

## Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Tuesday, June 15, 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.

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 Jessy Biggins, second by Bob Hausmann to approve the minutes of the June 1, 2021 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 Chair opened up the meeting for public input. No appeared at the meeting.

**Courthouse/Highway Department Building Repair Financing:** The Commission visited with Todd Meierhenry regarding available financing options that the county may utilize as they consider financing to pay for major repairs to the Courthouse and Highway Shop structures. Options discussed were:

- 1) Sale and lease-back financing (Powers conferred on SD Building Authority)
- 2) Capital Outlay levy (\$.90 per thousand max)
- 3) General Obligation Bonds
- 4) Tax levy opt-out

The commission will need to decide what repair/replacement projects need immediate attention and how to most efficiently pay for.

**SMWMD Appointment:** Motion by Jessy Biggins, second by Myron Johnson to appoint Jeff Johnson as Alternate to the Southern Missouri Recycling & Waste Management District for the year July 1, 2021 through June 30, 2022. All members present voted aye. Motion carried.

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

**Approval of Variance:** Motion by Jessy Biggins, second by Bob Hausmann to approve the following application for a variance:

Patty Connealy to build a house on a parcel of land less than 40 acres in an Ag District in Lot 2, Clark's First Subdivision in SW ¼ NW ¼ & SE ¼ NW ¼, Section 11-97-73, Gregory Civil Township, Gregory County. All members present voted aye. Motion carried.

**Adjourn:** 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: Plat of Lots 11, 12, 13, 14 and 15 and the 20 foot access easement, A subdivision of a portion of Tract B, Mulehead Subdivision, located in Section 21, T 97 N, R 68 W. Motion by Jessy Biggins, second by Myron Johnson to offer the following resolution:

**APPROVAL-GREGORY COUNTY BOARD OF COMMISSIONERS**

WHEREAS: the owners of the land herein platted as **Lots 11, 12, 13, 14 and 15, and the 20 foot access easement**, a subdivision of a portion of Tract B, Mulehead Subdivision, located in Section 21, T 97 N, R 68 W of the 5<sup>th</sup> P.M., Gregory County, SD, having presented to the Gregory County Board of Commissioners the described plat, and that the platted land is outside the platting jurisdiction of any municipality and that it appears that this plat meets all requirements of SDCL 11-3-8,  
NOW THEREFORE; BE IT RESOLVED: that the plat be approved this 15<sup>th</sup> day of June, 2021.

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

**Open Burning Resolution:** The Board discussed passing a resolution to add “Moderate Drought (D1) or higher” to the County’s burn ban protocol. At this time, the Commission does not want to implement the drought factor into the open burning restriction.

**Amendment Number 2 to Agreement #614967:**

Motion by Bob Hausmann, second by Jessy Biggins to authorize the Chair to sign Amendment Number 2 to Agreement Number 614967, which corrects the effective date and the limiting amount for the following damaged sites:

<b>Site No.</b>	<b>Project No.</b>	<b>PCN</b>	<b>Limiting Amount</b>
2	ER 6661 (01)	07NC	\$ 10,579.87
3	ER 6661 (02)	07ND	\$ 8,649.95
4	ER 6560 (05)	07NE	\$ 89,763.64
5	ER 6660 (03)	07NF	\$ 196,285.29
6	ER 6241 (03)	07NG	\$ 11,822.15

All members present voted aye. Motion carried.

**Tire Disposal:** The Board discussed a program whereby tires may be collected and disposed of to clean up the county. Motion by Jessy Biggins, second by Bob Hausmann to offer the following resolution:

**Resolution Governing Tire Disposal**

WHEREAS, Gregory County desires to see the county cleaned up from unsightly tires tossed throughout the County; and

WHEREAS, Gregory County has an opportunity to dispose of tires at a minimal cost to the County and its residents; and

WHEREAS, the Highway Superintendent needs Commission approval to participate in a share cost program funded through the SD Department of Environment and Natural Resources to dispose of the tires;

NOW THEREFORE BE IT RESOLVED, that the Gregory County Commission authorizes the Highway Superintendent to advertise that the Gregory County Landfill will receive all sizes of tires at a cost of \$1.00 each during the period of June 28, 2021 through July 3, 2021; and

BE IT FURTHER RESOLVED, that this disposal period and rate is available only to Gregory County residents and does not include tire shops.

