

## GREGORY COUNTY COMMISSION PROCEEDINGS

The regular meeting of the Gregory County Commission was held Tuesday, April 7, 2020 at 9:00 a.m. in Burke with the following members present: Jeff Johnson, Myron Johnson, Jessy Biggins, Kelsea Sutton and Bob Hausmann. Also, present: Julie Bartling, Auditor; Tim Drey, Sheriff; Amy Bartling Jacobsen, States Attorney; and Brad Christensen, EM&D Director.

All present were tested for temperatures, as per protocol from the SD Department of Health.

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

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

**Approval of Minutes:** Motion by Myron Johnson, second by Jessy Biggins to approve the minutes of the March 17, 2020 and March 24, 2020 meetings 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 has been any ex-parte communications by any member present. None were notated.

**Public Input:** The Commission opened the floor for public input. No one appeared at the meeting.

Brad Ellwanger, Highway Superintendent, arrived at the meeting to discuss activities ongoing at the Highway Department.

**Permit Application for TransCanada Haul Road Repair:** Motion by Myron Johnson, second by Bob Hausmann to authorize the Chair to sign the Storm Water Permit application to the Department of Environment and Natural Resources, which is required for improvement of County Road 14, a designated haul road for the TransCanada Keystone Pipeline. All members present voted aye. Motion carried.

**Agreements for Voluntary Right-of-Way:** Motion by Bob Hausmann, second by Kelsea Sutton to approve the following right-of-way agreements for easements for road construction, operation and maintenance:

1. 0.17 acres, more or less in Section 5, T97N, R71W (perpetual)  
0.03 acres, more or less in Section 5, T97N, R71W (temporary)
2. 0.19 acres, more or less in Section 8, T97N, R71W (perpetual)  
0.03 acres, more or less in Section 8, T97N, R71W (temporary)

Upon call for vote: Voting aye-Bob Hausmann, Kelsea Sutton, Jessy Biggins, and Jeff Johnson. Abstaining-Myron Johnson. Motion carried.

**Highway Department Employee Resignations:** Motion by Jessy Biggins, second by Myron Johnson to accept the resignations of James Claussen, effective April 13, 2020, and Richard Weller, Jr., effective April 19, 2020, from the Highway Department. All members present voted aye. Motion carried.

**Highway Department Hire:** Motion by Jessy Biggins, second by Kelsea Sutton to approve the hiring of David Jaros effective April 8, 2020 at \$15.40 per hour for the Highway Department. All members present voted aye. Motion carried.

**Asphalt Overlay Bid:** The Commission received a bid for Asphalt Overlay after the March 17, 2020 meeting closed. The bid, which was mailed certified, was waiting at the post office for pickup. Per discussion with Legislative Audit, the Board may open the bid.

Commercial Asphalt:

\$72.00 per ton picked up at plant site

\$98.00 per ton applied, including asphalt

\$112.00 per ton for fine blade mix applied

Motion by Jessy Biggins, second by Kelsea Sutton to accept the bid of Commercial Asphalt. All members present voted aye. Motion carried.

**Temporary/Permanent Fencing Bid Letting:** The bid letting for Temporary and Permanent Fencing was held at 10:00 a.m. as advertised. The following was received:

Hell Hole Fencing: \$1.00 per ft. for installation of temporary fence

\$1.60 per ft. for removal of temporary and installation of permanent fence

This bid states "Quote Only".

Motion by Myron Jonson, second by Bob Hausmann to reject the bid of Hell Hole Fencing as it is not a firm bid. All members present voted aye. Motion carried.

**Special Deputy Appointment:** Motion by Kelsea Sutton, second by Bob Hausmann to appoint Cheyenne Doyle as Special Deputy for the Gregory County Sheriff's Department for 2020 at \$12.60 per hour. All members present voted aye. Motion carried.

**USDA Rural Development Federal Assistance Application:** Motion by Jessy Biggins, second by Bob Hausmann to authorize the Chair to sign an application for federal assistance through USDA for repairs and upgrades to the Gregory County Courthouse. All members present voted aye. Motion carried.

**Commissioners' Contingency Transfer:** Motion by Kelsea Sutton, second by Myron Johnson to authorize the following transfer from the Commissioners' Contingency budget:

Courthouse Building Budget - \$100,000.00

(Building/Construction)

All members present voted aye. Motion carried.

