

October 1, 2019
HAND COUNTY BOARD OF COMMISSIONS
COURTHOUSE COMMISSION CHAMBERS
MILLER, SOUTH DAKOTA

The Hand County Board of Commissioners convened at 9:30am on Tuesday October 1, 2019. Commissioners present included Chairman J.D. Wangsness, Commissioners Greg Palmer, Jim Jones, and Luke Wernsmann. Commissioner Gib Rodgers had an excused absence.

The Pledge of Allegiance was said aloud.

Auditor DeBoer presented the consent calendar to the commission. The items included the following approvals in bulk: the September 3rd commissioner minutes, the September 24th commissioner and board of adjustment minutes (with amendments as detailed at the end of these minutes), a travel request from Auditor DeBoer to attend the auditors fall workshop in Pierre on November 6th and 7th, payment of claims and warrants as detailed later in these minutes, receipt of the Register of Deeds statement of fees for the month, the beverage license renewal for the Miller Golf Course and review of four building permits as outlined on the agenda and a travel request from custodian Will Page to travel to Wayne Nebraska on October 17th for a courthouse preservation presentation.

The commission decided to wait on taking action on the consent agenda until they could visit with the emergency manager about a claim for payment.

Auditor DeBoer had invited Tala Sandness of South Dakota Arms to attend the meeting to discuss for the record that the county's insurance provider had approved the waiver of liability and hold-harmless / indemnity document for participants to use while training at the sheriff's hand gun range. In Sandness's absence, Auditor DeBoer explained the text above and the commission reasserted their need to have South Dakota Arm's insurance documents filed to ensure coverage is appropriately addressed.

Assessor Terry Augspurger presented the commission with his findings after researching the wage for assessors and assessors who also do zoning and zoning officers who serve as clerks for zoning in place of the auditor. After reviewing the provided research, Augspurger requested a raise in pay to match the wage paid the auditor, treasurer, and register of deeds [\$43,292.60 annually]. Commissioner Jones moved to approve the request but it died for lack of a second. More discussion followed and it was concluded that Augspurger's original request, as written into his purposed budget, was in effect and valid by virtue of the commissioner's action to approve the annual budget on September 24th.

Emergency Manager Gortmaker reported on the progress of the FEMA disaster recovery, project DR-4440. Gortmaker said that a representative from FEMA has been to the county and is working with the various governmental agencies on their claims. Gortmaker also said that "hazard mitigation" funds have become available to not only fix project sites but also build them to be resistant to future disasters of similar type. Gortmaker said this is a big opportunity for the county to remedy problems that might otherwise not get funded.

Gortmaker addressed the bill from Menning Backhoe LLC of Mitchell. Gortmaker explained that during the spring flooding the city and county crews took sand from Menning's stockpile under the pretense that it would be replaced by a private donor. Gortmaker said crews used the sand but he failed to have the replacement sand delivered before Menning returned and found his stockpile depleted.

The end result is that Menning was short and sought recovery for the missing sand from the highway department. Since the sand was not used for road and bridge, the invoice was presented to Gortmaker for payment through emergency management. Gortmaker discovered in the meantime that the sandbags and sand can be claimed through the FEMA recovery process. The county will pay Menning \$5,165.83 for the sand and then seek recovery from FEMA for 75% of that amount, the state of South Dakota for an additional 10% leaving the county with the remaining 15%. The county will not seek recovery from the municipalities because they can make claims directly to FEMA for their investments.

Gortmaker said that each entity will seek recovery for the sand bags so that a supply can be maintained by each entity and then also assemble a stockpile for each entity to use for future flooding / sandbagging efforts.

As a result of the clarification on the Menning claim, it was moved by Commissioner Jones, seconded by Wernsmann with all voting in favor thereof to approve the items on the consent calendar which was held open from the beginning of the meeting.

Sheriff Croeni addressed the commissioners and asked for permission to advertise for a temporary employee (up to 40 hours a week) to have while the office manager is on maternity leave next spring. Permission to advertise was approved for the temporary employee. Croeni also re-invited the commission and public to the "Community Awareness Meeting" to be held on October 10, 2019 in the Miller Community Center. The topic of illegal drug use will be addressed by local officials and a guest speaker. A meal is available and the Miller Area Community Foundation is providing funding for the program.

Sheriff Croeni also provided his monthly report.

