

## GREGORY COUNTY COMMISSION PROCEEDINGS

The regular meeting of the Gregory County Commission was held Tuesday, August 6, 2019 at 9:00 a.m. in Burke with the following members present: Myron Johnson, Jeff Johnson, Jessy Biggins, Kelsea Sutton, and Bob Hausmann. Also present: Julie Bartling, Gregory County Auditor and Patty Connealy, Gregory Times-Advocate.

The meeting was opened and the Pledge of Allegiance was recited.

**Approval of Agenda:** Motion by Bob Hausmann, second by Jeff Johnson to approve the agenda with the following additions: The Director of Equalization is scheduled at 9:50 a.m. to discuss her budget. All members present voted aye. Motion carried.

**Approval of Minutes:** Motion by Jeff Johnson, second by Kelsea Sutton to approve the minutes of the July 16, 2019 meeting as read with the following changes: The correct name of the Register of Deeds deputy attending passport training is Stacey Genzlinger. All members present voted aye. Motion carried.

**Special Event Beer License:** The hearing for a special event beer license was held at 9:10 a.m. as advertised. Motion by Jessy Biggins, second by Jeff Johnson to approve the application of Burke VFW Post #9950 for a special event beer license for the Martin/Feyereisen wedding on August 24, 2019. All members present voted aye. Motion carried.

**Carpet Quotes:** Quotes for replacement of approximately 3,414 square feet of carpet for the second floor of the courthouse were received at 9:15 a.m. The following quotes were received from Koenig Lumber and Burke Building Center. Motion by Kelsea Sutton, second by Jeff Johnson to table action on the quotes until more information is received. All members present voted aye. Motion carried.

**Executive Session:** Motion by Bob Hausmann, second by Jeff Johnson to enter into executive session at 9:20 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Jessy Biggins, second by Bob Hausmann to adjourn from executive session at 9:45 a.m. with no action taken. All members present voted aye. Motion carried.

**Rezoning Application:** The following rezoning request of Kelly Bailey was presented to the Commissioners:

Rezone 7 lots from zoned agriculture to High Density Rural Residential District (R3) and for lots 2-7 to be less than the required 2.5 acres in R3 districts and instead allow the lots to each be 100x300 located in W2W2NE4NW4; NW4NW4 29-97-68 WHETSTONE TOWNSHIP, Gregory County.

Motion by Jessy Biggins, second by Bob Hausmann to approve the rezoning request. All members present voted aye. Motion carried.

**Board of Adjustment:** Motion by Kelsea Sutton, second by Bob Hausmann to adjourn as a Board of Commissioners and to convene as a Board of Adjustment. All members present voted aye. Motion carried.

**Variance Application:** Motion by Kelsea Sutton, second by Jessy Biggins to approve the variance application of Kelly Bailey for Lots 2-7 to be less than the required 2.5 acres in R3 districts and to instead allow the lots to each be 100' x 300' in the W1/2W1/2NE/1/4NW1/4; NW1/4NW1/4 of Section 29-97-68, Whetstone Township with no more than 2 approaches. Upon roll call: Jeff Johnson-aye; Jessy Biggins-aye; Kelsea Sutton-aye; Bob Hausmann-aye; Myron Johnson-aye. Motion passed.

**Plat Change:** Motion by Jessy Biggins, second by Kelsea Sutton to offer the following resolution:

**APPROVAL-GREGORY COUNTY BOARD OF COMMISSIONERS (SDCL 11-3-8)**

WHEREAS: the owners of the land herein platted as **LOTS A, B, C AND D, PAPOUSEK FIRST SUBDIVISION**, located in the S ½ of the NW ¼ of Section 29, Township 97 North, Range 68 West of the 5<sup>th</sup> P.M., Gregory County, SD have presented to the Gregory County Board of Commissioners the described plat, and that the platted lands do not lie within the platting jurisdiction of any municipality and that it appears that this plat conforms to all requirement of SDCL 11-3-8, NOW THEREFORE;  
BE IT RESOLVED: that the plat be approved this 6<sup>TH</sup> day of August, 2019.

Upon roll call: Jeff Johnson-aye; Jessy Biggins-aye; Kelsea Sutton-aye; Bob Hausmann-aye; Myron Johnson-aye. Resolution passed.

**Board of Adjustment Adjournment:** Motion by Kelsea Sutton, second by Bob Hausmann to adjourn as a Board of Adjustment and to re-convene as a Board of County Commissioners. All members present voted aye. Motion carried.