BE IT FURTHER RESOLVED, that the Highway Superintendent is authorized to let out for bids for a contractor to pick up the tires and remove them from the Landfill site and that said letting will be held on July 20, 2021 at 10:00 a.m. in the Commissioners Room in Burke, South Dakota.

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

**Road Closure Request:** Aaron Hogrefe has approached the Highway Superintendent about closing a section line in Scissons Township. Mr. Hogrefe will need to petition the Commission to do such through a public hearing process.

**Request to Post Speed Zone on C.R. 40:** Diane Boska requested that the County post a lower speed limit on C. R. 40 (oil by Tech Station at St. Charles), as children are present at the location. Traffic travels at an excessive speed by the site. Motion by Bob Hausmann, second by Myron Johnson to offer the following resolution:

**C.R. 40 Posted Speed Limit Resolution**

WHEREAS, County Road 40 located in St. Charles Township has a posted speed zone of 55 m.p.h.; and WHEREAS, said road travels north of U.S. Highway 18 at the west edge of townsite of Saint Charles past the former Tech Station property; and

WHEREAS, a family with children live at the Tech Station property; and

WHEREAS, traffic passes by the property at the posted speed limit, but should be slowed down when children are present;

NOW THEREFORE BE IT RESOLVED by the Gregory County Commission to authorize the Gregory County Highway Superintendent to post the stretch of oil of County Road 40 on either side of the Tech Station property at 30 m.p.h. in order to provide for safer traffic flow on the road.

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

**Highway Department and Landfill 2022 Budget Presentations:** Brad Ellwanger, Highway Superintendent presented his 2022 budget requests:

Road and Bridge:	\$3,286,444
Solid Waste:	165,204

The Board will discuss the budgets further at a future meeting.

**Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses -Public Hearing:** A public hearing to take testimony upon adoption of a temporary ordinance for establishment permits and/or licenses for medical cannabis was held at 11:00 a.m. as advertised.

Dustin Swatzell from Herrick, asked questions regarding the issuance of licenses and what authority the entities have over individuals who want to purchase medical cannabis. It was explained that the county will only have control over who can sell in an approved establishment.

Amy Bartling Jacobsen, States Attorney, was present to explain the need for the temporary ordinance. The final hearing and adoption of the temporary ordinance will be held June 22, 2021 at 10:00 a.m.

**2022 Budget Presentations:** The following 2022 budgets were presented:

State's Attorney	\$104,595
Veterans Service Office	20,836 (2 days/week)
Treasurer	124,640
Register of Deeds	109,888
Mod. & Preservation	7,000

The budgets will be further looked at later.

**Travel Requests:** Motion by Jessy Biggins, second by Bob Hausmann to approve the following travel requests:

Dale Reber (VA Officer): VA School – Aug. 16-19, 2021 in Pierre, SD  
Casey Burrus and Nichole Matucha: - Assessor's School- Sept 20-24, 2021 in Pierre, SD

All members present voted aye. Motion carried.

**Adjourn:** Motion by Myron Johnson, second by Bob Hausmann to adjourn as a Board of County Commissioners at 12:05 p.m. and to reconvene as a Board of Adjustment at 1:00 p.m. All members present voted aye. Motion carried.

**Request for Variance:** A request for a variance to plant trees 90' from the centerline of the county road on the West side of a road in Lot 1, Owens First Subd., NE ¼, Section 18-97-71, Burke Civil Township, Gregory County, was presented for approval.

Motion by Myron Johnson, second by Lance Matucha to approve the variance after such approval by the Planning and Zoning Board. The landowner will have until fall to move the trees to the approved 90' distance. All members present voted aye. Motion carried.

**Adjourn:** Motion by Bob Hausmann, second by Myron Johnson to adjourn as a Board of Adjustment. All members present voted aye. Motion carried.

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

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Jeff Johnson, Chair