

Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Tuesday, September 20, 2022, at 9:00 a.m. in Burke with the following members present: Jessy Biggins, Myron Johnson, Jeff Johnson (via telephone), Lance Matucha and Bob Hausmann. Also present: Julie Bartling, Gregory County Auditor.

Chair Jessy Biggins called the meeting to order and all present recited the Pledge of Allegiance.

Approval of Agenda: Motion by Myron Johnson, second by Bob Hausmann to approve the agenda with the following additions: Approval of Plat and Variances. All members present voted aye. Motion carried.

Approval of Minutes: Motion by Jeff Johnson, second by Lance Matucha to approve the minutes of the September 6, 2022 Commission 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.

Plat Approval: The following plat was presented for approval: Plat of Lot 1, Roggow First Subdivision, located in the SW ¼ of Section 25, T98N, R71W.

Motion by Bob Hausmann, second by Myron Johnson to offer the following resolution of approval:

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

WHEREAS: the owners of the land herein platted as **Plat of Lot 1, Roggow First Subdivision**, located in the SW ¼ of Section 25 Township 98 North, Range 71 West of the 5th P.M., Gregory County, SD, have presented to the Gregory County Board of Commissioners the described plat, and it appears that this plat conforms to all requirement of SDCL 11-3-8, NOW THEREFORE;

BE IT RESOLVED: that the plat be approved this 20th day of September, 2022.

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

Public Input: The Chair opened up the meeting for public input. Mr. Ryan Cook, candidate for Gregory County Sheriff, stopped by the Commission meeting to introduce himself to the Board members. The Commission offered their appreciation for the visit.

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

The following variances were presented for approval:

- 1) Dillon Springer to build a house on a parcel of land less than 40 acres in an Ag District in NE ¼ of Section 29, T100N R73W/Lot 1, Springer First Subdivision, Section 21, T100N, R73W, Dixon Township.

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

- 2) Robert Sperl, Jr. to place a grain bin less than 150' from the road, located in SE ¼ of Section 14, T98N, R72W, Huston Township.

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

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

Travel Request: Motion by Jeff Johnson, second by Myron Johnson to approve travel for Shelby Jones, Nurse's Paraprofessional, to train with the offices located in Fort Thompson and Kennebec. All members present voted aye. Motion carried.

Surplus Property: Motion by Bob Hausmann, second by Jeff Johnson to approve surplus the following items, which will be replaced in 2023: Backup Generator-transfer to Hwy Dept. or dispose Propane Tank- 500 gal. tank-traded to Cenex for new tank. All members present voted aye. Motion carried.

Executive Session: Motion by Lance Matucha, second by Myron Johnson to enter into executive session at 9:15 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Myron Johnson, second by Lance Matucha to adjourn from executive session at 9:44 a.m. with no action taken. All members present voted aye. Motion carried.

Executive Session: Motion by Bob Hausmann, second by Lance Matucha to enter executive session at 9:45 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Lance Matucha, second by Jeff Johnson to adjourn from executive session at 9:59 a.m. with no action taken. All members present voted aye. Motion carried.

Public Hearing to Vacate Road: Motion by Myron Johnson, second by Lance Matucha to open up the hearing to vacate the following described road (access easement):

The East Six Hundred Thirty-two and Nine Tenths Feet (E 632.9') of the access and utility easement, dedicated to the public, running east and west between the North Half of the Southwest Quarter (N½SW¼) and Lot Eight (8), Rolling Hills Subdivision, located in the South Half of the Southwest Quarter (S½SW¼), all in Section Fourteen (14), Township Ninety-seven (97) North, Range Seventy-two (72) West of the 5th P.M., Gregory County, South Dakota. All members present voted aye. Motion carried.

Paul Teel appeared at the hearing to explain the need for closure action. No one appeared at the hearing in opposition.

