

## Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Tuesday, September 1, 2020 at 9:00 a.m. in Burke with the following members present: Jeff Johnson, Myron Johnson, Jessy Biggins, and Bob Hausmann. Also present: Julie Bartling, Auditor

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

**Approval of Agenda:** Motion by Kelsea Sutton, second by Bob Hausmann to approve the agenda as presented. All members present voted aye. Motion carried.

**Approval of Minutes:** Motion by Myron Johnson, second by Kelsea Sutton to approve the minutes of the August 18, 2020 meeting as read. All members present voted aye. Motion carried.

**Conflicts of Interest:** The Chair asked if there were any conflicts of interest from members present. None were notated.

**Ex-Parte Communications:** The Chair inquired if there have been any ex-parte communications by any member present. None were notated.

**Public Input:** The Commission opened the floor for public input.

**Procurement and Conflict of Interest Policy:** Motion by Kelsea Sutton, second by Myron Johnson to enact the following Procurement and Conflict of Interest Policy, required for receipt of federal funds awarded from various state agencies, including CARES Act funding.

### **GREGORY COUNTY, SOUTH DAKOTA PROCUREMENT AND CONFLICT OF INTEREST POLICY**

The requirements for procurement are commonly contained in the Federal Uniform Guidance, program legislation, Federal awarding agency regulations, State bid laws and/or the terms and conditions of the award. To ensure compliance with these requirements, **GREGORY County**, hereinafter referred to as the **County**, will adhere to the following policies and procedures when utilizing public funds:

1. Purchasing and procurement related to Federal funds will be subject to the general policies and procedures of South Dakota Bid Law (SDBL), unless federal requirements are more restrictive, then federal requirements and bidding thresholds will take precedence. (§5-18A-32 and §200.318(a))
2. Pursuant to §5-18A-14 the County shall adhere to three bid limits when entering into purchase contracts. If the purchasing agency intends to enter into a contract for any public improvement that involves the expenditure of one hundred thousand (\$100,000) dollars or more, an equipment purchase in excess of fifty thousand (\$50,000) dollars or any contract for the purchase of supplies or services, other than professional services, that involves the expenditure of twenty-five thousand (25,000) dollars or more, all as amended, the purchasing agency shall advertise for bids or proposals with the exception of exempt items. (§5-18A-22)

3. The **County** will maintain oversight to ensure that contractors perform in accordance with the terms, conditions and specifications of contracts or purchase orders. (§200.318(b) and §5-18B-14)
4. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise. (§200.318(c)(1) and (§5-18A-17.5)
5. The **County** will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. The **County** will also analyze other means, as described in §200.318(d), to ensure appropriate and economic acquisitions.
6. The **County** will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (§200.318(h) and (§5-18B)
7. Federal program files shall document the significant history of the procurement, including the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis of contract price. (§200.318(i)
8. The **County** may use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. §200.318(j) and SDBL
9. Procurement will provide for full and open competition. (§200.319 and (§5-18A-3)
  - A. Firms who develop or draft specifications requirements, statements of work, and invitations for bids or requests for proposals will be excluded from competing for such procurements or contracts Contractors.
  - B. Other restrictive practices are prohibited:
    1. Placing unreasonable requirements on firms for them to qualify to do business;
    2. Requiring unnecessary experience and excessive bonding;
    3. Noncompetitive pricing practices between firms or between affiliated companies;
    4. Noncompetitive contracts to consultants that are on retainer contracts;
    5. Organizational conflicts of interest;

6. Specifying only a 'brand name' product instead of allowing 'an equal'; and
  7. Any arbitrary action in the procurement process.
- C. The **County** will conduct procurements in a manner that prohibits state, local, or tribal geographical preferences. In the case of architectural or engineering services, geographic location may be a selection criterion provided it leaves an appropriate number of qualified firms, given the nature and size of the project.
10. The **County** must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:
- A. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - B. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  - F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.
11. The **County** will use the procurement methods as outlined by §200.320 which are summarized as follows:
- A. Micro purchases, aggregate amounts up to four thousand (\$4,000) dollars or as amended. No quotations or bids will be required if a majority of the Board of County Commissioners considers the price to be reasonable. To the extent practicable, the **County** will distribute micro-purchases equitably among qualified suppliers;  
  
