

Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Tuesday, April 20, 2021, at 9:00 a.m. in Burke with the following members present: Jeff Johnson, Myron Johnson, Jessy Biggins, and Lance Matucha. Members absent: Bob Hausmann. Also present: Julie Bartling, Gregory County Auditor and Patty Connealy, Gregory Times Advocate.

Chair Jeff Johnson opened the meeting with reciting of the Pledge of Allegiance.

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

Approval of Minutes: Motion by Lance Matucha, second by Jessy Biggins to approve the minutes of the April 6, 2021 and April 13, 2021 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 have been any ex-parte communications by any member present. None were notated.

Public Input: The Commission opened the floor for public input. Erin Schulte, representing Gregory County Prairie Patriots, invited the Commissioners to a public meeting, which will educate the public on the Presidential Executive Order on conservation efforts, also known as the 30 x 30 'Land Grab'. The public meeting will be held Sunday, May 2, 2021 at 7:00 p.m., at the Burke Civic Center.

Travel Request: Motion by Bob Hausmann, second by Jessy Biggins to approve travel for Laura Kahler, 4-H Youth Program Advisor, to attend SDAE-HP/4-H Training in Rapid City on May 10-12, 2021. Costs will be shared with Tripp County. All members present voted aye. Motion carried.

Assessor's Training: Motion by Lance Matucha, second by Myron Johnson to grant permission to the Assessor's office to close on June 22, 2021 from 9:00 a.m. through 1:00 p.m. and to close on June 23, 2021 from 10:00 a.m. through 3:00 p.m. for online certification training. All members present voted aye. Motion carried.

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

Variance Approval: An application for a variance was received from Mark and Sara Roth, who plan to build a home on a parcel of land less than 40 acres in an Ag district in S 390' of W 640' in the SW ¼ SE ¼ of Section 5-95-68 (Fairfax Civil Township).

Motion by Myron Johnson, second by Jessy Biggins to approve the variance. All members present voted aye. Motion carried.

Variance Approval: An application for a variance was received from Damon and Krystal Sehr who plan to build a home on a parcel of land less than 40 acres in an Ag district in Lot 6, A Subdivision of portion of Tract B, Mulehead Subdivision in SW ¼, Section 21-97-68 (Whetstone Township).

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

Adjournment: Motion by Myron Johnson, second by Lance Matucha to adjourn as a Board of Adjustment and to reconvene as a Board of Commissioners. All members present voted aye. Motion carried.

Plat Approval: The following plat was presented for approval: Lot 1, Schmitz First Subdivision, located in the E ½ SE ¼ of Section 8, T95N, R68W. The following resolution was offered by Jessy Biggins and seconded by Myron Johnson:

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

WHEREAS: the owners of the land herein as **Lot 1, Schmitz First Subdivision**, located in the E ½ of the SE ¼ of Section 8, Township 95 North, Range 68 West of the 5th P.M., Gregory County, SD, have presented to the Gregory Board of Commissioners the described plat for their consideration and approval, and that the platted land does not lie within the platting jurisdiction of any municipality and it appear that this plat conforms to all regulations of SDCL 11-3-8,

NOW THEREFORE: BE IT RESOLVED: that the plat be approved this 20th day of April, 2021.

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

4-H Activity Update: Laura Kahler, 4-H Youth Program Advisor, updated the Commission on current activity of the Gregory County 4-H programs.

Summer Assistant Hiring: Laura Kahler requested approval to hire Rose Wolf (160 hours for workshops) and Samantha Bull (400 hours for office and 4-H) at \$12.50 per hour, from May 24, 2021 through August 13, 2021. Motion by Bob Hausmann, second by Myron Johnson to approve the request. All members present voted aye. Motion carried.

Malt Beverage License Hearing: The hearing for the renewal of the malt beverage licenses issued by Gregory County was held at 9:45 a.m. Renewals from Jono's and Carlock Dance Hall were received. Motion by Jessy Biggins, second by Myron Johnson to approve the renewals. All members present voted aye. Motion carried.

