Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Wednesday, July 3, 2024, at 9:00 a.m. in Burke with the following members present: Jessy Biggins, Byrain Boes, Doug Janousek, Lance Matucha and Jeff Johnson. Also present: Julie Bartling, Gregory County Auditor and Patty Connealy, Gregory Times Advocate.

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 Byrain Boes to approve the agenda with the additions: Canvass of Recount, SMRWMD Board appointments, mileage rate change, HVAC bid acceptance, and 2025 Annual budget discussion. All members present voted aye. Motion carried.

Approval of Minutes: Motion by Jeff Johnson, second by Doug Janousek to approve the minutes of the June 20, 2024 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. Commissioner Jeff Johnson will abstain from voting on the variance, conditional use permit and plat involving Wild Wings, Inc.

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 Chair opened the floor for public input. Kelly Bailey met with the Board to discuss payment terms on the crushed gravel supply contract signed on December 29, 2023. The Board will discuss the matter later in the meeting.

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

The Board discussed the need to address the zoning ordinance in regards to small acreages. Betty Jo Hoffmann, Planning & Zoning Administrator, responded that the P & Z Board will be taking up that matter in the future.

Betty Jo Hoffman, Planning & Zoning Administrator, presented the following variances for Commission action:

1) Brian Ward & Brenda Keever – application to build a dwelling on 19.9 acres (less than 40 acres) in an Ag District, Lots 2 & 3 in Rolling Hills Subdivision, Section 14-97-72 – Rhoades Township

Motion by Byrain Boes, second by Lance Matucha to deny the variance application, citing that the Rolling Hills Subdivision needs to be rezoned because of the properties' intended uses. In further discussion, Commissioner Biggins stated that he agreed with the necessity to rezone, however, was not willing to deny this application based upon that reason and hold up the applicants. Upon roll call for vote: Jeff Johnson - naye; Lance Matucha - aye; Byrain Boes - aye; Doug Janousek - naye; Jessy Biggins - naye. Motion failed.

Motion by Jeff Johnson, second by Doug Janousek to approve the variance application. Upon roll call for vote: Jeff Johnson - aye; Lance Matucha - naye; Byrain Boes – naye; Doug Janousek - aye; Jessy Biggins - aye. Motion passed.

2) Wild Wings, Inc. – application to build an additional lodge on less than 40 acres in an Ag District in Section 19-98-71 – Lucas Township

Motion by Doug Janousek, second by Lance Matucha to approve the variance application. Upon roll call for vote: Jeff Johnson - abstain; Lance Matucha - aye; Byrain Boes - naye; Doug Janousek - aye; Jessy Biggins - aye. Motion passed.

3) Joseph & Esther Yoder – reconsideration of variance application to build a dwelling on less than 40 acres in an Ag District in Section 25-97-72 – Rhoades Township

Motion by Jeff Johnson, second by Doug Janousek to approve the variance application. Upon roll call for vote: Jeff Johnson - aye; Lance Matucha - naye; Byrain Boes - naye; Doug Janousek - aye; Jessy Biggins - aye. Motion passed.

Betty Jo Hoffman, Planning & Zoning Administrator, presented the following Conditional Use Permit for Commission action:

1) Wild Wings, Inc. – conditional use permit application to build an additional lodge in an Ag District in Section 19-98-71 – Lucas Township

Motion by Lance Matucha, second by Doug Janousek to approve the conditional use permit application. Upon roll call for vote: Jeff Johnson - abstain; Lance Matucha - aye; Byrain Boes - aye; Doug Janousek - aye; Jessy Biggins - aye. Motion passed.

Motion by Byrain Boes, second by Jeff Johnson to adjourn as a Board of Adjustment and to reconvene as a Board of County Commissioners. All members present voted aye. Motion carried.