All purchases between four thousand (\$4,000) and twenty-five thousand (\$25,000) or as amended require three (3) quotations or documented efforts thereto. (§5-18A-11)
  - B. Small Purchases, contracts between twenty-five thousand (\$25,000) dollars for supplies and services, fifty thousand (\$50,000) dollars for the purchase of equipment or one hundred thousand (\$100,00) dollars for public improvements and two hundred forty-nine thousand nine hundred and ninety-nine (\$249,999) dollars or as amended the **County** shall obtain quotations from three (3) qualified sources or documented efforts thereto yet must follow South Dakota Bid law as referenced in items #1 and #2, whichever is more restrictive;

C. Purchases exceeding the Simplified Acquisition Threshold of two hundred fifty thousand (\$250,000) dollars or as amended shall require the preparation of a cost analysis. Based on the facts and circumstances of each procurement, the **County** will follow one of the following three procurement methods while adhering to South Dakota Bid law as referenced in items #1 and #2 whichever is more restrictive.

D. Bidding and Proposals

1. Sealed Bids

- a. Bids are publicly solicited, and a lump sum or unit price contract is awarded to the responsible lowest bidder who conforms with all the material terms and conditions; The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them adequate response time prior to the date set for opening the bids;
- b. The invitation for bids, which will include any specifications and pertinent attachments must define the items or services for the bidder to properly respond;
- c. All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder; and
- e. Any or all bids may be rejected if there is a sound documented reason.

2. Competitive Proposals

- a. Normally conducted with more than one source submitting an offer;
- b. Either a fixed price or cost-reimbursement type contract will be awarded;
- c. Will generally be used when conditions are not appropriate for the use of sealed bids;
- d. The following requirements will apply;
  - 1) Requests for proposals will be publicized and identify all evaluation factors and their relative importance in accordance with these requirements and SDBL;
  - 2) Proposals will be solicited from an adequate number of qualified sources;
  - 3) The **County** will have a written method for conduction of technical evaluations of the proposals received and for selecting recipients;
  - 4) Contracts will be awarded to the responsible firm whose proposal is most advantageous to the **County**, with price and other factors considered; and
  - 5) The **County** may use competitive proposal procedures for qualifications-based procurement of architectural or engineering (A/E) services whereby

competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. This method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed service.

3. Noncompetitive proposals §200.320(f) and SDBL 5-18A-(9), (10)

Will be used only when one or more of the following factors apply. The factors to be considered include:

- a. The item is available only from a single source;
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. The Federal awarding agency (or pass-through entity) expressly authorizes this method in response to a written request from the **County**;
- d. After solicitation of several sources, competition is determined inadequate;
- e. The proposed activity is completed in accordance with the bid laws of the State of South Dakota; and
- f. **The County** will maintain written documentation of the process.
- g. **The County** shall perform a cost or price analysis pursuant to §200.320(c)(2)(iv) for every procurement action more than the Simplified Acquisition Threshold of two hundred fifty thousand (\$250,000) dollars.

On the 1<sup>st</sup> day of September, 2020, GREGORY County, County of GREGORY, State of South Dakota adopts the Procurement Policy detailed herein.

All members present voted aye. Motion carried.

**Whetstone Road Project Concerns:** Mark Williams, Todd Dummer, Roland Dummer and Eric Bruinsma, concerned landowners/residents met with the Commission to discuss the time frame for repair of County Road 57 leading to the bridge across the Whetstone Creek. The Commission and the Highway Superintendent explained the process of repairing the road and/or moving the road. The biggest hold out is getting approval from SHPO (State Historical Preservation Office) to perform any project on the road. The concerned residents are requesting the current road be shaped up for safety and to make it passable for the landowners who make a living using the road.

