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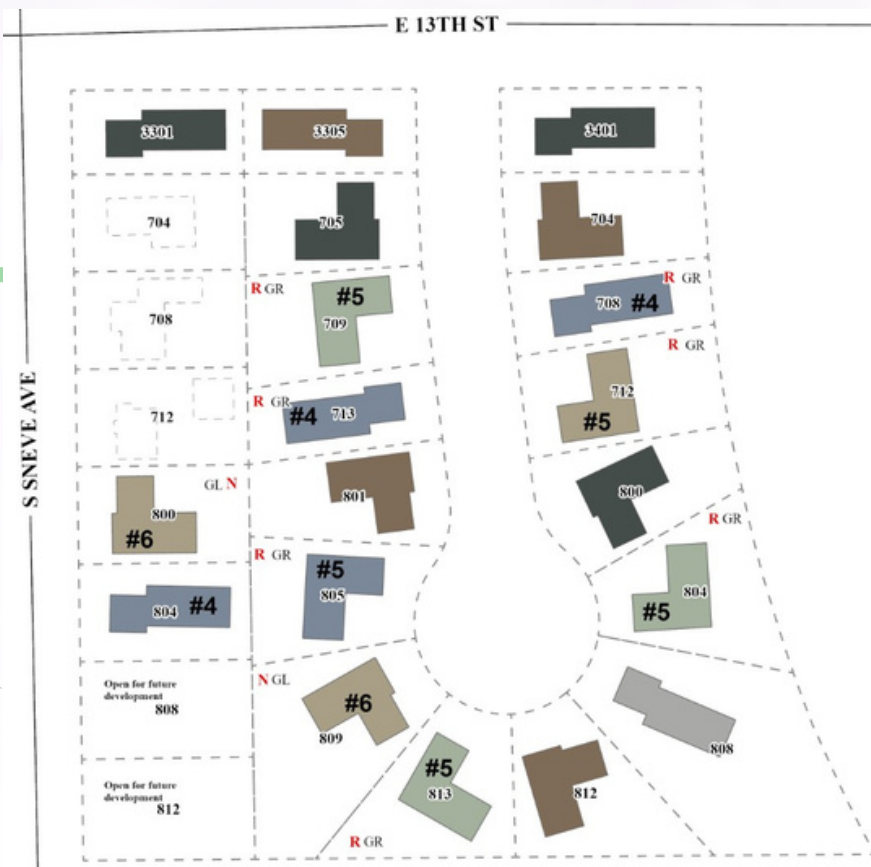
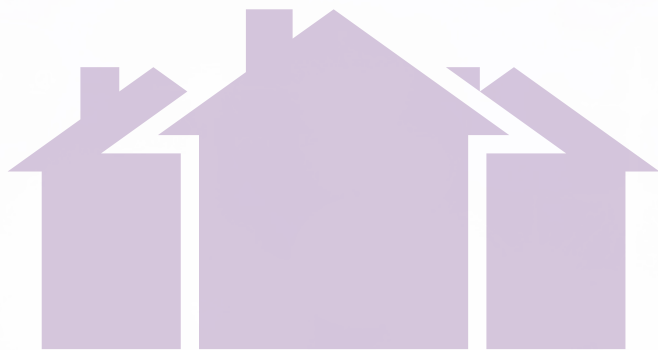
SOUTH EASTERN COUNCIL OF GOVERNMENTS

SOUTH DAKOTA

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The Director's Corner



There has been a lot of activity on former site of the Boys and Girls Club at the corner of 13th Street and Sneve Avenue in Sioux Falls. This activity is a result of a partnership between the South Eastern Development Foundation (SEDF), the City of Sioux Falls, and American State Bank. The availability of quality, affordable housing is of great importance to the healthy and sustained growth of a city. This partnership aims to address that need through a project that will turn the previously commercially zoned property into 24 affordable housing units.

The partnership between SEDF and the City of Sioux Falls allowed for the purchase of the property and the demolition of the building. American State Bank assisted SEDF with securing funding to install the infrastructure for the 24 lots.

We at American State Bank are excited to be a part of a project bringing affordable housing in a time when we need it most. As we open our second branch in this community, we look forward to investing in Sioux Falls with projects like this in the future. – Stan Speer, President & CEO

This development will be home to a mix of Governor's Houses as well as houses relocated from other parts of the City. SEDF and the City of Sioux Falls have partnered together to save houses in flood prone areas from demolition by relocating and renovating them. Three houses from the Rose/Lotta neighborhood have been moved to the new site and will be renovated and available for sale later this year. An additional nine Governor's Houses have been ordered with delivery expected throughout 2021.