Mark Wengierski and Pat Landness of Scout Clean Energy (Sweetland Wind) joined the commission and presented a request for approval of the Resel Tract 1 plat located at 18-111-66 which is at the corner of 205th Street and 369th Avenue, 3.5 miles south of Vayland. The land will eventually be home to a sub-yard for the wind project. The Resel tract is 12.78 acres of which the wind project will purchase 2 acres for the construction and use of the sub-yard. The plat for the "switch yard" will be coming in the future and is not part of this request. After some discussion on procedure, it was moved by Wernsmann, seconded by Jones to approve the plat once all the other parties have executed their portions of it and the mylar copies are received. All commissioners voted in favor thereof.

Scout Clean Energy then discussed the application process they will initiate for the placement of power lines through various rights of way in the county and townships. The state law spells out the process and Scout expects to have the application process to the point where commissioners can review it at their November 5th meeting.

The commissioners moved to business held over from September 24th meeting. Auditor DeBoer explained the wage and policy items as they appeared on the agenda.

Upon motion of Wernsmann, seconded by Jones, with all voting in favor thereof, the following items are added to the official record and shall be come policy until revoked by the commission in the future.

It is approved that annual base wage increases are based on the consumer price index (CPI) as reported by the state Department of

Revenue but not to exceed 3% and will be applied in January of each year;

The application of the CPI is automatic should not be a negotiable item in determining wages;

The county auditor's office shall annually apply the current CPI to all eligible employees and publish the same as required by statute;

The current longevity schedule shall remain in effect and be incorporated into the policy manual;

New employees (excluding sheriff's deputies, county highway workers and weed and pest applicators) shall receive 100% of their wage upon hire;

The six-month orientation / probationary period will remain in policy but the use of extended probation is discouraged;

The position of County 911 Coordinator is "on call & as needed" and shall be compensated at a rate of \$200 per month from the 911 fund with no other benefits. A journal of assignments is to be kept for auditing purposes. The duties of County 911 Coordinator are unto themselves a separate job assigned by the commission at their discretion and not to be performed during primary job duties whenever possible.

The treasurer's office will do passports, the auditor's office will do welfare and the register of deeds office will do driver's licensing as part and parcel of their primary duties and that in 2018, a simple sum of \$250 was added to each principal position for the added duty and incorporated into their principal wage from that point on.

The duty and wages assigned to the rubble site manager shall be incorporated into the duties of the highway department, payable through the road and bridge fund.

The duty and wages of the zoning administrator shall be incorporated into the duties of the assessor / director of equalization paid as one from the assessor's fund.

The commission then addressed items during their commission work period. It was moved by Palmer, seconded by Wernsmann to appoint Arlen Gortmaker as the County 911 Coordinator and set his pay according to policy [\$200 per month] and instruct the auditor to issue a certificate of appointment.

It was moved by Jones, seconded by Wernsmann with all voting in favor thereof to make the appointment effective October 1, 2019.

To strike and remove from the agenda discussion items related to the states attorney's office and wages for employees as they were resolved at the previous meeting of the board.

The board addressed the issue of Commissioner Palmer and Auditor DeBoer's wages being docked by 10% during the first six months of their service. It was moved by Wernsmann, seconded by Jones will all voting in favor thereof to calculate the lost wages and compensate Palmer and DeBoer their losses but only after a third party has verified the calculations. The estimated loss for Palmer is six months at \$80.67 or \$484.02. The estimated loss for DeBoer is six months at \$428.55 or \$2,571.30.

The commissioners approved the auditor advertising the full-time position of 4-H coordinator. A salary will be set at the next meeting once discussions with SDSU occur or are received.

Highway Superintendent Jeff Hargens discussed the issue of pay differences for employees who are hired with a commercial driver license (CDL) versus those hired without. Hargens said the difference is \$2.00 per hour and all field employees are expected to obtain their

CDL in the first six months of employment. The commissioner reasserted their new desire to abandon the 90%, 95%, 100% pay shift for new employees. The commission instructed Hargens and DeBoer to work out the details of the employee's entry pay for policy purposes.