**Buryanek Road Repair and Maintenance:** Brad Ellwanger, Highway Superintendent, presented an agreement with the SD Game, Fish and Parks for maintenance and repair of Buryanek Road, offering \$15,000 for ½ of the proposed cost to repair 3.1 miles of the road. Motion by Bob Hausmann, second by Myron Johnson to authorize the Chair to sign the agreement. All members present voted aye. Motion carried.

**Special Meeting Scheduled:** Motion by Kelsea Sutton, second by Myron Johnson to schedule special meetings for September 24, 2020 at 11:00 A.M. for the purpose of receiving bids for the construction of Gregory County Culvert Replacement, ER Site 5, Burke, South Dakota; and on September 29, 2020 at 9:00 a.m. for the purpose of considering said received bids for acceptance. All members present voted aye. Motion carried.

**Road Project Report:** Brad Ellwanger, Highway Superintendent, reported on road projects ongoing throughout the county.

**Engineering Grant:** Highway Superintendent Ellwanger reported that the county has been approved for a Preliminary Engineering Grant from the State of South Dakota for the St. Charles Bridge #27-220-326 repair/replacement for \$54,000.

**5-Year Road Plan Public Meeting:** Motion by Myron Johnson, second by Bob Hausmann to schedule a public meeting for September 28, 2020 at 7:00 p.m. at the Burke Civic Center to review a draft of the 5-Year Road Plan for Gregory County. All members present voted aye. Motion carried.

**Courthouse COVID-19 Safety Precautions:** Motion by Kelsea Sutton, second by Myron Johnson to require all Courthouse employees to wear face masks while working with the public, and offices with two employees to wear masks throughout the office day. It is also recommended that the public wear masks while in the courthouse, and to provide disposable masks for anyone who needs one. All members present voted aye. Motion carried.

**Executive Session:** Motion by Kelsea Sutton, second by Myron Johnson to enter into executive session at 10:31 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Bob Hausmann, second by Kelsea Sutton to adjourn from executive session at 10:59 a.m. with no action taken. All members present voted aye. Motion carried.

**Approval of Claims:** Motion by Kelsea Sutton, second by Bob Hausmann to approve the following claims:

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 June 30, 2020.

Total Amount of Actual Cash.....	\$	525.00
Checking Account.....	\$	2,725,828.57
Insufficient Fund Checks.....	\$	133.00
Cash Over.....	\$	1,685.09
TOTAL.....	\$	2,728,171.66

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

Statement of fees collected in the Register of Deeds Office for the month ending August 31, 2020 in the amount of \$4,909.08.

Statement of fees collected in the Sheriff's Office for the month ending August 31, 2020 in the amount of \$1,175.00.

Statement of fees collected in the Clerk of Courts Office for the month ending August 31, 2020 in the amount of \$2,992.41.

