

Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Tuesday, September 6, 2022, at 9:00 a.m. in Burke with the following members present: Jessy Biggins, Myron Johnson, Jeff Johnson (via telephone), and Lance Matucha. Members absent: 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 Jeff Johnson, second by Myron Johnson to approve the agenda with the following additions: Petition to Vacate Unorganized Township Road to be presented. All members present voted aye. Motion carried.

Approval of Minutes: Motion by Lance Matucha, second by Jeff Johnson to approve the minutes of the August 16, 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.

Public Input: The Chair opened the meeting for public input. No one appeared at the meeting.

Petition to Vacate Road: Rachelle Norberg, on behalf of her clients, James and Nancy Mittelstaedt, presented a petition to vacate an unorganized township road located in Section 14, T97N, R72W. The following resolution is offered by Myron Johnson and seconded by Lance Matucha to notate the petition as filed and to set a hearing date of September 20, 2022 at 10:00 a.m.:

RESOLUTION

A verified Petition to Vacate an Unorganized Township Road, executed by duly qualified adjacent landowners of the unorganized Township of Rhoades, Gregory County, South Dakota, praying for the vacation of the township road described as follows:

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.

having been presented to the Gregory County Commissioners, acting as the Board of Supervisors of Rhoades Township, Gregory County, South Dakota. Said road to be vacated is located in the unorganized Rhoades Township, Gregory County, South Dakota. That the owners of the land adjoining this road are James F. Mittelstaedt and Nancy A. Mittelstaedt on the south side, Rolling Hills, LLC on the west side, Ryan L. Cook and Katherine D. Cook on the north side, the Revocable Trust Agreement for Carol A. Johnson u/d/t September 18, 2020 and the Revocable Trust Agreement for Myron Johnson u/d/t September 18, 2020 to the Northeast, and Reber Land & Cattle, LLC to the Southeast.

WHEREAS, the said Gregory County Commissioners, acting as the Board of Supervisors of Rhoades Township deem it expedient that the matter should be proceeded with.

BE IT RESOLVED and ordered that said Petition be filed with the Gregory County Auditor, Gregory County, South Dakota, and the said Auditor shall give notice by publication as provided for in SDCL §31-3-7. Upon roll call for vote, all members presented voted aye. Resolution passed.

Rural Attorney Recruitment Program Report- Rachelle Norberg, Attorney in Burke, South Dakota, met with the Board to present her year-4 review of activities performed. Ms. Norberg is in contract with the county as a part of the Rural Attorney Recruitment Program, which will be complete in another year.

Approval of Claims: Motion by Myron Johnson, second by Jeff Johnson 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 August 31, 2022.

Total Amount of Actual Cash.....	\$	524.20
Checking Account.....	\$	3,830,115.27
Insufficient Fund Checks.....	\$	0.00
Cash Over.....	\$	2,519.93
TOTAL.....	\$	3,833,159.40

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 August 31, 2022 in the amount of \$7,296.65.

Statement of fees collected in the Sheriff's Office for the month ending August 31, 2022 in the amount of \$525.00.

Statement of fees collected in the Clerk of Courts Office for the month ending August 31, 2022 in the amount of \$7,485.37.

August Payroll:

Wellmark \$17,343.00	SDRS \$13,509.56
AFLAC \$1,492.10	First National Bank \$27.91
MN Child Support \$452.00	SDSRP \$100.00
Office of Child Support \$976.58	NE Child Support \$850.00
1st Fidelity Bank \$26,841.35	Group Resources \$216.00
GIS Benefits \$2,264.39	Accounts Management, Inc \$420.71
Commissioners \$3,242.52	Auditor \$7,222.51
Treasurer \$8,493.96	States Attorney \$7,962.90
Courthouse \$4,204.20	DOE \$7,555.14

ROD \$7,935.03
 Sheriff \$25,186.48
 Nurse \$3,627.16
 Weed \$6,366.97
 Road/Bridge \$59,486.29
 24/7 Sobriety Testing \$701.29

VA \$720.35
 Solid Waste \$2,865.72
 4-H/Youth \$6,222.71
 Planning/Zoning \$1,926.86
 EM&D \$1,671.13

Andes Central School District	July 2022 Apportionment	567.25
Burke School District #26-2	July 2022 Apportionment	10,988.94
Gregory School District #26-4	July 2022 Apportionment	5,516.38
South Central School #26-5	July 2022 Apportionment	6,028.74
Dixon Township	July 2022 Apportionment	4,550.78
Edens Township	July 2022 Apportionment	2,653.53
Fairfax Civil Township	July 2022 Apportionment	1,309.66
Jones Township	July 2022 Apportionment	1,998.94
Landing Creek Township	July 2022 Apportionment	1,447.43
Pleasant Valley Township	July 2022 Apportionment	1,950.78
Schriever Township	July 2022 Apportionment	909.16
Star Valley Township	July 2022 Apportionment	689.28
Bonesteel Town	July 2022 Apportionment	3,083.53
Burke City	July 2022 Apportionment	3,530.20
Dallas Town	July 2022 Apportionment	1,274.99
Town Of Fairfax	July 2022 Apportionment	1,004.85
Gregory City	July 2022 Apportionment	5,817.14
Town Of Herrick	July 2022 Apportionment	1,203.67
South Central Water Dev. Dist.	July 2022 Apportionment	80.31