Kathy Serr, Treasurer and Kerri Grim, Register of Deeds joined the meeting to participate in updates on COVID-19 discussions.

**Families First Coronavirus Response Act:** Motion by Kelsea Sutton, second by Bob Hausmann to offer the following resolution in accordance with Congressional actions:

**Families First Coronavirus Response Act  
Employer Paid Leave Requirements**

WHEREAS, the Congress of the United States of America has passed the Families First Coronavirus Response Act and has directed The Department of Labor's Wage and Hour Division to administer and enforce said Act; and

WHEREAS, Gregory County desires to abide by the paid sick leave and expanded family and medical leave provisions defined in the Act for the benefit of its employees; and

WHEREAS, Gregory County recognizes the need to adopt the FFCRA to assure the safety of all employees of the County;

NOW THEREFORE BE IT RESOLVED that, Gregory County implement the Employee Paid Leave Requirements of the Families First Coronavirus Response Act, effective April 7, 2020 and to identify the following parameters related to COVID-19 for qualifying reasons for leave:

1. Employee is subject to Federal, State or local quarantine or isolation orders;
2. Employee has been advised by a health care provider to self-quarantine;
3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Employee is caring for a child whose school or place of care is closed (or child care provider is unavailable); or
6. Employee is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury; and

BE IT FURTHER RESOLVED that, Gregory County will provide a full-time employee up to 80 hours of paid leave, and a part-time employee an amount of leave pro-rated to the number of hours that employee works in a two-week period, for reasons stated in parameters (1), (2), (3), (4), and (6), with pay calculated at their regular rate of pay; and

BE IT FURTHER RESOLVED that, Gregory County will provide a full-time employee up to 12 weeks of leave at 40 hours per week, and a part-time employee an amount of leave pro-rated to the number of hours that employee is normally scheduled to work over that period, for reasons stated in parameter (5), with pay calculated at 2/3 of their regular rate of pay; and

BE IT FURTHER RESOLVED that, Gregory County shall follow the calculation of pay as defined in the Families First Coronavirus Response Act.

The provisions of this Act will apply from the effective date through December 31, 2020.

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

**Employee COVID-19 Protocol:** Motion by Kelsea Sutton, second by Myron Johnson to implement the following protocol regarding county employees and the COVID-19 pandemic:

- If a county employee is tested for COVID-19, the employee shall immediately enter in to quarantine or shelf-sheltering as dictated by the SD Department of Health.
  - Upon a positive test, the employee shall follow SDDOH and CDC protocol and cannot return to work until cleared by a medical professional.
  - Upon a negative test, the employee shall not return to work until cleared by a medical professional.

- All other county employees shall take measures as dictated by the SD Department of Health.
- County departments shall remain open as scheduled until further measures are deemed necessary.
- If an employee leaves the county, they shall report their travel activities to their supervisor or to the County Auditor, prior to leaving or immediately upon their return.

All members present voted aye. Motion carried.

**Temporary Courthouse Work Hours Adjustment:** Motion by Kelsea Sutton, second by Jessy Biggins to offer the following motion regarding Courthouse office hours and staffing routine:

Effective April 8, 2020, the Gregory County Courthouse employees will work from 10:00 a.m. through 2:00 p.m., including noon hours, Monday through Friday, until further notice. Staff will rotate within each office on a daily basis. The doors of the Courthouse will remain locked to the public until further notice. These hours do not reflect upon the hours of the Court system, or any State offices within the building, or the County Highway Department maintenance crew. The Auditor’s office will schedule staff hours to accommodate absentee voting as per statute.

Upon call for vote: Commissioners voting aye – Bob Hausmann, Kelsea Sutton and Jessy Biggins. Commissioners voting naye – Myron Johnson and Jeff Johnson. Motion carried.

**Approval of Claims:** Motion by Kelsea Sutton, second by Jessy Biggins 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 March 31, 2020.

Total Amount of Actual Cash.....	\$	525.00
Checking Account.....	\$	2,727,664.16
Insufficient Fund Checks.....	\$	3,369.00
Cash Over.....	\$	1,795.53
TOTAL.....	\$	2,733,353.69

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 March 31, 2020 in the amount of \$5,608.75.