**August 2020 Payroll**  
(Listed by office)

Wellmark-\$20,791.25		SDRS-\$12,370.22
AFLAC-\$861.96		SDSRP-\$100.00
1 <sup>st</sup> Fidelity Bank 941 Deposit-\$24,450.64		Ft. Randall Credit-\$100.00
Office of Child Support-\$1,234.00		First Fidelity ACH Fee \$25.00
AAA Collectins-416.50		
Commissioners-\$3,090.64		Auditors-\$6,492.79
Treasurers-\$7,784.66		States Attorney-\$7,155.08
Courthouse-\$4,120.38		DOE-\$7,972.07
ROD-\$7,807.70		VA-\$686.26
Sheriff-\$23,186.03		Solid Waste-\$3,375.46
Nurses-\$3,753.28		4-H/Youth-\$2,897.66
Weed-\$3,010.65		Planning/Zoning-\$727.11
Road and Bridge-\$58,083.53		EMD-\$1,592.00
24/7 Sobriety Test-\$1,343.91		
Ace's Carwash	96.00	Sheriff's Supplies
Mollie Andrews	38.64	Mileage for Achievement Days
Appeara	119.92	R&B Supplies
Avera Gregory Hospital	168.00	Courts
Bonesteel Enterprise	347.64	Publishing
Bonesteel Fire Department	1,634.71	2020 Ins Distribution
Burke Body Shop	2,311.93	R&B Repair
Burke Building Center	2,208.75	Shed Keys, R&B Supplies
Burke City Finance Office	1,506.72	Utilities
Burke Fire Dept.	3,487.39	2020 Ins Distribution
Burke Fire Dept.	3,500.00	R&B 1978 Ford F800
Burke Postmaster	110.00	Doe Postage
True Value Hardware-Burke	369.53	Weed/Courthouse/R&B Supplies
Butler Machinery	4,267.00	R&B Repairs
CenturyLink	228.57	911 Contract
Charles Mix Co. Sheriff	195.00	Jail Housing
Coach's Lawn Service, LLC	481.00	Seeding Lawn
Community Memorial Hospital	170.00	Courts
Courts	2,918.68	Jury
Dakota Auto Care	120.08	Sheriff's Repair
Dakota Resources	1,250.00	Development Coaching Fee
Dallas Fire Dept.	544.90	2020 Ins Distribution
Dallas Town	28.50	R&B Utilities
Danielson Tech Supply	68.26	R&B Supplies
DrugTestsinBulk	180.41	Sheriff's Supplies
Equipment Blades Inc.	4,446.88	R&B Repairs
Evergreen Office Solutions	33.00	State Atty User Charge
Executive Management	41.75	Auditor Monthly Service
Fairfax Fire Department	762.87	2020 Ins Distribution
First National Bank Omaha	1,566.75	R&B Tools, Court Supplies
Floyd's Truck Center	30.74	R&B Repairs
Galls, LLC	31.35	Sheriff's Supplies
Green's Grocery	146.71	Courts & R&B Supplies
Gregory Co. Treasurer	2,833.66	Partial Payment
Gregory Fire Department	4,468.22	2020 Ins Distribution
Gregory Times Advocate	443.47	Publishing
Gregory County Title Company	2,375.00	Treasurer Supplies
Grossenburg Implement	39.39	R&B Repairs

Gunvordahl, Gunvordahl & Norberg	239.90	Court Appointed
Hughes Brothers 2	725.00	Sheriff's Supplies
Interstate Battery System	257.90	R&B & Weed Repairs
JC Supply Products	2,123.38	R&B Supplies
Jeff's Gun Vault	95.96	Sheriff's Supplies
L.L. Jirsa Architect	5,650.00	Bid Completion
Laura Kahler	35.52	4-H Travel
Kennebec Telephone Company	47.34	911 Contract
Kimball Midwest	649.26	R&B Supplies
Koletzky Implement, Inc.	1,021.79	R&B Repairs
Limited Editions	2,019.75	Courthouse Repairs
Lincoln County Treasurer	235.35	Mentally Ill
Main Street Auto	906.42	Weed & R&B Repairs & Supplies
Marco	37.64	Copy Machine Supplies
Matucha Trucking	38,796.81	Gravel Hauling
Microfilm Imaging Systems	244.50	Rod Monthly Rental
Mr. Automotive	236.14	R&B Supplies
Naper Transport, Inc.	8,216.70	R&B Gravel Hauling
Rachelle Norberg	4,379.76	Year 2 Rural Atty Program
North Central International	26.49	R&B Repairs
Office of Fire Marshall	60.00	Courthouse Inspection
Office Products Center	743.34	Office Supplies
Peterbilt Of Norfolk	972.01	R&B Repairs
Pheasantland Industries	240.20	Treasurer Supplies
Platte Body Shop, Inc.	5,233.32	Sheriff's Charger Repairs
Psi Power Washer, Inc.	71.47	R&B Repairs & Supplies
Purchase Power	225.00	Meter Rental
RDO Equipment Co.	6,228.28	R&B Supplies
Redwood Toxicology Laboratory	83.55	24/7
Rockmount Research & Alloys	1,384.36	R&B Supplies
Register of Deeds	165.00	Sheriff's Plat Books
Rosebud Auto	3,250.12	R&B Repairs & Supplies
Rosebud Concrete Inc.	1,345.00	R&B Supplies
Rosebud Electric Cooperative	257.74	EMD, Solid Waste, R&B Utilities
Runnings	176.39	R&B Repairs, Supplies
S. Missouri Recycling & Waste	469.22	Solid Waste Rental
Sandhill Equipment Inc.	192.85	R&B Repairs
SCS Protective	159.75	Sheriff's Supplies
SD Dept. Of Revenue	106,512.04	State Remittance
SD Public Health Lab	120.00	Courts
SD Department of Public Safety	2,340.00	Teletype Service
SD State Treasurer	956.43	Landfill 8&10&11 2019 Sales Tax
SD Asso. Of County Commission	555.00	2020 Co Conv Registration
SDACOM & PRF	208.00	July 2020
SDDMV	21.20	Title & Plates
SD Human Services Center	600.00	Mentally Ill
SDSU Extension	16.63	4-H Travel
SDSWMA	100.00	R&B Supplies
Secretary of State	30.00	Notary Seal
Spencer Quarries/Comm Asphalt	3506.40	R&B Supplies
Taylor Plumbing	444.00	Courthouse Supplies
Tri-State Turf	915.27	Courthouse Tornado Repairs
Tripp County Water User Dist.	26.00	R&B Utilities
True North Steel, Inc.	34,525.38	R&B Supplies
Us Bank Voyager Fleet System	1,388.36	Sheriff's Supplies
Verizon Wireless, Bellevue	489.42	Verizon Utilities
City of Winner	18,148.32	911 Qtr. Yearly Contract
Winner Police Department	4,465.00	Jail Housing
Winner Health Mart Pharmacy	8.97	Jail Medical
WW Tire Service	510.84	R&B Repairs
Yankton Fire & Safety Company	1,092.25	Fire Extinguisher Inspection