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

RESOLUTION

WHEREAS, a Petition To Vacate An Unorganized Township Road executed by duly qualified electors of the unorganized Township of Rhoades, Gregory County, South Dakota, praying the East Six Hundred Thirty-two and Nine Tenths Feet (E 632.9') of the access and utility easement, dedicated to the public, running east and west between the North Half of the Southwest Quarter (N½SW¼) and Lot Eight (8), Rolling Hills Subdivision, located in the South Half of the Southwest Quarter (S½SW¼), all in Section Fourteen (14), Township Ninety-seven (97) North, Range Seventy-two (72) West of the 5th P.M., Gregory County, South Dakota, be vacated, was presented to this governing body on the 6th day of September, 2022; and on that date the Gregory County Commissioners, acting as the Board of Supervisors of Rhoades Township, ordered the said Petition to be filed with the Gregory County Auditor; and

WHEREAS, the Gregory County Auditor has caused the Notice of Hearing, stating the purpose, date, time and location of the hearing, a legal description of the location of the road to be vacated, and how information, opinions and arguments could be presented by any person unable to attend the hearing, to be published as required by law in the legally designated weekly newspapers printed and published in Gregory County, South Dakota for two (2) successive weeks; and

BE IT RESOLVED by the said Gregory County Commissioners acting as Board of Supervisors of Rhoades Township, Gregory County, South Dakota, that the East Six Hundred Thirty-two and Nine Tenths Feet (E 632.9') of the access and utility easement, dedicated to the public, running east and west between the North Half of the Southwest Quarter (N½SW¼) and Lot Eight (8), Rolling Hills Subdivision, located in the South Half of the Southwest Quarter (S½SW¼), all in Section Fourteen (14), Township Ninety-seven (97) North, Range Seventy-two (72) West of the 5th P.M., Gregory County, South Dakota, and its agents the right to construct, operate and repair power lines through said property, if any, together with the right of ingress thereto and ingress there from, along, on and within said property, for any and all purposes connected with the proper maintenance, use, operation, repair, construction, reconstruction, and patrolling thereof, or any other purposes or uses hereinbefore specified.

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

2023 Annual Budget Adoption: The Board once again reviewed the departmental and revenue budgets for the year 2023. Motion by Lance Matucha, second by Bob Hausmann to offer the following resolution to adopt the 2023 Gregory County Annual Budget with the following changes from the Provisional Budget:

<u>Department</u>	<u>Requested</u>	<u>Approved</u>	<u>Change Reason</u>			
Treasurer	\$ 132,244.00	\$ 132,979.00	Personal Services - Increase Salary			
State's Attorney	\$ 113,275.00	\$ 113,282.00	Personal Services - Increase Salary & Insurance			
Courthouse	\$ 260,457.00	\$ 259,847.00	Personal Services - Lower Insurance			
DOE	\$ 125,381.00	\$ 123,188.00	Personal Services - Lower Salary			
ROD	\$ 111,870.00	\$ 111,930.00	Personal Services - Increase Salary			
VA Officer	\$ 13,893.00	\$ 13,230.00	Personal Services - Lower Salary			
Sheriff	\$ 454,325.00	\$ 450,693.00	Personal Services - Lower Insurance			
Nurse's Office	\$ 55,576.00	\$ 55,523.00	Personal Services - Lower Salary			
Planning & Zoning	\$ 24,979.00	\$ 20,262.00	Personal Services - Lower Salary			
Road & Bridge	\$ 3,552,765.00	\$ 3,538,011.00	Personal Services - Lower Retirement			
EM & D	\$ 35,542.00	\$ 34,168.00	Personal Services - Lower Salary			
ARPA Funding	\$ 750,000.00	\$ 419,630.00	Change from Equipment to Salaries			
Rural Access Infrast.	\$ 275,000.00	\$ 155,525.00	Construction Projects - Less Funding			
<u>Revenue Budget</u>	<u>Estimated</u>	<u>Revised</u>	<u>Change Reason</u>			
General Fund	\$ 3,337,171.00	\$ 3,237,191.00	Decrease in Cash Applied			
Road & Bridge Fund	\$ 3,552,765.00	\$ 3,538,011.00	Decrease in Cash Applied			
EM & DS Fund	\$ 35,542.00	\$ 34,168.00	Decrease in Cash Applied			
ARPA Funding	\$ 750,000.00	\$ 419,630.00	Decrease in Cash Applied			
Rural Access Fund	\$ 275,000.00	\$ 155,525.00	Decrease in Cash Applied/State Funding			

RESOLUTION

ADOPTION OF ANNUAL BUDGET FOR GREGORY COUNTY, SOUTH DAKOTA

WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year, and

WHEREAS, the Board of Commissioners did prepare a Provisional Budget and cause same to be published by law, and

WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such Provisional Budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR **GREGORY COUNTY**, SOUTH DAKOTA and all its institutions and agencies for the calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of **GREGORY COUNTY**, South Dakota this 20th day of September, 2022.