**Gregory County Courthouse & Highway Shop Feasibility Study:** The Commission opened the received proposals for a building feasibility study to look at the need for improvements to the Courthouse and Highway Department. The following firms presented proposals:

Ciavarella Design Architects  
Falls Architecture Studio, LLC  
Koch Hazard Architects

Motion by Kelsea Sutton, second by Bob Hausmann to potentially accept the proposals pending the scoring process to be undertaken by the review committee. All members present voted aye. Motion carried.

**Citizens' Concerns about Zoning Enforcement:** Mr. Ed Dostal, spokesman for county citizens, relayed concerns about the recent contract with Mike Olson of OCCS Consulting/Contracting Service for limited zoning code enforcement.

Amy Bartling-Jacobsen, States Attorney, spoke about the zoning ordinance and how it is implemented and enforced to protect the property owners and taxpayers of the county.

The group relayed concerns about the need for zoning and the potential expansion of zoning. The Commission informed the group that zoning was voted in by the residents of the county in 2000 and could be ousted by the same action via petition.

Comments were made that some were concerned the county would be seeking properties to impose enforcement. The State's Attorney and the Commissioners repeatedly informed the group that zoning enforcement would only take place upon written complaints about a property and with concerted efforts to save taxpayer dollars and protect the public health and safety.

**Highway Department Report:** Brad Ellwanger, Highway Superintendent, reported on flooding damage throughout the county that has occurred once again.

**Disaster Declarations:** Motion by Jessy Biggins, second by Jeff Johnson to offer the following disaster declaration:

**EXCESSIVE RAIN/FLOODING DISASTER DECLARATION**

WHEREAS, heavy rains and flooding once again devastated Gregory County; and,

WHEREAS, the excessive moisture and flash flooding of August 2, 2019, continues to cause extensive damage to roads, bridges, dams, farm sites, and farm ground; and,

WHEREAS, damage of roads, bridges, dams, farm sites, and farm ground continues to add to the financial burden of the farmers and ranchers of Gregory County;

NOW THEREFORE, BE IT RESOLVED by the Gregory County Board of Commissioners to declare Gregory County a disaster area due to the excessive rain and flash flooding damage, effective August 2, 2019; and,

BE IT FURTHER RESOLVED to urge the Gregory County FSA committee and the Governor of the State of South Dakota to take appropriate action to prohibit any further economic injury to Gregory County producers.

Dated this 6th day of August, 2019, at Burke, South Dakota.

Upon call for vote, all members present voted aye. Disaster Declaration Resolution passed.

**TransCanada Keystone Pipeline Haul Route:** The Commission reviewed the proposed Haul Route Agreement with TransCanada Keystone, to be in effect should the Keystone Pipeline be built. The State's Attorney and Highway Superintendent have reviewed the agreement and have no concerns about its terms. Motion by Bob Hausmann, second by Jeff Johnson to authorize the Chair to sign the proposed Haul Route Agreement with TransCanada Keystone. All member present voted aye. Motion carried.

**DOT Funding Agreement:** Motion by Kelsea Sutton, second by Jessy Biggins to enter into an agreement with the SD Department of Transportation for bridge structure replacement, rehabilitation or preservation of designated bridges in Gregory County. The county will receive \$102,299.92 to apply towards certain bridge projects, with a 3-year window to expend the funds. All member present voted aye. Motion carried.

**Executive Session:** Motion by Jessy Biggins, second by Bob Hausmann to enter into executive session with the State’s Attorney at 12:20 p.m. to discuss personnel. All member present voted aye. Motion carried.

Motion by Jeff Johnson, second by Bob Hausmann to adjourn from executive session at 1:00 p.m. with no action taken. All member present voted aye. Motion carried.

**Department Budget Discussions:** The Board met with each department/office supervisor to discuss the proposed 2020 budgets, with a few minor changes presented to the Board. The Commission has requested the Auditor to refigure personnel portions of the budget with a proposed 2% wage increase in all departments. Follows are the revised budgets with notations of additional budget changes:

<b>Department</b>	<b>Original Request</b>	<b>Amended Request</b>	<b>Reason for Change</b>
Road & Bridge	\$ 2,860,180.00	\$ 2,843,176.00	Decrease in salary request
Solid Waste	\$ 130,750.00	\$ 130,715.00	Decrease in salary request
Weed Dept.	\$ 93,727.00	\$ 68,571.00	Decrease in salary request
State's Attorney	\$ 99,329.00	\$ 98,261.00	Decrease in salary request
Veterans Service Office	\$ 15,885.00	\$ 12,267.00	Decrease in salary request
Extension	\$ 60,859.00	\$ 58,020.00	Decrease in salary request
Sheriff	\$ 433,183.00	\$ 391,767.00	Decrease in salary request/Equip. Request
Jail	\$ 166,800.00	\$ 166,800.00	
24/7 Sobriety	\$ 26,551.00	\$ 26,483.00	Decrease in salary request
E-911	\$ 85,000.00	\$ 85,000.00	
Emergency Management	\$ 78,133.00	\$ 33,064.00	Decrease in salary request/Equip. Request
Register of Deeds	\$ 108,411.00	\$ 103,183.00	Decrease in salary request
Modernization & Preservation	\$ 7,000.00	\$ 7,000.00	
Treasurer	\$ 115,486.00	\$ 113,294.00	Decrease in salary request
Auditor	\$ 93,163.00	\$ 87,173.00	Decrease in salary request
Elections	\$ 17,200.00	\$ 17,200.00	
Commissioners	\$ 50,211.00	\$ 50,922.00	Change in Personal Services
Commissioners' Contingency	\$ 100,000.00	\$ 100,000.00	
Nurse	\$ 51,235.00	\$ 50,563.00	Decrease in salary request/Operate Request
Courthouse	\$ 96,465.00	\$ 96,035.00	Decrease in salary request
Director of Equalization	\$ 125,425.00	\$ 118,515.00	Decrease in salary request/Operate Request
Planning & Zoning	\$ 31,982.00	\$ 27,633.00	Decrease in salary request/Operate Request
Courts	\$ 50,000.00	\$ 50,000.00	
Insurance	\$ 48,000.00	\$ 48,000.00	
Copy Machines	\$ 4,000.00	\$ 4,000.00	
Court Appointed Attorneys	\$ 80,000.00	\$ 80,000.00	
Abused/Neglected Child Defense	\$ 3,500.00	\$ 3,500.00	
Soil Conservation	\$ 30,000.00	\$ 30,000.00	

Economic Development	\$ 2,350.00	\$ 2,350.00
Fire Protection	\$ 70,000.00	\$ 70,000.00
Domestic Abuse	\$ 900.00	\$ 900.00
Coroner	\$ 3,000.00	\$ 3,000.00
Predatory Animal	\$ 5,347.00	\$ 5,347.00
County Cemetery	\$ 450.00	\$ 450.00
Poor	\$ 6,000.00	\$ 6,000.00
Ambulance	\$ 4,500.00	\$ 4,500.00
Senior Meals	\$ 4,000.00	\$ 6,058.00
Mentally Ill	\$ 15,000.00	\$ 15,000.00
Historical Sites	\$ 1,000.00	\$ 1,000.00
Senior Citizens	\$ 4,500.00	\$ 4,500.00
Operating Transfers	\$ 955,000.00	\$ 955,000.00

**Extension Office Staff:** Laura Kahler, Extension Coordinator and Erik Person, Burke School District, met with the Commission to discuss the administrative staff agreement between Gregory County and the Burke School District. Mollie Andrews will work 161 days for the Gregory County Extension Office and will instruct students on days designated as “A” days for the consortium. Motion by Bob Hausmann, second by Kelsea Sutton to enter into the agreement. Members voting aye-Jeff Johnson, Kelsea Sutton, Bob Hausmann and Myron Johnson. Members absent-Jessy Biggins. Motion carried.

Motion by Kelsea Sutton, second by Jeff Johnson to approve hiring a high school student for part-time help in the Extension Office for no more than 8 hours per week at \$10.00 per hour. Members voting aye-Jeff Johnson, Kelsea Sutton, Bob Hausmann and Myron Johnson. Abstaining: Jessy Biggins. Motion carried

**24/7 Sobriety Program:** Motion by Jeff Johnson, second by Bob Hausmann to approve the appointment of Kerri Grim as part-time staff for the 24/7 Sobriety Program on an as needed basis. All member present voted aye. Motion carried.

**Used Vehicle Purchase:** The Board discussed the purchase of a used vehicle for use by the Emergency Management Director. Presently the Director drives a pickup that gets poor gas mileage. The Board will discuss the matter at a later date/time.

**Emergency Radio/Internet Service Needs:** Motion by Kelsea Sutton, second by Jeff Johnson to approve payment of internet connection(s) to upgrade the dispatch paging system based out of Burke, with the 5 county fire departments providing \$1,000.00 each to assist with the upgrade for communication needs. All member present voted aye. Motion carried.