Executive Session: Motion by Bob Hausmann, second by Jessy Biggins to enter into executive session at 9:54 a.m. to discuss legal matters. All members present voted aye. Motion carried.

Motion by Myron Johnson, second by Lance Matucha to adjourn from executive session at 10:13 a.m. with no action taken. All members present voted aye. Motion carried.

Second Amendment-Sanctuary County Discussion: The commissioners took up the resolution presented to them on April 6, 2021, petitioning to become a Second Amendment Sanctuary County.

Chair Jeff Johnson opened discussion for public testimony. The following comments were made by residents present for the discussion:

Mykala Voita- The purpose of resolution is to get Commissioners' position on 2nd Amendment. This is a grassroots movement to show the State Legislature that counties are in lock step to support 2nd Amendment rights. They want the Board to not aide in enforcing any new federal over-reaching laws.

John Parsons- If governments can protect illegal aliens, why can't government protect law abiding citizens.

P.J. Olson- Concerned about freedom of speech, rights to assemble, etc. being taken away from citizens- feels guns will be next.

Ed Dostal- Wants to know that elected officials will protect the rights of the citizens and that the commissioners have the citizenry's backs.

Jim Spann- Local government needs to take action first.

Justice Voita - Governments have been slowly changing and rights need to be protected.

Juli Peppel - Petition signers are in support of the Commission taking action, even though all are not present.

Steve McCance - Collectively, as a group, at the federal level, the people's voices are not being heard, therefore, action needs to begin at the county level.

Chair Johnson mentioned that Governor Noem had signed a bill to address 2nd Amendment rights.

Erin Schulte - Asking for Commission to uphold the rights and liberties of all citizens.

Kory Kolbe – Reminded that every day citizens step in to help law enforcement; if law-abiding citizens' rights to firearms are taken away, the public is in danger.

Wayne Springer – Constitution is under attack, beginning with a coup at election time to remove Trump from office. Mr. Springer reflected on current issues and his beliefs on the current state of the country.

Blaine McCance – relayed to the Commission that he confronted fugitives from the law and was thankful he had weapons to protect his family and property.

The Chair closed public testimony.

Commissioner Myron Johnson, opened Commission discussion, stating that the Constitution has withstood the test of time, and proposed to simplify the resolution, showing full support of the Constitution and defending the rights and liberties of the citizens of Gregory County.

Commissioner Jessy Biggins stated he is very supportive of 2nd Amendment rights and is concerned regarding a paragraph that will not allow the authorization or appropriation of funds used for the purpose of enforcing laws that might restrict rights of law-abiding citizens. This statement raises concerns regarding liability for the county.

Commissioner Bob Hausmann commented that he is in full support of 2nd Amendment rights and will support what is good for the county.

Commissioner Lance Matucha is supportive of the resolution but does have concerns regarding the language that prohibits enforcement of passed and signed laws.

Amy Bartling Jacobsen, State's Attorney, commented on the proposed resolution and pointed out the differences between resolutions passed by various counties.

Motion by Lance Matucha, second by Bob Hausmann to offer the following resolution:

**RESOLUTION #2021-01
GREGORY COUNTY SECOND AMENDMENT SANCTUARY COUNTY**

WHEREAS, the Constitution of the United States of America is the supreme law of our nation. The Second Amendment of the Constitution states, "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed"; and

WHEREAS, the Constitution of the State of South Dakota in Article 6, Section 24, states, "Right to bear arms. The right of the citizens to bear arms in defense of themselves and the State shall not be denied"; and

WHEREAS, the right of the citizens to keep and bear arms is guaranteed as an individual right under the Second Amendment of the United States Constitution and under the Constitution of the State of South Dakota; and

WHEREAS, the right of the citizens to keep and bear arms for the defense of Life, Liberty and Property is regarded as an inalienable right by the citizens of Gregory County, South Dakota; and

WHEREAS, the citizens of Gregory County, South Dakota, derive economic benefit from all safe forms of firearm recreation, hunting and shooting conducted within Gregory County as allowed under the United States and South Dakota Constitutions; and

WHEREAS, it is the desire of the Gregory County Board of County Commissioners to declare its support of the Second Amendment of the Constitution of the United States of America, and Article 6, Section 24 of the Constitution of the State of South Dakota protecting citizens' right to keep and bear arms; and

WHEREAS, the members of the Gregory County Board of Commissioners took an oath to support and defend the Constitutions of the United States and of the State of South Dakota.

