

**Gregory County Commission Proceedings**

The regular meeting of the Gregory County Commission was held Tuesday, May 4, 2021, at 9:00 a.m. in Burke with the following members present: Jeff Johnson, Myron Johnson, Jessy Biggins, Lance Matucha and 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 Jessy Biggins to approve the agenda as presented with the last minute addition of a ZOOM presentation from NACo. All members present voted aye. Motion carried.

**Approval of Minutes:** Motion by Myron Johnson, second by Lance Matucha to approve the minutes of the April 20, 2021 meeting with the following correction: Commissioner Bob Hausmann was present for the meeting. 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:** No appeared at the meeting for public input.

The Commission participated in a ZOOM presentation by NACo regarding the issuance of the State and Local Recovery Funds, authorized through the American Rescue Plan Act of 2021.

**Planning & Development District III Report:** Greg Henderson, Director of Planning & Development District III, provided the 2020 Performance Report of the planning district to the Commission.

**30 x 30 Land Preservation Discussion:** Erin Schulte, representing the Gregory County Prairie Patriots, presented a proposed resolution whereby the County opposes the designation of land in Gregory County as wilderness, wildlife preserves, open space, or other conservation land (30% of land and water by 2030). The group wants to inform the Board of the issues they believe to adversely affect agriculture as we know it today.

Also present were Alyssa Liewer and Julie Yaeger.

Motion by Lance Matucha, second by Myron Johnson to offer the following resolution:

**RESOLUTION NO. 2021-02  
OPPOSITION TO THE FEDERAL GOVERNMENT’S “30 X 30” LAND PRESERVATION GOAL**

**WHEREAS,** Gregory County is a legal and political subdivision of the State of South Dakota for which the Board of County Commissioners is authorized to act; and

**WHEREAS,** Gregory County contains about 675,840 acres of land situated in South Dakota; and

**WHEREAS**, the federal government owns .016% of the land within the County, and the WAPA is responsible for managing over 110 acres of these federal lands; and

**WHEREAS**, approximately 121,411 acres, 18% of privately owned land in Gregory County are also already protected with perpetual conservation easements; and

**WHEREAS**, Buryanek Recreation Area, South Shore Lakeside Use Area, Randall Creek Recreation Area, South Scalp Creek Lakeside Use Area, Burke Lake Recreation Area, Milk's Camp Park, Karl E Mundt National Wildlife Refuge, Lake Burch, Fairfax Lake, and Herrick Lake are situated within the boundaries of Gregory County; and

**WHEREAS**, designating lands as wilderness does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, insect infestation and disease, all of which degrades the natural and human environment; and

**WHEREAS**, the well-being, health, safety, welfare, economic condition, and culture of the County, its businesses, and its citizens depend on private land ownership and the use of these resources; and

**WHEREAS**, many of Gregory County's businesses and its citizens are involved in or otherwise depend on industries that utilize private lands and their resources, including livestock grazing, commercial and organic farming, cattle feedlots, commercial hog facilities, dairy production, apiaries, gravel and sand mining, hunting, fishing and other outdoor recreation; and

**WHEREAS**, these industries are important components of the South Dakota economy, and are major contributors to the economic and social wellbeing of Gregory County and its citizens; and

**WHEREAS**, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 titled Tackling the Climate Crisis at Home and Aboard (86 Fed. Reg. 7,619); and

**WHEREAS**, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior officials, to develop a program to conserve at least 30 percent of the lands and waters in the United States by 2030, which is called the "30 x 30" program; and

**WHEREAS**, under the "30 x 30" program, some 680 million acres of our Nation's lands would be set aside and permanently preserved in its natural state, preventing the productive use of these lands and their resources; and

**WHEREAS**, there is no constitutional or statutory authority for the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and permanently preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008; and

**WHEREAS**, placing private lands into permanent conservation status will cause dramatic and irreversible harm to the economies of many states, including South Dakota, and in particular rural counties such as Gregory County, whose citizens depend on private lands for their livelihoods; and

**WHEREAS**, the “30 x 30” program, if implemented, will conflict with the plans, policies and programs of Gregory County as expressed in the Gregory County Zoning Ordinances, adopted October 10, 2000, with amendments adopted on June 2, 2015, which obligates the federal government to coordinate its policy development with Gregory County; and

**WHEREAS**, Executive Order 14008 at 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to “submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030.”