**Travel Request:** Motion by Jessy Biggins, second by Bob Hausmann to approve travel to Pierre, SD on September 9-12, 2019 for Brad Christensen for the EMD’s Annual Conference. All member present voted aye. Motion carried.

**Approval of Claims:** Motion by Kelsea Sutton, second by Jeff Johnson to approve the following claims. All member present voted aye. Motion carried.

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County as of July 31, 2019.

Total Amount of Actual Cash.....	\$	525.00
Checking Account.....	\$	3,741,997.42
Insufficient Fund Checks.....	\$	85.60
Cash Over.....	\$	624.35
TOTAL.....	\$	3,743,232.37

Julie Bartling, Gregory County Auditor  
 County of Gregory )  
 ) SS  
 State of South Dakota )

Statement of fees collected in the Sheriff's Office for the month ending July 31, 2019 in the amount of \$662.50.

Statement of fees collected in the Register of Deeds Office for the month ending July 31, 2019 in the amount of \$10,665.80.

Statement of fees collected in the Clerk of Courts Office for the month ending June 30, 2019 in the amount of \$5,703.38.

**July 2019 Payroll**  
 (Listed by office)

Wellmark - \$18,086.90	SDRS - \$12,031.68
Aflac - \$775.03	SDSRP - \$50.00
Office of Child Support - garnishment - \$1,590.00	1 <sup>st</sup> Fidelity Bank - 941 deposit - \$23,754.92
1 <sup>st</sup> Fidelity Bank ACH fee -\$25.00	AAA Collections - \$645.44
Commissioners - \$2,967.45	Auditors - \$6352.10
Treasurers - \$7,974.82	States Attorney - \$7,020.62
Courthouse - \$3,932.19	DOE - \$7,610.80
ROD - \$7,439.78	VA - \$672.81
Sheriff - \$22,426.47	Solid Waste - \$2,172.45
Nurses - \$3,572.29	4-H/Youth - \$4,666.55
Weed - \$7,208.99	Planning/ Zoning - \$529.43
Road and Bridge - \$50,103.67	EMD - \$1,561.010
24/7 Sobriety Testing - \$1,120.83	

Albertson Engineering, Inc.	1,135.00	Repairs
Appeara	115.98	R&B Supplies
Avera Gregory Hospital	450.00	Acct #Gh.Gca
BG's Electronics	179.95	Auditor Backup/VA Ink
Bonesteel Enterprise	641.45	Publishing/Subscription
Buche Foods	9.20	4-H Supplies
Burke Ambulance CPR	290.00	CPR Training
Burke Building Center	505.69	Courthouse / Hwy Supplies

Burke City Finance Office	1,220.51	Court House Utilities
Burke Gazette	457.19	Publishing
Burke Hospital Auxiliary	96.00	R&B Supplies
Burke Pump-N-Stuff	26.60	Gas for Mower
Burke Postmaster	114.85	Auditor/State Atty postage
True Value Hardware-Burke	175.26	Courthouse/Hwy Supplies
Casey Burrus	313.56	Mileage & Chair
Butler Machinery	49,287.97	Scraper & Repairs
C&B Operations, Inc.	830.86	Hwy Repairs
Centurylink	228.57	911 Contract
Scott Cerney	30.00	Mowing
CHS Winner	3,659.48	R&B Supplies
Community Memorial Hospital	145.00	R&B Supplies
Connecting Point	5,284.11	DOE/ROD/HWY Computer Software
Dakota Resources	3,424.81	Co. Economic Development Plan
Dakota Auto Care	9,773.94	Weed & Sheriff Repairs
Dallas Town	25.50	R&B Utilities
Tim Drey	12.50	Reimbursement
The Emblem Authority	196.50	Sheriff Shoulder Patches
Evergreen Office Solutions	33.00	States Atty User Charges
Executive Management	162.06	Rod & Auditor Supplies
First National Bank Omaha	98.00	States Atty Subscription
Flat Creek	25,474.47	Gravel Hauling
Galls, LLC	435.32	24/7 Supplies/Led Stinger
Goldstar Products, Inc.	109.90	Asphalt Patch
Golden West	2,315.09	Utilities
Gregory Co Historical Society	2,000.00	Funding
Gregory Co. Treasurer	60,551.11	Partial Payment
Gregory Times Advocate	386.45	Publishing
H & J Sales	100.00	Hauled Van
Bob Hausmann	84.00	Mileage
Hein Law Office	1,388.99	Court Appointed
Interstate Battery System	260.00	R&B Batteries
JC Supply Products	1,072.18	R&B Supplies
Jim's Garbage Service	170.00	July 2019
Johnson Auto Repair	18.00	R&B Repairs
Jeff Johnson	20.16	Mileage
Myron Johnson	7.56	Mileage
Laura Kahler	20.99	4-H Battery
Kennebec Telephone Company	44.36	911 Contract
Kimball Midwest	600.90	R&B Supplies
Koletzky Implement, Inc.	383.21	R&B Repairs
Lane's Diesel Service	140.00	R&B Repairs
Lincoln County Treasurer	19.13	Mentally Ill
Main Street Auto	1,014.46	Weed/Hwy Supplies, Repair
Nikki Matucha	15.12	Mileage
Matucha Trucking	38,067.39	Hauling Gravel
Mavis Delzer	13.00	Refund Of Driver License
McLeod's Printing	41.38	Rod Supplies
Medtox Diagnostics INC	294.75	24/7 Supplies
Meyerink Farm Service	393.76	R&B Repairs
Midwest Seamless	231.50	Courthouse Gutters
Mr. Automotive	84.26	Sheriff Supplies, R&B Repairs
Mr. G's	30.00	Mentally Ill