Approval of Plats: Betty Jo Hoffman, Planning & Zoning Administrator, presented the following plats to the Commission for action:

1) Plat of Jacobsen Tract 1-A and Jacobsen Tract 1-B, a subdivision of Jacobsen Tract 1, located in the SE ¼ of Section 19, Township 98 North, Range 71 West

Motion by Lance Matucha, second by Doug Janousek to offer the following resolution of approval:

APPROVAL – GREGORY COUNTY BOARD OF COMMISSIONERS

WHEREAS: The owner of the land herein platted as Jacobsen Tract 1-A and Jacobsen Tract 1-B, a subdivision of Jacobsen Tract 1, located in the SE ¼ of Section 19, T98N, R71W of the 5th P.M., Gregory County, SD, have presented to the Gregory County Board of Commissioners the described plat, and that the platted lands are located outside the platting jurisdiction of any municipality, and it appears that this plat meets all requirements of SDCL 11-3-8,

NOW THEREFORE; BE IT RESOLVED: that the plat be approved this 3rd day of July, 2024.

Upon roll call for vote: Jeff Johnson - aye; Lance Matucha - aye; Byrain Boes - aye; Doug Janousek – aye; Jessy Biggins - aye. Resolution passed.

2) Plat of Lots 1, 2, 3, 4 and 5 of Majestic West Acres: Lot 1 being in the South half of the South half of Section 27; Lot 2 being in the South half of the Southwest Quarter of Section 26; Lot 3 being in the West half of Section 35; Lot 4 being all of Section 34 lying East of public road no. 105; all in Township 97 North, Range 70 West. Lot 5 being the South half of the Northeast Quarter, the North half of the Southeast Quarter and that part of the Northeast Quarter of the Southwest Quarter lying East of the County Road, being all less Lot D of R.W. Galyen's First Addition; Lots 1 and 2; all that part of Lot 3 lying Northeast of the County Road; and that part of the Southeast Quarter of the Northwest Quarter lying East of the Northwest Quarter lying East of the County Road, all in Section 3, Township 96 North, Range 70 West

Motion by Jeff Johnson, second by Doug Janousek to offer the following resolution of approval:

COUNTY COMMISSION APPROVAL

The Gregory County Board of Commissioners do hereby certify that the Plat of Lots 1, 2, 3, 4 and 5 of Majestic West Acres; Lot 1 being in the South half of the South half of Section 27; Lot 2 being in the South half of the Southwest Quarter of Section 26; Lot 3 being in the West half of Section 35; Lot 4 being all of Section 34 lying East of public road No. 105; all in Township 97 North, Range 70 West of the 5th P.M., Gregory County, South Dakota; Lot 5 being, the South half of the Northeast Quarter, the North half of the Southwest Quarter and that part of the Northeast Quarter of the Southwest Quarter lying East of the County Road, being all less Lot D of R.W. Galyen's First Addition; Lots 1 and 2; all that part of Lot 3 lying Northeast of the County Road; and that part of the Southeast Quarter of the Northwest Quarter lying East of the County Road, all in Section 3, Township 96 North, Range 70 West of the 5th P.M., Gregory County, South Dakota, was duly submitted to the Gregory County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the 3rd day of July, 2024.

Upon roll call for vote: Jeff Johnson - aye; Lance Matucha – aye; Byrain Boes - aye; Doug Janousek – aye; Jessy Biggins - aye. Resolution passed.

1) Plat of Lot 6 of Majestic West Acres: Lot 5 being in the Northwest Quarter, the Northeast Quarter and the Southwest Quarter, less Lot C or R.W. Galyen's First Addition, in Section 2, Township 96 North, Range 70 West

Motion by Jeff Johnson, second by Doug Janousek to offer the following resolution of approval:

COUNTY COMMISSION APPROVAL

The Gregory County Board of Commissioners do hereby certify that the Plat of Lot 6 of Majestic West Acres; being in the Northwest Quarter, the Northeast Quarter and the Southwest Quarter, less Lot C of R.W. Galyen's First Addition, in Section 2, Township 96 North, Range 70 West of the 5th P.M., Gregory County, South Dakota, was duly submitted to the Gregory County Board of Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the 3rd day of July, 2024.