The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor, Gregory County, South Dakota. The accompanying taxes are levied by Gregory County for year January 21, 2023 through December 31, 2023.

COUNTY TAX LEVIES WITHIN LIMITED LEVY:	DOLLARS	\$'s/1,000
General County Purposes (10-12-9)	\$ 2,671,948	\$ 3.662
OTHER SPECIAL LEVIES:		
Secondary Roads (31-12-27)	\$ 202,000	\$ 0.513
Fire Protection (34-31-3)	\$ 72,731	\$ 0.100

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

Designated Use of American Rescue Plan Funds: Motion by Myron Johnson, second by Jeff Johnson to offer the following resolution regarding ARPA Funds:

WHEREAS, on April 5, 2022, the Gregory County Commission authorized Julie Bartling, Auditor, to elect the final rule allowing Gregory County to use its ARPA Recovery Funds as “loss revenue” for the provision of general government services and expenses without requiring use of the Treasury revenue loss formula; and

WHEREAS, the County has discretion as to the use of the ARPA Recovery Funds, complying with the SLFRF requirements for expenditures; and

WHEREAS, the Gregory County Commission desires to use the ARPA Recovery Funds for payroll salaries and benefits to the employees who are paid from the General Fund;

NOW THEREFORE BE IT RESOLVED by the Gregory County Commissioners to establish the policy of paying the General Fund employees’ salaries and benefits beginning in 2022 and going forth until the ARPA Funds have been depleted, however, no later than December 31, 2024.

BE IT FURHTER RESOLVED, that the Gregory County Auditor shall implement accounting procedures as required by the SD Department of Legislative Audit to accurately reflect the payment of said salaries and benefits.

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

Courthouse Campus Update: Wendy Broome, Custodian reported the lawn sprinkler system has been repaired and expanded to the new boulevard areas. Ms. Broome advised the Board that the lawn will be seeded and over-seeded within a week to allow the grass to take root before winter.

Bridge Deck Polymer Chip Seal Bids: Motion by Bob Hausmann, second by Jeff Johnson to advertise for bids for the Bridge Deck Polymer Seal on Structure No. 27-010-197 (Dallas bridge), to be opened October 18, 2022 at 9:30 a.m. All members present voted aye. Motion carried.

Purchase of Truck: Motion by Bob Hausmann, second by Myron Johnson to approve the purchase of a 2001 IH 4900 truck at the price of \$17,225.00 and to reimburse Brad Ellwanger as he was required to write a check for payment before the truck could be picked up. All members present voted aye. Motion carried.

Notice of Award: Motion by Bob Hausmann, second by Jeff Johnson to authorize the Chair to sign the Notice of Award for the Dixon bridge project (BRO 8027(00)- Structure No. 27-030-081) to BX Civil & Construction, Inc. for \$542,243, which is a correction of \$390 due to calculation error. All members present voted aye. Motion carried.

Gregory County Pumped Storage Project: The Commission discussed the proposed Gregory County Pumped Storage Project and its impact to the county and its residents. Motion by Lance Matucha, second by Myron Johnson to send a formal letter to the Federal Energy Regulatory Commission (FERC) in opposition, based upon numerous concerns surrounding the proposed project. The letter will also be sent to South Dakota's Congressional Delegation, District 21 Legislators, and the SD Governor, and is on file in the Auditor's office for public review. All members present voted aye. Motion carried.

Funeral Expense: The Board reviewed a previously denied funeral expense for a deceased county resident. Upon further discussion and review of the deceased individual's financials, Motion by Bob Hausmann, second by Myron Johnson to pay \$2,500.00 (maximum allowed) to Kotrba-Smith Funeral Home for the discussed services. All members present voted aye. Motion carried.

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

ATTEST: _____
Julie Bartling, Gregory Co. Auditor

Jessy C. Biggins, Chair