Naper Transport, Inc.	720.00	Gravel Haul
Nationwide Chemical Products	860.50	R&B Supplies
Nelson Machine & Welding	38.95	Service Charger
Office Products Center	1,111.47	Office Supplies
Pahlke Law Office	3,525.50	Pro-Tem
PU Pump'n	500.00	Solid Waste
Dale Pastian	37.64	Courts
Pennington Co. Jail	192.00	Prisoner Transport
Thomas Petros	2,000.00	Court Appointed
Register of Deeds	120.00	Plat Books
Rosebud Auto	2,057.30	R&B Repairs and Supplies
Rosebud Electric Cooperative	218.84	EMD/ SW/ R&B Utilities
Rosebud Farmers Union	2,807.80	R&B Supplies & Repairs
Runnings	245.96	R&B Supplies
S. Missouri Recycling & Waste	1,653.58	Solid Waste Rentals
Scott's Auto Repair	44.00	Service Sheriff Vehicle
SD Dept. Of Environ/Nat Resources	250.00	5 Year Landfill Permit
SD Dept. Of Revenue	181,907.69	State Remittance
SD Federal Property Agency	750.00	R&B Tire Machine
SD Public Health Lab	350.00	Courts
SD State Treasurer	379.10	Landfill/ROD Sales Tax
SD Asso. Of County Commission	29,903.12	CLERP Fees
SDACOM & PRF	352.00	Monthly Collections
SDDMV	11.20	Duplicate Plates
SDSU Extension	76.24	4-H Travel State Fair
Spencer Quarries/Comm. Asphalt	105,697.90	Gravel
State 4-H Office --Tags	34.00	4-H Passes
Swier Law Firm, Prof. LLC	200.00	Mentally Ill
Swier Law Firm, Prof. LLC	424.25	Court Appointed
Taylor Plumbing	759.11	AC Repairs
The Lodge at Deadwood	285.65	Sheriff and Doe Travel
Thomson Reuters West	457.98	Subscriptions
Titan Machinery-Platte	132.00	R&B Supplies
Tripp County Water User Dist.	30.20	R&B Utilities
True North Steel, Inc.	42,148.16	R&B Supplies
Us Bank Voyager Fleet System	3,885.59	Sheriff/EMD Supplies
Verizon Wireless, Bellevue	376.93	Utilities
Village Of Stuart	3493.78	R&B Supplies
Mona Weiger	117.80	Courts
Winner Health Mart Pharmacy	92.69	Jail Rx
Winner Police Department	14,239.80	Prisoner Housing
Winner Regional Healthcare	1,698.00	Jail Medical
WW Tire Service	156.53	R&B Tires
Gregory County Entities	33,468.13	June Tax Collections

**Travel request:** Motion by Bob Hausmann, second by Jessy Biggins to approve travel to the Commissioners and Officials to attend the Randall Reservoir Association meeting at Mellette County on August 12, 2019. All member present voted aye. Motion carried.

**Sale of Surplus Vehicle:** Motion by Jeff Johnson, second by Kelsea Sutton to approve the sale of the 2008 Chevrolet Trail Blazer to David Jones at the appraised price of \$1,705.00. All member present voted aye. Motion carried.



**Adjourn:** Motion by Jeff Johnson, second by Kelsea Sutton to adjourn. All members present voted aye.  
Motion carried.

ATTEST: \_\_\_\_\_  
Julie Bartling, Gregory Co. Auditor

\_\_\_\_\_  
Myron Johnson, Chair