

Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Wednesday, August 21, 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 Byrain Boes, second by Doug Janousek to approve the agenda with the following additions: Plat approval and travel requests. All members present voted aye. Motion carried.

Approval of Minutes: Motion by Lance Matucha, second by Byrain Boes to approve the minutes of the August 7, 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. 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 Commission Chair opened the floor for public input.

The Board discussed an anonymous letter written to the Board regarding a fence that was placed in the right-of-way. The complaint was raised as to concerns of the narrowing of the road and safety issues with large equipment traveling the road.

The fence line was erected by Commissioner Byrain Boes and Michael Preslicka, who inquired of neighbors who had no concerns. The Board discussed that since the road is a county road and open to anyone to travel, the fence needs to be moved back further from the road's edge for safety concerns.

Commissioner Boes advised the Board that the fence will be moved.

Notice of Intent to Apply for USDA Funding: Motion by Jeff Johnson, second by Byrain Boes to continue forth with the application to USDA-Rural Development for funds to purchase a payload and sheriff's vehicle, as a Notice of Intent to Apply has been given to the public. All members present voted aye. Motion carried.

Plat Approval: The following plat was presented to the Board for approval:

Plat of Lot 16 and Lot 5A a replat of Lot 5 and Lots 7A, 7B, and 7S a replat of Lot 7, A subdivision of a portion of Tract B, Mulehead Subdivision, located in the SW4 of Section 21, T97N, R68W of the the 5th P.M., Gregory County, South Dakota.

Motion by Jeff Johnson, second by Byrain Boes to offer the following resolution for approval:

APPROVAL GREGORY COUNTY BOARD OF COMMISSIONERS

WHEREAS: the owners of the land herein platted as Lot 16 and Lot 5A, a replat of Lot 5, and Lots 7A, 7B and 7S, a replat of Lot 7, a subdivision of a portion of Tract B, Mulehead Subdivision, located in the SW¼ of Section 21, T 97 N, R 68 W 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 do not lie within the platting jurisdiction of any municipality and that the responsibility of the development and maintenance of the private access road is by the owners of the lots, and it appears that this plat conforms to all requirements of SDCL 11-3-8, NOW THEREFORE: BE IT RESOLVED: that the plat be approved this 21st day of August, 2024.

Upon roll call for vote: All members present voted aye. Resolution passed.

Travel Requests: Motion by Jeff Johnson, second by Doug Janousek to approve the following travel requests:

2024 SD State Fair:

Chelsea Hutchison & Ashley Frank – travel paid half with Tripp County

Election Cyber Training:

Julie Bartling – August 26, 2024 in Pierre, South Dakota

All members present voted aye. Motion carried.

Meeting Reschedule: Motion by Byrain Boes, second by Doug Janousek to move the 2nd meeting of September to September 16, 2024. All members present voted aye. Motion carried.

Approval of Claim: Motion by Lance Matucha, second by Doug Janousek to approve a claim from Chad Peck for repair of an overhead door at the Herrick Shop at the cost of \$2,018.89. Mr. Peck did not get his bill turned in timely, thus the Board will make an exception to pay. All members present voted aye. Motion carried.

Wind Energy Systems Ordinance 2024-01-2nd Reading: Chair Jessie Biggins opened the hearing for the 2nd and final reading of Gregory County's Wind Energy Systems Ordinance 2024-01.

The Board read a letter from the Center for Rural Affairs citing concerns of the 3-miles setback as well as potential hindering of development.

Mr. Thomas Madsen called in asking questions regarding setbacks, noise, etc. Mr. Ed Dostal also raised concerns of electrical rates and violation of an individual's right to develop on his/her own property.

John Jacobsen, member of the Planning and Zoning Board, addressed comments regarding noise issues, setbacks and resources used while putting the ordinance language together.

Chair Biggins closed the hearing to public comment and opened it up for Board comments, questions and discussion.

Commissioner Boes commented on the lowering of land values once the turbines have used up their lifespan.

