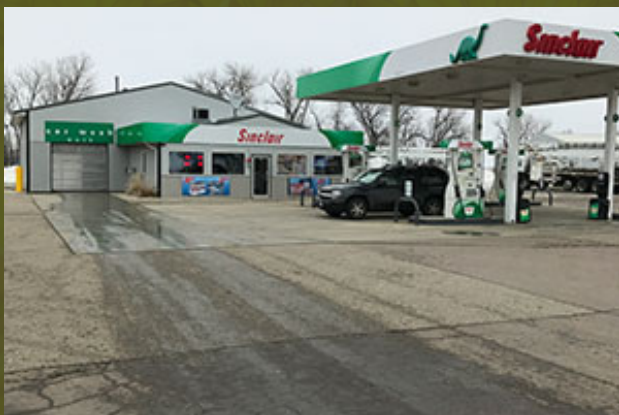
TC's Mustang Disaster Cleanup
Rapid City, SD

SBA 504 Loan through DBF

Purpose: Purchase of a building

Participating Lender:

Chris Wagner, First Savings Bank



MJ's Sinclair
Groton, SD

SBA 504 Loan through DBF

Purpose: Buyout of business partners

Participating Lender:

Rachelle Carrels, Plains Commerce
Bank

Continued on next page

Haug Storage Units Renner, SD

SBA 504 Loan through DBF

Purpose: Purchase of real estate

Participating Lender:

Cory Hughes, First PREMIER Bank



Excel Chiropractic Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase and renovation
of building

Participating Lender:

Matt Nelson, Formerly of Bank Midwest



Prairie States Trucking Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of equipment

Participating Lender:

Jason Appel, Plains Commerce Bank



Pleasant Dutch Dairy Willow Lake, SD

Two SBA 504 Loans
through DBF

Purpose: Refinance of real estate debt
and construction of new building

Participating Lender:

Rodney Krantz, Plains Commerce Bank



Continued on next page

Dutch Dakota Dairy Lake Preston, SD

SBA 504 Loan through DBF

Purpose: Refinancing of existing real estate debt

Participating Lender:

Rodney Krantz, Plains Commerce Bank



ABC Pediatric Dentistry Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of real estate and FF&E

Participating Lender:

Rocky Rehfeldt, Loft Advisors



Hauge Associates Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of building

Participating Lender: Melissa

Fossell, First Bank & Trust



Tailgator's Grill and Bar Brandon, SD

SBA 504 Loan through DBF

Purpose: Refinance existing real estate debt

Participating Lender:

Matt Metzger, First Dakota National Bank



Neighborhood Automotive Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of building

Participating Lender:

Aaron Neiman, Dacotah Bank



State Storage Brandon, SD

SBA 504 Loan through DBF
& SEDF Loan

Purpose: Purchase
of land & construction of storage units

Participating Lender:

Patrick Erickson, Great Western Bank



Country Road Barn Watertown, SD

SBA 504 Loan through DBF
& SEDF Loan

Purpose: Construction of building

Participating Lender: Jeff Heesch,

First Bank & Trust



Heartland Funeral Home Brandon, SD

SBA 504 Loan through DBF &
SEDF Loan

Purpose: Purchase of a building

Participating Lender:

Melissa Fossell, First Bank & Trust



Gettysburg Inn & Suites Gettysburg, SD

SBA 504 Loan through DBF

Purpose: Purchase and renovation of a building

Participating Lender:

Josh Anderson, Central Bank



Calhoun Communications North Sioux City, SD

SBA 504 Loan through DBF

Purpose: Purchase of land and construction of building

Participating Lender:

Brent Plantage, Northwest Bank

Next2New Automotive Sales Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of land and construction of a building

Participating Lender: Eric Hanson,
Dacotah Bank



Garbage-N-More Dell Rapids, SD

SBA 504 Loan through DBF & SEDF Loan

Purpose: Purchase of land and construction of two buildings

Participating Lender: SEDF



Adrian Auto Service Adrian, MN

SBA 504 Loan through DBF

Purpose: Construction of new building

Participating Lender:

Ben Luttermann, State Bank of Chandler



Cozy Corner Daycare Valley Springs, SD

SBA 504 Loan through DBF

Purpose: Construction of building and purchase equipment

Participating Lender:

Matt Billion, CorTrust Bank



Berg Auto Mall and Trucking Corp Beresford, SD

SBA 504 Loan through DBF

Purpose: Construction of new building

Participating Lender: Cory Worth, First Dakota National Bank



La Quinta Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of oa building

Participating Lender:

Aaron Tribble, American Bank and Trust



Lidel Construction Company Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of equipment

Participating Lender:

Patrick Erickson, Great Western Bank



Classic Convenience, Inc Baltic, SD

SEDF Loan

Purpose: Purchase real estate and FF&E of existing business

Participating Lender: Weston Hansen, The First National Bank of Sioux Falls



Specialty Wheel & Tire Sioux Falls, SD

SEDF Loan

Purpose: Purchase real estate and FF&E of existing business

Participating Lender: Travis Kaffar, Frontier Bank

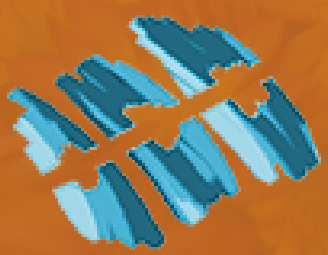


Rachel Soyland DDS Sioux Falls, SD

SEDF Loan

Purpose: Purchase an existing business

Participating Lender: Galen Van Otterloo, Dacotah Bank



WILSON
ORTHODONTICS

Hartford Building Center Hartford, SD

SBA 504 and SEDF Loans

Purpose: Refinance and expand building and working capital

Participating Lender: Paula Brown, CorTrust Bank



Minnehaha Funeral Home Crooks, SD

SEDF Loan

Purpose: Purchase land

D&D Small Engine Repair & Sales Lennox, SD

SEDF Loan

Purpose: Construct new building



Stone Group Architects Sioux Falls, SD

SEDF Loan

Purpose: Working Capital

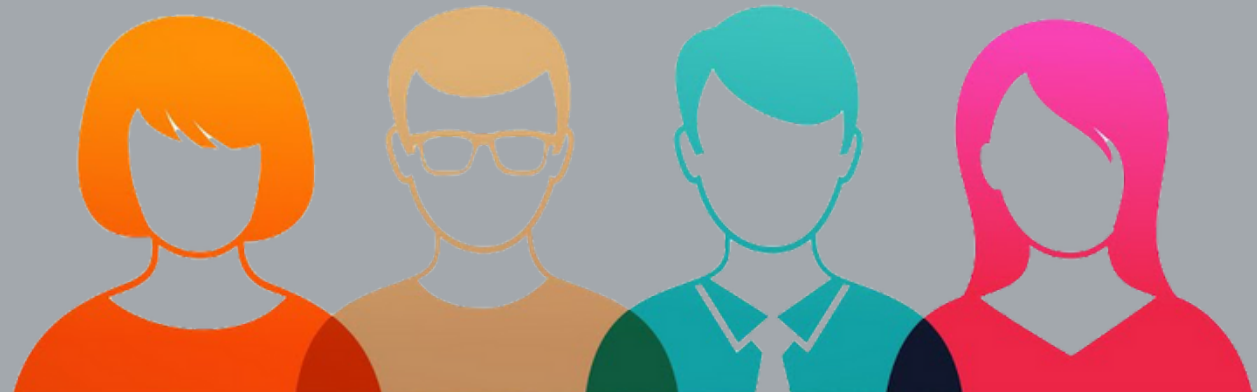
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Dougherty & Company LLC is now Colliers Securities LLC

We are excited to share that we have completed our agreement to join Colliers International. Colliers Securities will offer the same robust foundation in serving the needs of non-profits, units of state and local government and other tax-exempt entities. **We look forward to serving South Dakota as part of the Colliers team!**

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