Upon roll call for vote: Jeff Johnson - aye; Lance Matucha - aye; Byrain Boes - aye; Doug Janousek - aye; Jessy Biggins - aye. Resolution passed.

Approval of Claims: Motion by Jeff Johnson, second by Byrain Boes 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 June 30, 2024.

Total Amount of Actual Cash	\$	525.00
Checking Account	\$ 4,0)50,375.29
Insufficient Fund Checks	\$	628.67
Cash Over	\$	-665.27
TOTAL	\$ 4,	050,863.69

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 June 30, 2024 in the amount of \$6,583.29.

Statement of fees collected in the Sheriff's Office for the month ending June 30, 2024 in the amount of \$865.00.

Statement of fees collected in the Clerk of Courts Office for the month ending May 31, 2024 in the amount of \$3,227.83.

June 30, 2024

Wellmark \$17,113.84 AFLAC \$156.02 NE Child Support Payment Center \$850 SDSRP \$150.00 1st Fidelity Bank \$27,307.51 Colonial Life \$1,577.42 Commissioners \$3,732.07 Treasurer \$9,692.53 Courthouse \$4,759.52 ROD \$9,336.18 Sheriff \$30,523.95 Nurse \$4,279.53 Weed \$5,896.93 Road/Bridge \$54,735.70 24/7 Sobriety Testing \$586.06	Office of Child Supp Accounts Managem	5256.50 port \$836.58 hent, Inc \$787.94 s Association \$459.00 976.81 .94 .5
Andes Central School District #11-1	May 2024 Apportionment	5,635.15
Burke School District #26-2	May 2024 Apportionment	185,405.28
Gregory School District #26-4	May 2024 Apportionment	283,351.13
South Central School #26-5	May 2024 Apportionment	118,378.63
Dixon Township	May 2024 Apportionment	4,505.66
Edens Township	May 2024 Apportionment	2,715.61

Fairfax Civil Township	May 2024 Apportionment	1,642.35
Jones Township	May 2024 Apportionment	2,058.91
Landing Creek Township	May 2024 Apportionment	1,285.44
Pleasant Valley Township	May 2024 Apportionment	3,299.67
Schriever Township	May 2024 Apportionment	1,141.85
Star Valley Township	May 2024 Apportionment	1,207.62
Bonesteel Town	May 2024 Apportionment	7,712.73
Burke City	May 2024 Apportionment	18,694.84
Dallas Town	May 2024 Apportionment	8,033.64
Town Of Fairfax	May 2024 Apportionment	6,663.87
Gregory City	May 2024 Apportionment	48,795.50
Town Of Herrick	May 2024 Apportionment	2,192.12
South Central Water Dev. Dist.	May 2024 Apportionment	2,465.20

Ann Schwader Anthony Koenig Appeara Avera Medical Grp Pierre Axon Enterprise, Inc. **Beverley Keegan Beverley J Rubel** Bierschbach Equipment **Bonesteel Enterprise** Bonesteel Fire Department Bruns Market Burke Body Shop **Burke Building Center Burke City Burke City** Burke Fire Dept. Burke Gazette True Value Hardware-Burke Butler Machinery **C&S Truck Sales Carol Johnson** Carol Slaymaker **Chris Sinkular CHS Winner** Ciavarella Design D&L Trucking Dallas Fire Dept. Dallas Town **Deborah Serr** Diamond Mowers

25.00 Recount Board Senate & House 82.64 Post Election Audit 136.54 R&B Supplies 60.00 Jail Medical 299.52 Sheriffs Supplies 78.16 Post Election Audit 89.38 Post Election Audit 1,776.00 R&B Supplies 696.49 Publishing 7,213.00 First Half 2024 Allocation 2.19 Commissioners Supplies 494.65 Sheriffs Repairs 19.99 R&B Supplies 25.00 Building Permit 1,052.18 Utilities 8,319.00 First Half 2024 Allocation 502.69 Publishing 271.34 Supplies 4,098.10 R&B Repairs & Supplies 17,963.70 R&B Repairs 71.53 Post Election Audit 78.16 Post Election Audit 84.28 Post Election Audit 3,828.10 R&B Supplies 35,790.00 Courthouse Prof Service 12,716.73 R&B Gravel Hauler 5,373.00 First Half 2024 Allocation 25.00 R&B Utilities 83.77 Post Election Audit 382.61 R&B Repairs