Thank you to the amazing partners that helped make this a reality!

From Jim's Desk



Sioux Falls MPO 2020 Year End Report

The Sioux Falls Metropolitan Planning Organization (MPO) receives federal funding to conduct continuous, comprehensive, and cooperative transportation planning and programming activities for the Sioux Falls metropolitan area. The 2020 Year End Report for the Sioux Falls MPO is posted at: <http://siouxfallsmpo.org/resources/publications/>.

Highlights of the transportation planning activities from 2020 include: completion of the Go Sioux Falls 2045 Long-Range Transportation Plan, update of the Minnehaha County Pavement Management System, work on the I-229 Exit 3 (Minnesota Avenue) and Exit 4 (Cliff Avenue) Interchange Modification Studies, and initiation of the I-229 Exit 6 (10th Street) Interchange Modification Study. Additional information on these activities and more can be found at <http://siouxfallsmpo.org/resources/transportation-studies/>.

Overall, the Sioux Falls MPO completed \$1.83 million in transportation planning activities in 2020, which continues work to improve a coordinated multi-modal transportation system in the region.

Sioux Falls MPO 2022 Unified Planning Work Program

The Sioux Falls Metropolitan Planning Organization (MPO) is preparing its 2022 Unified Planning Work Program (UPWP). The UPWP is the document which describes the annual objectives, work activities, and planning studies to be accomplished by the Sioux Falls MPO participants. The participants include the cities of Brandon, Crooks, Harrisburg, Hartford, Sioux Falls, and Tea; Lincoln County and Minnehaha County; SECOG; South Dakota Department of Transportation; Federal Highway Administration; and Federal Transit Administration.

A public hearing on the draft 2022 UPWP will be held by Zoom video conference on May 13, 2021, at 2:00 PM CT. The public hearing will be conducted by the MPO's Technical Advisory Committee. Interested parties may attend by calling 312.626.6799 or going to <https://zoom.us/join>. The meeting ID is 842 8526 6739 and the password is 440042.

From Jim's Desk



Upcoming Meetings

Citizen Advisory Committee

May 12, 2021 @ 3:00 p.m.

Technical Advisory Committee

May 13, 2021 @ 2:00 p.m.

Urbanized Development Commission

May 13, 2021 @ 4:00 p.m.

SECOG Welcomes a New Team Member



The South Eastern Council of Governments, Dakota BUSINESS Finance, and the South Eastern Development Foundation are excited to announce the addition of LaJena Gruis to our team. LaJena will be serving as the Servicing Analyst for the organizations.

As the Servicing Analyst, LaJena is responsible for working with SECOG staff, lenders, and business owners to service business loans financed through Dakota BUSINESS Finance and the South Eastern Development Foundation. She is also responsible for liquidation and post-debenture purchase workouts.

LaJena holds an Associates in Accounting from Southeast Technical College. She has extensive experience with the SBA 504 loan program.

The Planners' Plans

Community Access Grant Program

The South Dakota Department of Transportation has a grant program to enhance community access. Community Access Grant (CAG) program grants are made to communities with populations of less than 5,000 to enhance access to downtown areas or for roads leading to schools, hospitals, grain terminals, or other significant traffic-generating features of a small community.

SD DOT will reimburse the local government for 80% of the construction costs up to \$600,000. The CAG program will cover construction costs. Engineering or other costs are paid for by the applicant and are not included in the 20% match requirement.

Applications require a resolution and are due July 15th. Contact Leslie (Clay, Lincoln, Minnehaha, McCook Counties), Patrick (Turner County), or Kristen (Union County) by May 15th if you are interested in applying.

Upcoming Deadlines

South Dakota DANR

- Funding Applications for Drinking Water Facilities, Sanitary/Storm Sewer Facilities, and Solid Waste Management • July 1, 2021
- State Water Plan • August 1, 2021

Community Access Grant (CAG) • July 15, 2021

GOED Local Infrastructure Improvement Program (LIIP) • July 31, 2021

HUD Community Development Block Grant (CDBG) • October 1, 2021

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KRISTEN BENIDT | 605.681.8174 | GIS@SECOG.ORG

The Planners' Plans

Do I Have a Conflict of Interest?