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Gregory County, South Dakota, the following:

1. The Board opposes the “30 x 30” program, including its objective of permanently preserving 30 percent of the Nation’s lands in its natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of our lands.
2. The Board further opposes the designation of lands in Gregory County as wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land, thereby restricting public access to such lands and preventing the development and productive use of the resources on or within such lands.
3. The Board supports the continued private ownership of land in the County, recognizing the Nation’s need for domestic sources of minerals, energy, timber, food, and fiber.
4. The Board recognizes and supports the State of South Dakota water rights system, including the doctrine of prior appropriation and other state laws and programs governing water rights and water use, and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under South Dakota law.
5. The Board supports reasonable national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost-effective, and do not unnecessarily single out specific industries or activities, but opposes the use of global climate change as an excuse to set aside large tracts of land as preserves or open space to fulfill the “30 x 30” program’s objectives.
6. The Board also maintains that any lands or other rights that are acquired to fulfill the “30 x 30” program’s objectives should be acquired only from willing landowners and for the payment full and fair market value for all rights and interests acquired, and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Gregory County, its businesses, and its citizens.
7. The Board shall send a copy of this Resolution to the Department of Interior and all other relevant Federal and State agencies.

Upon roll call for vote: Bob Hausmann – aye; Lance Matucha – aye; Jessie Biggins – aye; Myron Johnson – aye; Jeff Johnson – aye. Resolution passed.

**Approval of Plat:** The following plat was presented for approval: Lot 1, Wetzler First Subdivision, located in the NE ¼ of the SE ¼ of Section 21, T96N, R73W. The following resolution was offered by Bob Hausmann, and seconded by Jessy Biggins:

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

WHEREAS: the owners of the land herein as **Lot 1, Wetzler First Subdivision**, located in the NE ¼ of the SE ¼ of Section 21, Township 96 North, Range 73 West of the 5<sup>th</sup> P.M., Gregory County, SD have presented to the Gregory County 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 regulations of SDCL 11-3-8,

NOW THEREFORE: BE IT RESOLVED: that the plat be approved this 4<sup>th</sup> day of May, 2021.

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

**Violation of Ordinance for Tree Planting:** Casey Burrus, P&Z Director and Brad Ellwanger, Highway Superintendent advised the Commission that a county resident has planted trees closer than the required setback of 150 feet from the center of the road.

The Commissioners agree to have the Planning & Zoning Director send the land owner a letter requiring removal of the trees.

**Signage Request:** Brad Ellwanger, Highway Superintendent, discussed a request for a hidden driveway sign on a secondary road in Rhoades Township. There is also a problem with trees growing out into the ditch in the same area. The land owner will be given the option for the sign or to cut the trees back.

**Highway Department Report:** Brad Ellwanger, Highway Department, reported on the road and bridge maintenance ongoing throughout the county.

**Employee Hiring:** Motion by Bob Hausmann second by Jessy Biggins to approve hiring Tyler Plumbtree at \$13.20 per hour effective May 24, 2021 for the Highway Department. Upon call for vote: Bob Hausmann-aye; Lance Matucha-abstain; Jessy Biggins-aye; Myron Johnson-aye; Jeff Johnson-aye. Motion carried.

**American Rescue Plan Fund:** Motion by Jessy Biggins, second by Myron Johnson to authorize establishment of the American Rescue Plan Fund (ARP Fund - #290) in preparation to receive the federal funding allotted to Gregory County. All members present voted aye. Motion carried.

**Approval of Claims:** Motion by Jessy Biggins, second by Myron Johnson to approve payment of 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 April, 2021.

Total Amount of Actual Cash.....	\$	525.00
Checking Account.....	\$	5,527,591.90
Insufficient Fund Checks.....	\$	0.00

Cash Over.....\$ -698.34  
TOTAL.....\$ 5,527,418.56

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

Corrected statement of fees collected in the Register of Deeds Office report for the month ending January 31, 2021 in the amount of \$1,210.00 and for the month ending February 28, 2021 in the amount of \$3,168.50. Statement of fees collected in the Register of Deeds Office for the month ending March 31, 2021 in the amount of \$7,872.53. Statement of fees collected in the Register of Deeds Office for the month ending April 30, 2021 in the amount of \$4,362.80.