Drugtestsinbulk **Executive Management** Fairfax Fire Department First National Bank Omaha Fleetpride Floyd's Truck Center Golden West Golden West Gregory Co. Treasurer Gregory Co. Treasurer **Gregory Fire Department Gregory Times Advocate Grossenburg Implement** Gunvordahl Gunvordahl & Norberg Hein Law Office **Highland Cemetery Association** Highway Improvement, Inc Hillview Cemetery Association Hyde County Treasurer Interstate Battery System J.J. Keller & Associates Inc James Waterbury Jim's Garbage Service John Knight Johnson Auto Repair Karen Janousek Kathy Abraham Kathy Divine Kim Ludemann **Kimball Midwest** Lane's Diesel Repair LLC Lee Chytka Linda Boes Lucas Cemetery Association Main Street Auto Parts LLC Marco Mcleod's Printing **Meyerink Farm Service** Mr. Automotive **Office Products Center** Pahlke Law Office Paul Jensen Peggy Cassidy Pennington Co. Jail

324.72 24/7 Supplies 75.50 Auditors Utilities 5,373.00 First Half 2024 Allocation 5,225.27 Supplies 71.65 R&B Repairs 417.49 R&B Repairs 1,461.93 Utilities 1,442.49 Utilities 516.25 Partial Pmt 1,213.63 Partial Pmt 8,722.00 First Half 2024 Allocation 479.85 Publishing 20.76 R&B Repairs 482.50 Court Appointed 790.36 Court Appointed 691.48 Grant Distribution 6,269.19 Courthouse Repairs 704.03 Grant Distribution 900.00 Blade Wings 157.95 R&B Repairs 306.00 R&B Supplies 70.40 Post Election Audit 200.00 Courthouse Utilities 28.06 Recount Board 1,714.79 R&B Repairs 72.44 Post Election Audit 70.00 Post Election Audit 81.62 Post Election Audit 75.50 Post Election Audit 1,076.47 R&B Supplies 9,252.12 R&B Repairs 82.24 Post Election Audit 73.06 Post Election Audit 708.08 Grant Distribution 2,292.43 Weed Repairs 227.62 Technology 58.00 DOE Supplies 138.68 R&B Repairs 436.57 R&B Repairs 459.27 Supplies 2,603.10 Courts 385.80 Recount Referee 70.00 Post Election Audit 74.73 Jail Travel

Pitney Bowes Global Pump N Stuff **Purchase Power Purvis Electric** Redwood Toxicology Laboratory **Rod's Auto Sales Rosebud Electric Cooperative Rosebud Farmers Union** Runnings S. Missouri Recycling & Waste S&B Boes Trucking Saber Shred Solutions Inc. Sabrina Bauld Sanford SDACOM & PRF SD Dept. of Revenue Sd Public Assurance Alliance Sd State Treasurer Southern Plains State Flag Account State Flag Account State Flag Account Sandy J Steffen Law Office Susan Karbo **Thomson Reuters West Titan Machinery-Wagner** Tripp County Water User Dist. True North Steel, Inc. **Twotrees Technologies** US Bank Voyager Fleet System Verizon Wireless, Bellevue Wagner Building & Supply City Of Winner City Of Winner The Winner Pharmacy Winner Regional Healthcare Winner Regional Healthcare Winter Equipment Company WW Tire Service