Hargens informed the commissioner of a bridge which was severely damaged and reduced to one lane in Burdette Township. A support piling under the bridge broke and the apparent resolution is to lift off the bridge deck and effect repairs. The commissioners and Hargens reviewed the FEMA recovery process and discussed other bridge related issues. The commission reviewed and approved by motion of Wernsmann, seconded by Jones, with all voting in favor thereof to enter into an agreement with the SD-DOT for FAS road and crossing on 363rd Avenue between 192nd and 191st Streets. The amount is \$9,547.50.

Hargens was also given permission to attend the region 8 meeting in Rapid City.

The commission, upon the motion of Jones, second by Wernsmann with all voting in favor thereof, to commend the following employees for longevity, loyalty and service to Hand County: Doug DeBoer and Pearl Klages (25 years), Daniel Fischer (35 years), Doug Purrington (37 years) and Deb Bushfield (40 years). Certificates were available to commemorate the occasion.

NorthWestern Corporation submitted for the discretionary formula (SDCL 10-6-35.2) on property taxes for improvements made in St. Lawrence township in the amount of \$257,972. The submission will be processed.

The commission, upon motion of Palmer, second by Wernsmann with all voting in favor thereof to approve the purchase of new antivirus software for the county and its offices through Ultra Incorporated of Watertown. The product will be available to any county offices.

A motion was made by Wernsmann, seconded by Jones, with all voting in favor thereof to enter executive session for the express purpose of discussing personnel per SDCL 1-25-2(1)

A motion was made by Wernsmann, seconded by Palmer with all voting in favor thereof to exit executive session and declare no resolution to three items on personnel.

The final action of the board was to visit with Veteran Service Officer (VSO) Dave Johnson. The board decided to change the hours of the VSO to a fixed schedule of Tuesdays and Wednesdays from 9am to noon and 1pm to 3p. Johnson will be allowed to do his off-premises tasks either before or after those times but will maintain open office hours the specified days and hours. The commission felt that too many days were missed because of holidays and this would resolve that. The hours will be posted, a web page created and any amendments will have to be requested through the commission like other offices of the courthouse. The VSO will post a sign of his fixed office hours and the means to contact him when out of the office. The office will be locked for security when not occupied. The VSO was instructed to inform the auditor's office of any unplanned absences and make up days so the information can be posted to the internet for customers to see.

It was then moved by Wernsmann, seconded by Palmer to adjourn the meeting. The chair declared the meeting adjourned at 12:10pm.

The next regular scheduled board meeting will be on November 5, 2019 at 1 in the afternoon.

The claims for payment are as follows:

For: BOARD OF COUNTY COMM

GREG PALMER	MILEAGE	60.48
S.D. FEDERAL PROPERTY AGENCY	SUPPLIES	4.25
THE MILLER PRESS	PUBLISHING	178.38
LUKE WERNSMANN	CONVENTION TRAVEL EXPENSES	137.48

		380.59

For: JUDICIAL SYSTEM*****		
SDACC	CATASTROPHIC LEGAL EXPENSE	2075.00

		2075.00

For: AUDITOR*****		
A & B BUSINESS, INC.	COPIER MAINTENANCE CONTRACT	26.80
DOUGLUS DEAN DE BOER	SUPPLIES	25.56
DOUGLUS DEAN DE BOER	ROOM & MEAL AT CONVENTION	166.25
HAND COUNTY TREASURER	POSTAGE	7.43
MCLEODS PRINTING & OFFICE SUP.	TAX NOTICES & PAPER	107.35
OFFICE PEEPS, INC.	SUPPLIES	1.58
PITNEY BOWES	POSTAGE METER LEASE	321.84
S.D. FEDERAL PROPERTY AGENCY	SUPPLIES	11.05
THE MILLER PRESS	PUBLISHING	330.69
U.S. POSTAL SERVICE	POSTAGE	300.00

		1298.55

For: TREASURER*****		
SHERRIL K. KOECK	MILEAGE & MEAL AT CONVENTION	75.36
MCLEODS PRINTING & OFFICE SUP.	TAX NOTICES & PAPER	107.34
RAMKOTA INN	ROOM AT CONVENTION	207.98

		390.68

For: STATES ATTORNEY*****		
ANSON LAW	RENT	325.00
ANSON LAW	SUPPLIES	300.00
ANSON LAW	UTILITIES	291.66
MARIE H. BALES	TRANSCRIPT	121.80
SD DEPARTMENT OF HEALTH	BLOOD ALCOHOL TESTS	80.00
SD CLE, INC.	SOFTWARE SUBSCRIPTION	575.00

