

UNAPPROVED MINUTES OF  
January 9, 2025

The Moody County Commissioners met in special session on Thursday, January 9, 2025 in the Farmer's Room of the Courthouse at 10:00 AM, with the following members present: Chair Carla Bruning, Randy Hemmer, Dan Miles, Jerry Doyle and Dave Reker with Tawny Heinemann, Auditor as Clerk of the Board. Also present Marty Skroch, Commission Assistant, Paul Lewis, States Attorney, Alicia Deschepper, Zoning Administrator and Carleen Wild, Moody County Enterprise.

Chair Bruning called the meeting to order. Motion by Miles, seconded by Hemmer to approve the agenda. All voted "aye".

Paul Lewis, States Attorney presented a draft letter to the City of Flandreau he prepared at the request of the Moody County Commission based on prior discussion regarding the Moody County Ambulance Service. Discussion was held on the letter and any changes the Board wanted to make. Motion by Miles, seconded by Hemmer to authorize Chair Bruning to sign the letter to the City of Flandreau. All voted "aye".

Commissioner Reker presented a resolution to the Board regarding Eminent Domain. Motion by Reker, seconded by Doyle to approve the following resolution with all members voting "aye":

**RESOLUTION 25010901**

A Resolution Urging the South Dakota Legislature to Pass Eminent Domain Reform Prohibiting the Use of Eminent Domain for Private Gain

WHEREAS, the principle of eminent domain allows government entities to acquire private property for public use, with just compensation to property owners, as authorized by the Fifth Amendment of the United States Constitution and Article VI, Section 13 of the South Dakota Constitution; and

WHEREAS, the use of eminent domain is intended to serve public purposes such as infrastructure development, schools, roads, and utilities that benefit the general public; and

WHEREAS, recent proposals in South Dakota have raised concerns regarding the use of eminent domain to transfer private property to for-profit entities or private developers for projects that primarily benefit private interests rather than the public at large; and

WHEREAS, such use of eminent domain threatens the fundamental rights of property owners, undermines public trust, and raises questions about the fairness and necessity of such actions; and

WHEREAS, the Moody County Board of Commissioners supports the protection of private property rights and opposes the abuse of eminent domain powers for private economic gain;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Moody County, South Dakota, that the Board strongly urges the South Dakota Legislature to enact reforms to the state's eminent domain laws to prohibit the use of eminent domain for private gain and to ensure that such powers are used solely for public purposes as defined by law; and

BE IT FURTHER RESOLVED that the Board encourages the Legislature to establish clear and strict criteria for the application of eminent domain, safeguarding the rights of property owners and reinforcing public accountability; and

BE IT FINALLY RESOLVED that the Moody County Board of Commissioners directs the Auditor to transmit copies of this resolution to all members of the South Dakota State Legislature, the Office of the Governor, and other relevant stakeholders.

Adopted this 9th day of January, 2025.

ATTEST: Tawny Heinemann  
Moody County Auditor

Carla Bruning, Chair  
Moody County Board of Commissioners

Motion by Reker, seconded by Miles to approve the following claims and issue warrants, with all members voting "aye":  
General: MC Sheriff's DC Memorial, DC Memorial Trip 1,913.98; Wener Auto, 2025 Dodge Durango 43,461.00; Boys and Girls Club of Moody County, CDBG Pay Request #2 236,041.49.

Motion by Miles, seconded by Hemmer to adjourn the meeting at 10:52 AM. All voted "aye".

ATTEST: Tawny Heinemann  
Moody County Auditor

Carla Bruning, Chair  
Moody County Board of Commissioners