NOW, THEREFORE, BE IT RESOLVED that the Gregory County Board of County Commissioners strongly supports the Second Amendment of the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota, and that the Board strongly believes that it is the right of the citizens of Gregory County to keep and bear arms for the defense of life, liberty and property; and

BE IT FURTHER RESOLVED, to defend the rights and liberties of the citizens of Gregory County, the Gregory County Board of County Commissioners hereby declares:

Gregory County, South Dakota a
"Second Amendment Sanctuary County"

BE IT FURTHER RESOLVED, that no employee or official of Gregory County may assist Federal employees, agents or officials in the enforcement of executive orders in violation of the above referenced Constitutional provisions.

Motion passed and Resolution #2021-01 is adopted this 20th day of April, 2021.

Upon call for vote: Bob Hausmann-aye; Lance Matucha-aye; Jessy Biggins-aye; Myron Johnson-aye; Jeff Johnson -aye. Resolution passed.

Ulteig Engineering Reports: Brad Stanghor of Ulteig Engineering reported on the engineering specifications for the following projects:

- *Turney Township Road 5 (Buryanek Road)
- *Gregory Civil Township Road 7 (Vaughn Road- east of Gregory)
- *County Road 18 (Haiar Road- south of Burke)

Motion by Myron Johnson, second by Jessy Biggins to advertise for bids on the road projects described above, to be opened May 18, 2021 at 10:00 a.m. All members present voted aye. Motion carried.

Engineering Agreement: Motion by Jessy Biggins, second by Bob Hausmann to enter into an agreement with Ulteig Engineering for services to replace the pipe and dirt work for Sites 100A and 100B, Whetstone Township East, Road 3. The maximum cost will be \$19,995.00. All members present voted aye. Motion carried.

Courthouse Parking Lot: Ulteig Engineering presented drawings for renovation of the courthouse parking lot. The project will begin along with the City of Burke's street project.

Buryanek Access Road Project: Motion by Myron Johnson, second by Jessy Biggins to authorize the Chair to sign an agreement with the SD Department of Game, Fish and Parks for reimbursement up to the amount of \$37,500 for county expenditures of 2,500 tons of gravel and dust control on 3.1 miles of

Buryanek Road between SD Highway 44 and Buryanek Recreation Area. All members present voted aye. Motion carried.

Striping Agreement: Motion by Jessy Biggins, second by Bob Hausmann to authorize the Chair to enter into an agreement with the SDDOT for the striping of approximately 3.80 miles of county roads at an estimated cost of \$6,595.22. All members present voted aye. Motion carried.

Track Loader Purchase: Motion by Bob Hausmann, second by Lance Matucha to purchase a John Deere 325 G Compact Track Loader from Grossenburg Implement, purchasing off of the Source Well Contract with the State of South Dakota, for the price of \$55,901.55 with delivery in June 2021. All members present voted aye. Motion carried.

Dump Days in the County: Motion by Myron Johnson, second by Lance Matucha to set May 7, 2021 as Dump Days for the cities in the county and May 8, 2021 as Dump Days for all county residents. Household garbage is not free during these days, items **MUST** be kept separate, loads **MUST** be tarped or strapped, and non-residents hauling into the Landfill will be charged for all items brought in. All members present voted aye. Motion carried.

Resignation: Motion by Myron Johnson, second by Bob Hausmann to accept the resignation of Joseph Johnson effective April 24, 2021. All members present voted aye. Motion carried.

Adjourn: Motion by Bob Hausmann, second by Lance Matucha to adjourn. All members present voted aye. Motion carried.

ATTEST: _____
Julie Bartling, Gregory Co. Auditor

Jeff Johnson, Chair