		1693.46

For: COURT APP. ATTORNEY*		
WHEELER LAW OFFICE	COURT APPOINTED ATTORNEY	1015.38

		1015.38

For: GOV. BUILDING*****		
AMERIPRIDE SERVICES, INC.	SUPPLIES	93.07
BOB'S DISPOSAL SERVICE	GARBAGE DISPOSAL	100.00
BUILDERS CASHWAY, INC.	SUPPLIES	77.97
COWBOY COUNTRY STORES	GAS	13.25
MD INDUSTRIES, LLC	MAINTENANCE	299.00
MID AMERICAN RESEARCH CHEMICAL	SUPPLIES	411.29
CITY OF MILLER	UTILITIES	1151.96
THE MILLER PRESS	SUPPLIES	156.36
VISA	SUPPLIES	40.00

		2342.90

For: DIR. OF EQUAL*****		
A & B BUSINESS, INC.	COPIER MAINTENANCE CONTRACT	25.00
AGTEGRA COOPERATIVE	GAS	20.35
RAMKOTA INN	ROOM AT CONVENTION	475.00

		520.35

For: REG. OF DEEDS*****		
OFFICE PEEPS, INC.	SUPPLIES	68.76

		68.76
For: VETERANS SER. OFF.**		
RAMKOTA INN	ROOM AT CONVENTION	312.00

		312.00
For: SHERIFF*****		
A+ TIRE & AUTO SERVICE CENTER	REPAIRS	63.44
COMPANION LIFE	LIFE INSURANCE	4.18
COWBOY COUNTRY STORES	VEHICLE 1 SUPPLIES	133.77
COWBOY COUNTRY STORES	GAS	70.51
COWBOY COUNTRY STORES	GAS	384.38
DEPARTMENT OF PUBLIC SAFETY	TELETYPE SERVICE 6 MONTHS	2340.00
GALL'S INC	SUPPLIES	14.18
GALL'S INC	SUPPLIES	14.18
GALL'S INC	SUPPLIES	14.19
IDI	EXPANDED SEARCH PLAN (2 MO)	50.00
NARTEC	SUPPLIES	83.49
OFFICE PEEPS, INC.	SUPPLIES	75.20
SOUTH DAKOTA ARMS CO., LLC	AMMUNITION	311.94
THE MILLER PRESS	SUPPLIES	149.70
VISA	SUPPLIES	12.42
VISA	CELLPHONES	167.47

		3889.05
For: JAIL*****		
BEADLE COUNTY AUDITOR	VICTIM/WITNESS COORDINATOR FEE	5150.00
BEADLE COUNTY SHERIFF	PRISONER CARE	320.00
JON DUNLAP	SUPPLIES	4.99
FAULK COUNTY SHERIFF DEPT	PRISONER CARE	85.00

		5559.99
For: COUNTY NURSE*****		
HAND CO MEMORIAL HOSPITAL INC.	COUNTY HEALTH NURSE	2954.21

		2954.21
For: MENTAL HEALTH*****		
CENTER FOR INDEPENDENCE	MONTHLY SUPPORT	180.00

		180.00
For: LIBRARY*****		
BOB'S DISPOSAL SERVICE	GARBAGE DISPOSAL	42.00
DEMCO	SUPPLIES	181.39
INGRAM LIBRARY SERVICES	BOOKS	226.18
CITY OF MILLER	UTILITIES	432.59

		882.16
For: WEED CONTROL*****		
AT & T	CELL PHONE	97.55
BUILDERS CASHWAY, INC.	SUPPLIES	40.54
HAND COUNTY TREASURER	SUPPLIES	20.00
BRADY LAMMERS	MILEAGE	17.64
CITY OF MILLER	UTILITIES	375.66
OAKLEY FARM & RANCH SUPPLY	SUPPLIES	248.45
ROCKY OAKLEY	MILEAGE	25.20
PUMP N PAK	GAS	613.73
MATT ROGERS	MILEAGE	21.00
S.D. FEDERAL PROPERTY AGENCY	SUPPLIES	85.85