Statement of fees collected in the Sheriff’s Office for the month ending April 30, 2021 in the amount of \$580.00.

**April Payroll**

APRIL 30TH,2021

Wellmark-\$16,172.88	SDRS-\$12,997.96
AFLAC-\$703.81	AAA Collections-\$209.87
First National Bank-\$26.70	MN Child Support-\$271.20
SDSRP-\$100.00	Office of Child Support-\$1,015.00
1st Fidelity Bank-\$24,658.60	GIS Benefits-\$2,007.74
Commissioners-\$3,222.54	Auditor-\$6,979.85
Treasurer-\$8,329.66	States Attorney-\$7,377.26
Courthouse-\$4,072.36	DOE-\$7,975.99
ROD-\$7,790.88	VA-\$700.00
Sheriff-\$26,145.01	Solid Waste-\$2,529.21
Nurse-\$3,697.88	4-H/Youth-\$3,025.22
Weed-\$141.32	Planning/Zoning-\$728.93
Road/Bridge-\$58,040.88	EM&D-\$1,623.81
24/7 Sobriety Testing-\$430.57	

Andes Central School District	March 2021 Apportionment	2,019.41
Burke School District #26-2	March 2021 Apportionment	75,165.50
Gregory School District #26-4	March 2021 Apportionment	162,323.07
South Central School #26-5	March 2021 Apportionment	69,798.37
Dixon Township	March 2021 Apportionment	299.92
Edens Township	March 2021 Apportionment	515.21
Fairfax Civil Township	March 2021 Apportionment	616.03
Jones Township	March 2021 Apportionment	464.57
Pleasant Valley Township	March 2021 Apportionment	1,364.87
Schriever Township	March 2021 Apportionment	732.14
Star Valley Township	March 2021 Apportionment	300.42

Bonesteel Town	March 2021 Apportionment	4,375.00
Burke City	March 2021 Apportionment	9,218.55
Dallas Town	March 2021 Apportionment	3,017.51
Town of Fairfax	March 2021 Apportionment	3,885.47
Gregory City	March 2021 Apportionment	30,901.66
Town of Herrick	March 2021 Apportionment	327.69

4 Season Ag Inc	12.00	R&B Supplies
Access Elevator & Lifts Inc.	1,299.92	Courthouse Repairs
Appera	136.92	R&B Supplies
Avera Gregory Hospital	327.00	Courts
Bonesteel Enterprise	602.33	Commissioner & Ext Publishing
Buche Foods	11.96	4H Supplies
Burke Ambulance Service CPR	24.00	Sheriffs Supplies
Burke Building Center	54.28	R&B Supplies
Burke City	593.95	Utilities
Burke Gazette	528.43	Commissioners & RB Publishing
Burke Postmaster	23.55	Postage
Burke Postmaster	7.85	States Attorney Postage
True Value Hardware-Burke	404.56	Supplies
Butler Machinery	371.48	R&B Repairs
CenturyLink	205.00	911 Contracts
Community Memorial Hospital	47.00	R&B Supplies
Connecting Point	177.50	Supplies
Dakota Auto Care	420.44	R&B Repairs
Dallas Town	53.20	R&B Utilities
Dean Schaefer Court Reporting	48.00	Mentally Ill
Drugtestsinbulk	360.82	24/7 Supplies
Equipment Blades Inc.	18,875.00	R&B Supplies
Evergreen Office Solutions	66.00	SA Software
Executive Management	116.99	Auditors & Rod Services
Farm & Home Publishers, Ltd	780.00	Resale Directories
First National Bank Omaha	854.83	Supplies
Floyd's Truck Center	383.81	R&B Repairs
Frontier Motors	159.61	R&B Repairs
Galls, LLC	361.99	24/7 Supplies
Golden West	1,291.69	Utilities
Gregory Co. Treasurer	513.23	Partial Payment
Gregory Co. Treasurer	1,902.50	Partial Payment
Gregory Co. Treasurer	606.84	Partial Payment
Gregory Co. Treasurer	1,189.65	Partial Payment
Gregory Co. Treasurer	2,500.39	Partial Payment
Gregory Co. Treasurer	447.60	Partial Payment
Gregory Co. Treasurer	21.20	Partial Payment
Gregory Times Advocate	641.75	Comm/R&B/Ext Publishing
Group Resources	225.00	Insurance