Commissioner Biggins expressed that he has no concerns with the 3-mile setback, as the developer could pay sufficiently for land to avoid the setbacks.

Motion by Doug Janousek, second by Byrain Boes to formally adopt Gregory County Wind Energy Systems Ordinance 2024-01. Upon call for vote: Doug Janousek-aye; Byrain Boes-aye; Lance Matucha-aye; Jeff Johnson-naye; Jessy Biggins-aye. Motion carried and ordinance is hereby adopted.

Bridge Inspection Report: Brad Stanghor, engineer from Ulteig Engineering, reported of the bridge inspections done across the county. For the most part, the bridges throughout the county are in good shape.

The following bridges will need attention:

- St. Charles Bridge- apply for BIG funds
- Bridge No. of Dallas-siltation
- Bridge So. of Herrick-debris catch
- Odenbach Bay-low water crossing – sediment deposits

BIG Program Application: Motion by Lance Matucha, second by Byrain Boes to offer the following resolution to apply for BIG funds for the St. Charles bridge:

**2025 BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, Gregory County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

27-220-326, 3.6 miles South and 0.2 miles West of St. Charles, SD over Ponca Creek

and WHEREAS, Gregory County, certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Gregory County, agrees to pay the 20% match on the Bridge Improvement Grant funds and 100% of ineligible expenses;

and WHEREAS, Gregory County, hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Upon roll call for vote: All members present voted aye. Resolution passed.

C.R. 57 (Williams Bottom) Discussion: The Board discussed the road issues of County Road 57 (Williams Bottom) and the potential of moving the road. FEMA funds may be available with stipulations to be followed. The Board is also discussing building the road without FEMA funds. Mr. Stanghor advised the Board to confirm that FEMA would pay and if so, what amount.

Golden West Easement: Motion by Jeff Johnson, second by Byrain Boes to approve the following application for occupancy from Golden West: Cable to 29995-355th Ave, Sections 12-13, T95N, R70W. All members present voted aye. Motion carried.

Highway & Bridge Report: Tyler Plumbtree, Highway Superintendent, reported on projects underway throughout the county.

Employee Hiring: Motion by Jeff Johnson, second by Doug Janousek to approve hiring Trey Bingen as a highway department employee effective August 26, 2024 at \$18.50 per hour. Upon call for vote: Jeff Johnson-aye; Lance Matucha-naye; Byrain Boes-naye; Doug Janousek-aye; Jessy Biggins-aye. Motion carried.

2025 Budget Reductions: The following departmental budgets have been reduced, as agreed to by the office supervisors:

Highway Department - \$350,000 lower gravel hauling/construction
Courthouse - \$70,000 lower construction/repairs
Sheriff - \$65,000 lower for vehicle
Director of Equalization - \$29,000 vehicle & software
Courts - \$3,000
ROD - \$5,556 less salary, dues & fees

The Board will further discuss 2025 budgets at their next meeting, firmly setting all budgets.

Release of Lien: Motion by Lance Matucha, second by Jeff Johnson to approve release of a lien in the amount of \$2,067.01 against a county resident who has passed away. All members present voted aye. Motion carried.

Executive Session: Motion by Jeff Johnson, second by Doug Janousek to enter into executive session at 11:42 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Lance Matucha, second by Byrain Boes to adjourn from executive session at 1:02 p.m. with no action taken. All members present voted aye. Motion carried.

Highway Superintendent Position: Motion by Lance Matucha, second by Byrain Boes to hold interviews for the Gregory County Highway Superintendent position on Monday, August 26, 2024. All members present voted aye. Motion carried.

Landfill Closure: Motion by Byrain Boes, second by Doug Janousek to approve closure of the Gregory County Landfill on Saturday, August 31, 2024 in observance of Labor Day. All members present voted aye. Motion carried.

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

ATTEST: _____
Julie Bartling, Gregory Co. Auditor

Jessy Biggins, Chair