216.12 Technology 76.15 Courthouse Supplies 200.00 Postage 1,865.95 R&B Building/Construction 72.45 24/7 Supplies 45.00 Sheriffs Repairs 295.76 Utilities 7,479.63 Sheriffs Repairs 165.95 R&B Supplies 700.20 Solid Waste Rentals 26,998.07 R&B Gravel Hauler 4,600.80 R&B Supplies 72.55 Post Election Audit 2,504.00 Autopsy Fee 160.00 May M&P Remittance 195,739.38 State Remittance Mv/Rod/DI Fee 65,139.73 Property/Liability Insurance 282.88 May Landfill Sales Tax 8,450.62 Clearing Fund AHO 260.56 R&B Supplies 260.56 R&B Flags 275.82 Courthouse Flags 1,657.41 Court Appointed 45.00 Elections 613.78 Comm Supplies & SA Books 151.40 R&B Repairs 20.22 R&B Utilities 11,037.51 R&B Supplies 1,142.25 Technology 1,925.71 Sheriffs & EM&D Supplies 492.21 Utilities 254.28 R&B Supplies 6,534.69 Jail Prisoner Housing 19,476.48 911 Contract Services 27.00 Jail Medical 712.00 Jail Medical 857.00 Jail Medical 1,067.51 R&B Repairs 4,400.00 R&B Supplies

All members present voted aye. Motion carried.

Burke School District Property Purchase Discussion: Members of the Burke School District administration and school board met with the Commission to discuss the possibility of acquiring the

property to the north side of the present school for building an addition for classrooms. The Board is agreeable to the request if the Burke School Board approves a building plan and passes funding for such.

Special Event Beer Licenses: Hearings for applications for beer licenses for the following special events were held at 10:00 a.m. as advertised:

Allen Louden Post 220	-	July 18, 2024	"Rumble at the Rodeo"
Allen Louden Post 220	-	July 19-20-21, 2024	"Burke Stampede"
Burke Riding Club	-	July 19-20-21, 2024	"Burke Stampede"

Motion by Jeff Johnson, second by Doug Janousek to approve the applications. All members present voted aye. Motion carried.

Department Budget Presentations: The following 2025 department budgets were presented:

Sheriff -	\$575 <i>,</i> 976	Senior Citizen Meals - \$ 10,400
Jail -	181,500	Senior Citizen Transit - 5,500
D.A.R.E. –	4,837	Operating Transfers - 1,555,000
24/7 Sobriet	ty – 22,361	
Coroner –	3,300	
VA Officer –	25,946	

The 2025 Provisional Budget will be compiled and presented to the Board at the next regular meeting.

Report of Veterans Benefits: Dale Reber, Veterans Service Officer presented a report of expenditures for veterans in Gregory County. The report is on file in the Auditors Office.

Asphalt Overlay Bid Letting: The bid letting for Asphalt Overlay on 3.25 miles of County Road 28 was held at 10:30 a.m. as advertised. The following bid was received:

Commercial Asphalt:	Price per ton picked up at plant -	\$93
	Price per ton applied, including asphalt -	\$112
	Price per ton for find blade mix applied @ various rates -	\$124

Motion by Lance Matucha, second by Jeff Johnson to accept the bid of Commercial Asphalt. All members present voted aye. Motion carried.

Highway Department Report: Tyler Plumbtree, Highway Superintendent, met with the Board to discuss County Road 57 flooding and the option of relocating the road versus FEMA funding. Property owners of the land being considered for location of the road will be contacted for further discussions.

Flooding Disaster Declaration: The following resolution was offered by Doug Janousek and seconded by Jeff Johnson to declare Gregory County a disaster emergency due to excessive rain and flooding:

RESOLUTION 2024-08 DECLARING A DISASTER / EMERGENCY

WHEREAS, between June 17th and June 21st, 2024 excessive amounts of rain fell over Gregory County causing damage to roads and bridge structures, and

WHEREAS, the excessive rainfall caused "flash flooding" and subsequent and prolonged flooding for waterways and low lands, and

WHEREAS, the damage caused by flowing and standing water caused damages which exceed the normal operational budget of the county, and

WHEREAS, damage also occurs to township roads, and to private property.