Statement of fees collected in the Sheriff’s Office for the month ending March 31, 2020 in the amount of \$492.50.

Statement of fees collected in the Clerk of Courts Office for the month ending February 29, 2020 in the amount of \$3,019.13 and in the month ending March 31, 2020 in the amount of \$5,783.40.

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

Wellmark - \$22,293.50	SDRS - \$13,039.36
AFLAC - \$886.36	SDSRP - \$100.00

Office of Child Support - \$1,440.00  
Ft. Randall Credit – \$100.00  
1<sup>st</sup> Fidelity Bank ACH fee -\$25.00

1<sup>st</sup> Fidelity Bank - 941 deposit - \$24,306.95  
AAA Collections – \$186.83

Commissioners - \$3,082.19  
Treasurers - \$8,249.24  
Courthouse - \$4,180.47  
ROD - \$7,927.87  
Sheriff - \$23,133.20  
Nurses - \$3,813.38  
Planning/ Zoning - \$751.41  
EMD - \$1,990.01

Auditors - \$6,492.80  
States Attorney - \$7,155.09  
DOE - \$8,086.00  
VA - \$686.27  
Solid Waste - \$2,706.93  
Extension - \$236.83  
Road and Bridge - \$69,788.54  
24/7 Sobriety Testing - \$1,064.85

Andes Central School District 3,210.01 February 2020 Apportionment  
Bonesteel Town 3,696.65 February 2020 Apportionment  
Burke City 9,110.00 February 2020 Apportionment  
Burke School District #26-2 66,643.52 February 2020 Apportionment  
Dallas Town 680.01 February 2020 Apportionment  
Dixon Township 160.26 February 2020 Apportionment  
Edens Township 345.21 February 2020 Apportionment  
Fairfax Civil Township 267.81 February 2020 Apportionment  
Town of Fairfax 1,747.79 February 2020 Apportionment  
Gregory City 17,296.18 February 2020 Apportionment  
Gregory School District #26-4 95,969.52 February 2020 Apportionment  
Town of Herrick 577.76 February 2020 Apportionment  
Jones Township 184.56 February 2020 Apportionment  
Pleasant Valley Township 132.48 February 2020 Apportionment  
Schriever Township 122.47 February 2020 Apportionment  
South Central Water Dev. Dist. 974.67 February 2020 Apportionment  
South Central School #26-5 38,634.19 February 2020 Apportionment  
Star Valley Township 369.08 February 2020 Apportionment  
A-Ox Welding Supply Company 107.88 R&B Supplies  
Appera 121.72 R&B Supplies  
Atco International 63.00 R&B Supplies  
Avera Gregory Hospital 159.00 Courts  
B&J Carpentry 1,377.00 Courtroom Repairs  
B&L Communication 4,040.27 Sheriff's New Pickup  
Bob Grubs & Sons 2,506.35 R&B Repairs  
Bonesteel Enterprise 586.89 Publishing  
Burke Building Center 8,556.84 Courthouse Repairs  
Burke City Finance Office 1,288.16 Utilities  
Burke Gazette 825.02 Publishing  
Burke Hospital Auxiliary 12.78 R&B Supplies  
Burke Postmaster 189.20 Nurse's, R&B Rental  
Burke School District #26-2 3,010.44 Monthly Payment  
True Value Hardware-Burke 387.57 Courtroom Repairs/Supplies  
Butler Machinery 33,925.84 R&B Repairs  
Kristina Carlson 308.00 Nurse Travel  
CenturyLink 228.57 911 Contract  
CHS Winner 327.05 R&B Supplies