Harry K Napa	151.10	R&B Supplies/Repairs
Hein Law Office	482.45	Court Appointed
JC Supply Products	2,102.40	R&B Supplies
Joel Sinclair LLC	81,695.99	R&B Supplies
Laura Kahler	268.61	4H Travel
Kennedy Pier Loftus & Reynolds	148.50	Mentally Ill
Kennebec Telephone Company	47.34	911 Contract
Kenzy Kustoms	1,800.00	Sheriffs Equipment
Koenig Lumber	15.87	R&B Supplies
Kotrba Smith Funeral Home	1,051.96	Payment for Funeral Expense
Loiseau Construction, Inc	33,006.70	R&B Construction
Main Street Auto	1,424.84	R&B & Weed Supplies/Repairs
Main Street Auto	108.76	Sheriffs Repairs
Marco	92.84	Copy Machine
Meyerink Farm Service	519.67	R&B Repairs
Mr. Automotive	77.97	R&B Repairs
Office of Child & Family Services	2,724.50	Nurses Contract Services
Office Products Center	642.01	Supplies
Pahlke Law Office	780.96	Courts
Pahlke Law Office	236.30	Courts
Prorate Services LLC	80.00	R&B Supplies
Purchase Power	705.50	Supplies
Rdo Equipment Co.	4,024.30	R&B Repairs
Redwood Toxicology Laboratory	38.64	24/7 Supplies
Register of Deeds	82.62	R&B Supplies
Rick Johnson	350.00	R&B Supplies
Rockmount Research & Alloys	840.20	R&B Supplies
Rosebud Auto	44.73	R&B Supplies
Rosebud Electric Cooperative	266.78	Utilities
Rosebud Farmers Union	6,087.94	Utilities/Supplies
Runnings	176.84	Sheriffs Supplies
S. Missouri Recycling & Waste	579.42	Solid Waste Rentals
Sand Construction	50,000.00	R&B Supplies
Schreiber Law Firm Prof LLC	347.46	Court Appointed
SCS Protective	1,800.00	Sheriffs Supply
SDACO	555.00	Spring Workshop Registration
SDACOM & PRF	160.00	March 2021 Collections
Sd Dept. Of Revenue	930.00	ROD Collections
Sd Dept. Of Revenue	156,442.29	March 2021 Fees
Sd Narcotics Officers Conv.	50.00	Sheriffs Travel
Sd Public Health Lab	40.00	Courts
Sd State Treasurer	132.73	March 2021 Sales Tax
Kory Standy	18,196.37	R&B Supplies
Sandy J Steffen Law Office	1,256.90	Court Appointed
The Lodge at Deadwood	418.00	Sheriffs Travel
True North Steel, Inc.	26,430.68	R&B Supplies
Ulteig	946.00	R&B Prof Service
Us Bank Voyager Fleet System	1,635.33	Sheriff/EMD Supplies

Verizon Wireless, Bellevue	398.45	Utilities
Wheelco	27.60	R&B Repairs
Winner Health Mart Pharmacy	8.97	Jail Medical Expenses
Winner Police Department	2,806.00	Jail Prisoner Housing
Juror Fees & Mileage	2,202.88	
Witness Fees & Mileage	554.50	

All members present voted aye. Motion carried.

**Travel Request:** Motion by Jessy Biggins, second by Lance Matucha to approve travel expenses to Kristina Carlson, Nurse’s Office Clerical, to travel to Pierre in May 2021 to pick up car seats from DOH. All members present voted aye. Motion carried.

**Personnel Policy Handbook:** Julie Bartling, Auditor, informed the Board that several additions/changes to the personnel policy handbook will be presented to the Board for consideration in the near future. It has been 2 years since revisions have been made.

**Adjourn:** Motion by Lance Matucha, second by Jessy Biggins to adjourn. All members present voted aye. Motion carried.

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

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Jeff Johnson, Chair