WHEREAS, damages include but are not limited to displacement of road surfaces, debris fields, clogged culverts, bridges and waterways. The flooding also undermines bridge and culvert structures and can saturate road beds leading to further and future erosion, and

NOW, THEREFORE BE IT RESOLVED that Gregory County, by and through its County Board of Commissioners, does hereby declare a disaster emergency and respectfully requests the Honorable Governor of the State of South Dakota to declare Gregory County a disaster and to request a Presidential Disaster Declaration to ensure that the maximum amount of assistance is made available to local governments, businesses, farmers, ranchers and all residents impacted by this natural disaster.

Upon roll call for vote: Jeff Johnson – aye; Lance Matucha – aye; Byrain Boes – aye; Doug Janousek – aye; Jessy Biggins – aye. Resolution passed.

ZOOM Meeting with GPNA Law Firm: The Commissioners, States Attorney, and Planning & Zoning Administrator meet via Zoom with Attorneys from Gunderson, Palmer, Nelson and Ashmore, a law firm from Rapid City, to discuss what options the county might have should it engage in a contract for legal services. The attorneys explained how their services would work. After discussion, the majority of the Board felt that the county has sufficient representation with the State's Attorney and District III. The Auditor will contact the firm to thank them for the presentation.

SMRWMD Appointments: Motion by Lance Matucha, second by Byrain Boes to appoint Jeff Johnson and Byrain Boes as delegates and Lance Matucha and Jessy Biggins as alternates to the Southern Missouri Recycling & Waste Management District Management Board for the year July 1, 2024 through June 30, 2025. It is further motioned to appoint Doug Janousek as delegate and Jeff Johnson as alternate to the Full Member Board. All members present voted aye. Motion carried.

Mileage Reimbursement Change: Motion by Jeff Johnson, second by Doug Janousek to set the mileage reimbursement at the IRS standard rate of \$.67 per mile, following the State of South Dakota's policy, effective July 1, 2024. All members present voted aye. Motion carried.

Employee Resignation: Motion by Byrain Boes, second by Lance Matucha to accept the resignation of Lafe Gildemaster as Deputy Sheriff effective June 9, 2024. All members present voted aye. Motion carried.

Employee Termination: Motion by Jeff Johnson, second by Doug Janousek to approve the termination of employment of Lucas Young effective June 20, 2024. All members present voted aye. Motion carried.

Coroner Appointment: Motion by Jeff Johnson, second by Doug Janousek to appoint Katie Vedral as Gregory County Coroner effective July 1, 2024. All members present voted aye. Motion carried.

Highway Department Hiring: Motion by Jeff Johnson, second by Doug Janousek to approve hiring Bradley Ellwanger as a blade operator for the highway department at \$23.50 per hour effective July 11, 2024. All members present voted aye. Motion carried.

Acceptance of HVAC Replacement/Exterior Wall Improvements Bid: Motion by Doug Janousek, second by Byrain Boes to accept the bid of Puetz Build + Design of Mitchell, SD for the HVAC Replacement and Exterior Improvement Project, in the final amount of \$2,416,813.00. The final contractual bid breakdown and detail is on file in the Auditor's office. Ciavarella Design, Inc. will draw up the agreement between the county and the contractor for signatures. All members present voted aye. Motion carried.

Canvass of Recount Votes: The Commission, acting as a Canvassing Board, reviewed the recount totals for the District 21 Senate and House races. Motion by Doug Janousek, second by Jeff Johnson to declare the recount totals in Gregory County as official. All members present voted aye. Motion carried.

Gravel Contract Discussion: The Board discussed the matter regarding the crushed gravel contract with Kelly Bailey. Motion by Lance Matucha, second by Byrain Boes to agree to pay for the remaining balance of the contract and to authorize the Auditor to process the payment. All members present voted aye. Motion carried.

Executive Session: Motion by Jeff Johnson, second by Doug Janousek to enter into executive session at 11:55 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Jeff Johnson, second by Doug Janousek to adjourn from executive session at 12:02 p.m. with the following action taken: Betty Jo Hoffman, DOE, has permission to work from home August 14, 2024 to August 28, 2024 for family reasons. All members present voted aye. Motion carried.

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

ATTEST:

Julie Bartling, Gregory Co. Auditor

Jessy Biggins, Chair