Ciavarella Design	3,400.00	Site Design
Community Memorial Hospital	178.00	R&B Supplies
Cougar Cubs Daycare	337.50	Day Care
Dakota Auto Care	1,002.23	Sheriff's Repairs
Dakota Riggers & Tool Supply	505.41	R&B Repairs
Dallas Town	34.50	R&B Utilities
Data Spec Inc.	449.00	VA Yearly Fee
Denalda Fortuna	151.89	Partial Payment
Equipment Blades Inc.	12,179.36	R&B Repairs
Dewey Ertz, Ed.	525.00	Courts
Evergreen Office Solutions	33.00	User Fees
Executive Management	70.60	Service
Burke FCCLA Chapter	200.00	Day Care
First National Bank Omaha	184.38	States Atty, R&B Virus
Flat Creek	62,064.98	R&B Supplies & Gravel Hauling
Floyd's Truck Center-FP	558.64	R&B Repairs
Galls, LLC	656.34	Sheriff Uniform
Golden West	1,325.51	Utilities
Green's Grocery	59.81	4-H Supplies
Gregory Building Center	1,353.77	Courthouse Repairs
Gregory Co. Treasurer	1,998.06	Partial Payment
Gregory Drug	31.38	Inv #151650
Gregory Times Advocate	798.20	Publishing
JC Supply Products	1,072.78	R&B Supplies
Jim's Garbage Service	329.83	Utilities
Johnson Auto Repair	18.00	Sheriff's Repairs
Joseph Johnson	111.43	Reimburse for Pickup Breakdown
Laura Kahler	8.82	4-H Travel
Ken's Body Shop	183.00	R&B Supplies
Kennebec Telephone Company	43.80	911 Contract
Kimball Midwest	1,907.87	R&B Supplies
Koenig Lumber	693.00	Courtroom Renovation
M&J Auto	59.99	R&B Supplies
M.D. Products, Inc.	931.98	R&B Repairs
Main Street Auto	467.84	R&B Repairs & Supplies
Marco	24.16	Copier
Matucha Trucking	93,288.76	Gravel Hauling
Matucha Trucking	110,076.06	R&B Gravel Hauling
Microfilm Imaging Systems	489.00	Rod Rental
Minnehaha County	57.00	Mentally Ill
Mr. Automotive	126.07	Sheriff's & R&B Supplies
Mulehead Gravel	86,235.70	Crushed Gravel
Emilie Myrmoe	20.84	Courts
Nelson Machine & Welding	87.90	Sheriff's Repair
Office Products Center	780.89	Supplies
Pennington Co. Jail	149.46	Jail Travel
Pheasantland Industries	127.50	Sheriff Business Cards
Pitney Bowes, Inc.	161.48	Ink for Postage Machine
Prorate Services LLC	160.00	R&B Supplies
RDO Equipment Co.	12,650.49	R&B & SW Repairs
Redwood Toxicology Laboratory	128.42	24/7 Supplies

Rockmount Research & Alloys	984.05	R&B Supplies
Rosebud Auto	1,183.63	R&B Repairs & Supplies
Rosebud Electric Cooperative	331.78	Utilities
Rosebud Farmers Union	3,989.84	R&B Repairs, Supplies, Utilities
Runnings	510.65	Sheriff & R&B Repairs, Supplies
S. Missouri Recycling & Waste	744.72	Solid Waste Rental
Schreiber Law Firm Prof LLC	266.60	Court Appointed
SD Dept. Of Revenue	160,271.47	State Remittance
SD Public Health Lab	120.00	Courts
SD State Treasurer	294.49	Landfill Sales Tax
SD Asso. Of County Commission	2,168.00	CLERP
SDACOM & PRF	174.00	Monthly Collection
Spann Construction	4,889.11	R&B Main Shop Repair
Spencer Quarries/Comm Asphalt	12,666.05	R&B Supplies
Sandy J Steffen Law Office	11,394.15	Court Appointed
Tripp County Water User Dist.	23.40	R&B Utilities
Ulteig	248.00	R&B Professional Service
US Bank Voyager Fleet System	1,026.36	Sheriff's Supplies
Verizon Wireless, Bellevue	375.53	Utilities
Warne Chemical & Equipment Co	156.50	Reissued Check #111975
Well's Utilities LLC	4,865.49	Excavation @ Herrick Shop
City of Winner	5,885.60	Telecommunications
Winner Police Department	5,115.60	Jail Housing
Winner Health Mart Pharmacy	97.72	Jail Rx
Winner Regional Healthcare	274.00	Courts
WW Tire Service	3,248.27	R&B Supplies

All members present voted aye. Motion carried.

**Future Meetings:** The Commissioners will meet Tuesday, April 14, 2020 as a County Board of Equalization. The Board will meet in person for this meeting at the Courthouse.

Future Board of Commissioners and Board of Adjustment meetings will be held via telephonic or other media means as deemed necessary by the Board.

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

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

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Jeff Johnson, Chair