4 Seasons Ag Inc	16.00	R&B Supplies
Appera	212.23	R&B Supplies
Avera Gregory Hospital	358.00	Jail Medical
Bartling Welding & Machine	200.32	R&B Repairs
Black Strap Inc	5,526.40	R&B Supplies
Bonesteel Enterprise	374.16	Publishing
Bruns Market	15.99	Courthouse Supplies
Burke Ambulance	81.80	24/7 Supplies
Burke Body Shop	3,861.18	Sheriffs Repairs
Burke Building Center	504.11	Supplies
Burke City	1,822.62	Utilities
Burke Gazette	824.15	Publishing
Burke One Stop LLC	81.15	Courthouse Supplies
True Value Hardware-Burke	314.84	Courthouse Supplies
Butler Machinery	204.00	R&B Repairs
Charles Mix Co. Sheriff	560.00	Jail Prisoner Housing
Community Memorial Hospital	648.00	Mentally Ill

Connecting Point	784.00	Copy Machine
Dakota Auto Care	412.14	Sheriffs Repairs
Dallas Town	25.00	R&B Utilities
Dell Marketing L.P.	2,542.00	Sheriffs Supplies
Divine Concrete, Inc	1,552.00	R&B Supplies
Drugtestsinbulk	360.82	24/7 Supplies
Dustbusters Enterprises Inc	6,127.00	R&B Supplies
Environmental Safety Inc	1,197.00	Solid Waste Supplies
Executive Management	48.75	Auditor's Utilities
First National Bank Omaha	630.78	Supplies
Galls, LLC	482.39	24/7 Supplies
Gentele Construction LLC	9,120.00	R&B Construction
Gentele Trucking LLC	5,913.24	R&B Gravel Hauler
Golden West	1,340.47	Utilities
Gregory Co. Treasurer	1,150.00	Partial Payment
Gregory Co. Treasurer	2,295.39	Partial Payment
Gregory Times Advocate	647.55	Publishing
Guhner Kepler	1,100.00	Sheriffs Supplies
Gunvordahl Gunvordahl & Norberg	751.30	Mentally Ill
Harry K Napa	83.59	R&B Repairs
Interstate Battery System	207.95	R&B Repairs
Jim's Garbage Service	176.00	Courthouse Utilities
JJ Sinclair Diesel Repair	2,792.93	R&B Repairs
Joel Sinclair LLC	7,473.84	R&B Supplies/Gravel Hauler
Kennebec Telephone Company	34.94	911 Contract Expenses
Kimball Midwest	444.39	R&B Supplies
Lane's Diesel Repair LLC	6,074.20	R&B Repairs
Lincoln County Auditor	110.00	Mentally Ill
M&J Auto	64.98	4H Supplies
M-R Sign Co. Inc	3,696.83	R&B Supplies
Main Street Auto Parts LLC	1,467.22	Supplies
Marco	115.86	Copy Machine
McLeod's Printing	798.92	Treasurer Supplies
Meyerink Farm Service	212.94	R&B Repairs
Midwest Concrete & Redimix Inc	10,500.00	Bid Bond Return
Mr. Automotive	565.23	R&B Repairs/Supplies
Murtha Repair Inc	6,613.13	R&B Repairs
Nelson Machine & Welding	81.51	R&B Repairs
Rachelle Norberg	4,379.76	Courts
Office Products Center	1,209.49	Supplies
Pahlke Law Office	90.00	Courts
Pennington Co. Jail	101.76	Jail Travel
Pheasantland Industries	216.91	Treasurer Supplies
Purchase Power	1,243.49	Postage

Purvis Electric	1,256.62	Courthouse Supplies
Rainbow Signs	240.00	P&Z Supplies
Ramkota Hotel & Conference Cen	144.00	VA Travel
Redwood Toxicology Laboratory	27.60	24/7 Supplies
Rob Kehn Trucking LLC	7,978.49	R&B Gravel Hauler
Rosebud Farmers Coop	18.00	Weed Repairs
Rosebud Electric Cooperative	246.48	Utilities
Rosebud Farmers Union	7,027.05	Sheriffs Repairs
S. Missouri Recycling & Waste	1,402.44	Solid Waste Rentals
Sandhill Equipment Inc	360.50	R&B Repairs
Schreiber Law Firm Prof LLC	248.45	Court Appointed
Schweigert Construction	141,762.50	R&B Construction
SDAAO	350.00	DOE Travel
Sd Asso. Of County Commission	390.00	Convention Registration
SDACOM & PRF	188.00	July 2022 M&P Fees Collected
SD Dept. Of Revenue	124,154.49	July 2022 Cash Receipts
SD Dept. Of Transportation	3,725.08	R&B Supplies
SD Department of Public Safety	2,340.00	Sheriffs Utilities
SD State Treasurer	108.33	July 2022 Sales Tax Remittance
Sirchie	61.97	Sheriffs Supplies
South Central SD Hay Assoc	1,707.30	R&B Supplies
Spencer Quarries/Comm Asphalt	11,860.96	R&B Supplies
Sandy J Steffen Law Office	7,044.38	Court Appointed
Titan Machinery-Platte	395.00	R&B Repairs
Tripp County Water User Dist.	33.26	R&B Utilities
True North Steel, Inc.	17,291.20	R&B Supplies
Us Bank Voyager Fleet System	2,710.80	Supplies
Verizon Wireless, Bellevue	412.91	Utilities
Mona Weiger	53.20	Courts
Winner Regional Clinic	220.00	Jail Medical
City Of Winner	21,914.24	911 Contract Expenses
City Of Winner	9,469.60	Jail Prisoner Housing
The Winner Pharmacy	245.76	Jail Medical Expenses
Yankton Fire & Safety Company	64.75	Courthouse Supplies
Yankton Fire & Safety Company	349.50	R&B Repairs
Juror/Witness Fees	590.12	Courts