Public officials are required to abide by specific laws and standards regarding their behavior and business decisions in order to prevent situations that are or may appear to involve a conflict of interest. While this sounds easy enough, where do you draw the line between simply being interested in a topic and having a bias that would prevent you from being impartial when involved in quasi-judicial decision-making? In South Dakota, conflicts of interest determinations are controlled by the Fifth Amendment of the United States Constitution, SDCL 6-1-17, and SDCL 6-1-21. See *Deuel County Board of Adjustment v. Deuel Harvest Wind Energy LLC et al.*, 2021 S.D. 6 (2021).

The Fifth Amendment of the United States Constitution provides that “[n]o person shall... be deprived of life, liberty, or property, without due process of law[.]” Fundamentally, “the constitutional right to due process includes fair and impartial consideration by a local governing board.” *Armstrong v. Turner County. Bd. Of Adjustment*, 2009 S.D. 81 (2009). In *Caperton v. A.T. Massey Coal Co., Inc.*, the United States Supreme Court examined a situation where the election campaign for a seat on the West Virginia Supreme Court received an exceptionally large contribution from a party involved in current litigation. 556 U.S. 868 (2009). Despite finding that the justice did not personally financially benefit and no actual bias resulted from the contribution, the Court held that the risk of actual bias created by such a disproportionately large and impactful contribution was enough to disqualify the justice. In doing so, the Court noted that the standard for disqualification of a judicial officer is purposely high and should only be applied in cases of overwhelming circumstances.

In South Dakota, the Legislature first adopted SDCL 6-1-17 to address potential conflicts and biases in decisions made by public officials. SDCL 6-1-17 states that no public official acting in a quasi-judicial manner may participate or vote on any issue in which he or she has a conflict of interest, but gives that official the discretion to make a subjective determination whether such a conflict exists. The statute specifically requires disqualification in the following two instances: (1) the official has a direct financial interest in the matter before the Board; or (2) at least two-thirds of the board votes that the official has an identifiable conflict of interest that prevents him or her from voting on the matter. Absent either requiring disqualification, SDCL 6-1-17 leaves the decision to recuse entirely upon to the good judgment of the official.

(Continued on next page)

Several years after the adoption of SDCL 6-1-17, the Legislature enacted SDCL 6-1-21. Much like the other statute, its application is limited to quasi-judicial proceedings. SDCL 6-1-21 allows decision-makers to communicate with and receive information from the public “about any matter of public interest.” In doing so, it creates a rebuttable presumption that public officials are capable of being objective and act fairly. To overcome this presumption, the adverse party must prove by “clear and convincing evidence that the officer’s authority, statements, or actions regarding an issue or a party involved demonstrates prejudice or unacceptable risk of bias....” The mere possibility of bias is not enough.

While the term conflict of interest is often casually thrown around regarding public officials, the legal definition of the term is often quite different than public perception. In South Dakota, the laws and standards for disqualifying a decision-maker are quite limited. That being said, the legal standard is the bare minimum and public officials should strive to hold themselves to a higher standard. For discussions related to particular examples of conflicts of interest, please contact your legal representation. Otherwise, if you would like to discuss the topic generally, please contact Patrick Andrews at patrick@secog.org or (605) 681-8176.

Decennial Census Redistricting Data Delayed

The Census Bureau has announced that the release of the Census counts that are used for redistricting has been pushed back to September 30, 2021 due to delays caused by the COVID-19 pandemic. The initial release date of the 2020 Census Redistricting data, including the population counts and the census blocks for counties and communities, was previously April 2021. You can check on important dates for the 2020 Census by visiting the Census website [here](#).