All members present voted aye. Motion carried.

**Meeting Change Date:** Motion by Kelsea Sutton, second by Bob Hausmann to change the next regular Commission meeting to Wednesday, September 16, 2020 due to association meetings. All members present voted aye. Motion carried.

**Lease Agreement:** Motion by Kelsea Sutton, second by Myron Johnson to enter into a 3-year lease with Dakota Milestones for office rent of the former Social Services space. The monthly rent is \$280.00. All members present voted aye. Motion carried.

**Local Emergency Management Performance Grant:** Motion by Kelsea Sutton, second by Bob Hausmann to deny participating in the LEMPG program for 2021. All members present voted aye. Motion carried.

**Budget Supplements:** Motion by Bob Hausmann, second by Myron Johnson to supplement the following budget as insurance for vehicle damage has been received:

Sheriff	\$5,170.08
Road & Bridge	\$1,777.28

All members present voted aye. Motion carried.

Motion by Kelsea Sutton, second by Bob Hausmann to supplement the Road & Bridge budget \$163,447.09 (FEMA funds) and \$16,094.23 (ER funds) to reimburse the expenses incurred for road repairs due to Spring 2019 Blizzard and Spring Flooding on several sites. All members present voted aye. Motion carried.

**Extension Office Hours:** Motion by Myron Johnson, second by Kelsea Sutton to approve the following office hour schedule for the Extension Office through December 2020 so that personal leave can be taken by staff:

Monday-Wednesday-Friday	-	8:00 a.m. to 5:00 p.m. (closed noon)
Tuesday	-	8:00 a.m. to 3:00 p.m. (open noon)
Thursday	-	8:00 a.m. to 4:30 p.m. (open noon)

All members present voted aye. Motion carried.

**Courthouse Hours:** Amy Bartling-Jacobsen, States Attorney; Kathy Serr, Treasurer; and Stacy Genzlinger, Deputy Register of Deeds met with the Commission to discuss changing the Courthouse hours to make services more accessible for the public.

Motion by Kelsea Sutton, second by Jessy Biggins to set the Courthouse hours as follows effective September 14, 2020:

Monday through Friday:	7:30 a.m. through 12:00 noon
	12:30 p.m. through 4:00 p.m.

The hours change is made to provide a more flexible schedule to serve the public. All members present voted aye. Motion carried.

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

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

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Jeff Johnson, Chair