All members present voted aye. Motion carried.

4-H/Extension Report: Ashley Meyer, Office Assistant for the Gregory County 4-H program, reported on the summer program activity.

Fall Extension Office Hours: Ashley Meyer, 4-H/Extension Office Assistant, requested to change her office hours for the fall season. The Board will discuss the request and speak with Ms. Meyer at a later time.

Courthouse Maintenance Schedule: Wendy Broome, Custodian, met with the Board to discuss maintenance and construction projects ongoing at the Courthouse.

2023 Provisional Budget Hearing: The public hearing on the 2023 Provisional Budget for Gregory County was held at 10:00 a.m. as advertised. Motion by Jeff Johnson, second by Myron Johnson to make the following changes to department budgets and revenues, reflecting, a 6% salary increase as requested, and adding a .5% salary increase (longevity) to employees who have reached 5 years of employment:

<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
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
Rural Access Fund	\$ 275,000.00	\$ 155,525.00	Decrease in Cash Applied/State Funding

All members present voted aye. Motion carried.

The Board will adopt the 2023 Annual Budget on September 20, 2022.

Public Hearing to Vacate Road: Chair Biggins opened the public hearing upon a petition to vacate a portion of road running between Section 3, T97N, R73W and Section 34, T97N, R73W. The petitioners have requested vacating the road for safety reasons and that the road is a dry weather road only. No one appeared at the public hearing to object to the closure.

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

RESOLUTION

WHEREAS, a Petition for Vacation of Township Road, executed by Jeffrey G. Johnson, Benjamin K. Wenner, and Frances Johnson, duly qualified electors or land owners of the unorganized Township of Gregory Civil and the organized Township of Edens, praying for the vacation of the township road described as follows:

The road running between Section Three (3), Township Ninety-seven (97) North, Range Seventy-three (73) West and Section Thirty-four (34), Township Ninety-eight (98) North, Range Seventy-three (73) West of the 5th P.M., Gregory County, South Dakota; between 335th Avenue and 336th Avenue.

has been presented to the Gregory County Commissioners, acting as the Board of Supervisors of Gregory Civil Township, Gregory County, South Dakota; and

WHEREAS, the Gregory County Auditor has caused the Notice of Hearing, stating the purpose, date and time of said hearing, the 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 official designated newspapers in the county for two consecutive weeks; and

WHEREAS, public testimony has provided reasoning as to why the said road should be vacated; and

WHEREAS, the Board of Supervisors of Edens Township, an organized township, have given approval for vacation of said road;

NOW THEREFORE BE IT RESOLVED by the Gregory County Commissioners, acting as the Supervisors of Gregory Civil Township, Gregory County, South Dakota, that the road running between Section Three (3), Township Ninety-seven (97) North, Range Seventy-three (73) West and Section Thirty-four (34), Township Ninety-eight (98) North, Range Seventy-three (73) West of the 5th P.M., Gregory County, South Dakota; between 335th Avenue and 336th Avenue, is hereby declared vacated; excepting and reserving in the unorganized Township of Gregory Civil, 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 therefrom, 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 purpose or uses hereinbefore specified.

BE IT FURTHER RESOLVED that said order shall be printed in the minutes of the Gregory County Commission and said resolution shall be published in the official designated newspapers of the county for two consecutive weeks, and upon thirty (30) days following the final publication, said described road shall be vacated without further proceedings, unless action is appealed in accordance with statute.

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

Speed Limit Reduction: Motion by Jeff Johnson to reduce the speed limit on Gregory Civil Township Road #7 from 50 m.p.h. to 35 m.p.h. The portion of the road is also known as 338th Avenue, from U.S. Highway 18 traveling north to 287th St., approximately 1 ½ miles. The motioned died for lack of a second.

5-Year County Highway and Bridge Plan: The Gregory County Board once again discussed the 2023-2027 Five-Year Highway and Bridge Plan. With no changes to the planned projects, motion by Myron Johnson, second by Lance Matucha to approve the plan as presented at the August 16, 2022 public meeting. All members present voted aye. Motion carried.

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

ATTEST: _____

Julie Bartling, Gregory Co. Auditor

Jessy C. Biggins, Chair