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New
Approved Loans
Dakota BUSINESS Finance
South Eastern Development Foundation



Driven Fire Consultants
Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase and renovation of a building

Participating Lender:
Jared Anderson, Premier Bank, IA



LaCroix Law
Yankton, SD

SBA 504 Loan through DBF

Purpose: Purchase of land, building, and FF&E

Participating Lender:
Laura Marshall, First National Bank of Omaha



Bion Analytical Standards
Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase and renovation of a building

Participating Lender:
Jaden Holzer, CorTrust Bank

Continued on next page

**Royal Table Massage Therapy and
South Dakota School of Massage
Therapy
Sioux Falls, SD**

SBA 504 Loan through DBF

Purpose: Purchase of land and building

Participating Lender:

Erik Barnes, Reliabank

SOUTH DAKOTA SCHOOL OF



Massage Therapy
Inc.

royal table
massage therapy

The **RUSHMORE**
HOTEL & SUITES

**The Rushmore Hotel
Rapid City, SD**

SBA 504 Loan through DBF

Purpose: Refinance existing debt

Participating Lender:

Peter Kottwitz, Sentinel Federal
Credit Union

**Medical Waste Transport
Crooks, SD**

SBA 504 Loan through DBF

Purpose: Purchase of new equipment

Participating Lender:

Derek Simonsen, First National Bank of
Sioux Falls



**Kidz Cottage Learning Center
Lennox, SD**

SBA 504 Loan through DBF

Purpose: Purchase of a building

Participating Lender:

Mike Murdy, Black Hills Federal Credit
Union

Continued on next page

Sioux Falls Electric Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of land and buildings and construction of building

Participating Lender:

Kyle Bleyenbug, Frontier Bank



sioux falls
ELECTRIC



All Seasons Heating and Cooling Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of land and building and renovations

Participating Lender:

Kyle Bleyenbug, Frontier Bank

Hartford Storage Hartford, SD

SBA 504 Loan through DBF

Purpose: Purchase of storage units

Participating Lender:

Brian Richter, Peoples Bank





Equity Green

EXPERTS

Equity Green Tea, SD

SBA 504 Loan through DBF

Purpose: Purchase of building

Participating Lender:
Adam Walsh, Central Bank

Sunkota Construction Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of a building

Participating Lender:
Mike Flint, First Dakota National Bank



SUNKOTA

CONSTRUCTION



Precious Angels Daycare Sioux Falls, SD

SBA 504 Loan through DBF & SEDF Loan

Purpose: Refinance of existing debt and building expansion

Participating Lender:
Jay Mitchell, Great Western

Reflection Detail Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase and renovation of building

Participating Lender:
Derek Simonsen, First National Bank of Sioux Falls



Dakota Seal



Dakota Seal Harrisburg, SD

SBA 504 Loan through DBF & SEDF
Loan

Purpose: Purchase of land and
construction of building

Participating Lender:
Patrick Erickson, Great Western Bank

Horse Creek Resort Rapid City, SD

SBA 504 Loan through DBF

Purpose: Purchase of land and
buildings and renovations

Participating Lender:
Aaron Neiman, Dacotah Bank



12th Street Auto Care Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of building

Participating Lender:
Chris Nickles, Minnwest Bank

Longview Financial Solutions Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of a
building

Participating Lender:
Tim Rustand, Security
National Bank



LONGVIEW
Financial Solutions, LLC



Lockwood and Zahrbock Kool Law Office
Sioux Falls, SD

SBA 504 Loan through DBF & SEDF Loan

Purpose: Purchase and renovation of a building

Participating Lender:

Christie Aberson, Great Western Bank

Premier Bee Products
Sioux Falls, SD

SBA 504 Loan through DBF

Purpose: Purchase of land and construction of a building

Participating Lender:

Karen Waller, Central Bank



Harvester Kitchen by Bryan
Sioux Falls, SD

SEDF Loan

Purpose: Building renovations and purchase of FF&E for new restaurant

Hartford Building Center
Hartford, SD

SEDF Loan

Purpose: Working capital



RBS Sanitation
Tea, SD
SEDF Loan

Purpose: Purchase of trucks and roll-off containers



Tiger Tots Preschool
Harrisburg and Canton, SD
SEDF Loan
Purpose: Refinance of existing debt

City Center Laundromat
Sioux Falls, SD
SEDF Loan
Purpose: Purchase of equipment



Clark's Custom Coatings
Sioux Falls, SD
SEDF Loan
Purpose: New business start-up costs

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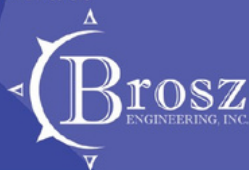
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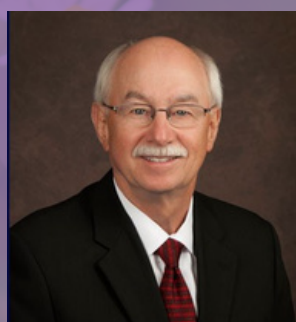
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