VERN'S MFG., INC.	REPAIRS	45.00

		1590.62
For: HWY RDS BRIDGES*****		
A+ TIRE & AUTO SERVICE CENTER	REPAIRS	1808.16
A+ TIRE & AUTO SERVICE CENTER	SUPPLIES	24.00
A-OX WELDING SUPPLY CO INC	SUPPLIES	669.95
AARON SWAN & ASSOCIATES, INC.	MATERIAL TESTING GRADATIONS	110.00
AGTEGRA COOPERATIVE	GAS & RED FUEL	16143.10
AMERIPRIDE SERVICES, INC.	SUPPLIES	1327.74
BINGER REPAIR, LLC.	REPAIRS	519.57
BOB'S DISPOSAL SERVICE	GARBAGE DISPOSAL	50.00
CENTRAL DISTRIBUTING	SUPPLIES	93.65
CONNECTING POINT	SUPPLIES	74.00
FASTENAL COMPANY	SUPPLIES	27.66
FLINT HILLS RESOURCES LP	SUPPLIES	91700.97
GENERAL EQUIPMENT & SUPPLIES,	SUPPLIES	1114.09
GREAT WESTERN TIRE	MAINTENANCE	3545.85
HUGHES ELECTRIC, LLC	REPAIR OVERHEAD DOOR	122.45
JEBRO INC.	SUPPLIES	46405.72
CITY OF MILLER	UTILITIES	397.95
NORTHWESTERN ENERGY	UTILITIES	20.08
OAKLEY FARM & RANCH SUPPLY	SUPPLIES	14.89
OAKLEY REPAIR	REPAIRS	3921.24
RDO EQUIPMENT CO. - AG	REPAIRS	514.19
SD LOCAL TRANSPORTATION	CONFERENCE REGISTRATION	100.00
SDACC	CONVENTION REGISTRATION	225.00
THE MILLER PRESS	PUBLISHING	44.20
TRANSOURCE TRUCK & EQUIPMENT	SUPPLIES	435.36

		169409.82
For: E-911*****		
DAKOTA ELECTRONICS	MAINTENANCE	40.00
VISA	POSTAGE	8.30

		48.30
For: EMERG. & DIS. SERV.*		
ARLEN GORTMAKER	MEALS AT HSEEP CLASS	18.49
MENNING BACKHOE	SAND FOR SANDBAGGING	5165.83
OFFICE PEEPS, INC.	SUPPLIES	3.00
PUMP N PAK	GAS	172.36
THE MILLER PRESS	PUBLISHING	80.81
VISA	ROOM AT SCHOOL	106.99
VISA	CELL PHONE	50.26

		5597.74
For: JAIL*****		
PETTY CASH	POSTAGE	8.05
SD DRUG CONTROL FUND	DRUG SCREENS	160.00
VISA	SUPPLIES	592.99

		761.04
For: REG. OF DEEDS*****		
TYLER TECHNOLOGIES, INC.	SOFTWARE SUPPORT	2821.95

		2821.95

Total Checks: 203792.55

The September 24, 2019 minutes as published are amended to reflect the following:
The commission did not direct the auditor to change the states attorney's budget down from the amounts requested. The discussion of the states attorney's budget was in July, not August. The term "padded their own nests" should have read, "feathered their own nests". The statement "intermediate wages between departments and the commission" should have reflected the states attorney's statement that an elected official should "...be dealing directly with the Commission and the committee should not be treated as a collective bargaining unit as if the County employees were unionized". The states attorney "...pointed out that the State of South Dakota is now sending a portion of the State Alcohol Tax to the counties to be used toward prosecution and law enforcement budgets, and that those funds were to be used for any increases, but that Hand County instead puts the money in the general fund." The states attorney further noted that he is "...on call 24/7 and I had paid all of the expenses of obtaining the paralegal certification and that the County has benefited therefrom."

The Auditor's Account with the Treasurer per SDCL 7-10-3 is, as of the close of business on the last day of September, 2019, the treasurer had \$1,343.55 of cash on hand, \$66,171.82 of checks in possession less than 3 days, \$0.00 of checks in possession more than 3 days, \$27.43 of cash items, \$300.00 of petty cash.

Reconciled Demand Deposits: \$176,940.91 in the American Bank & Trust and \$284,887.48 in the Quoin Financial Bank.

Time Deposits: \$1,072,240.20 in the American Bank & Trust and \$1,703,080.97 in the Quoin Financial Bank.

Investments: \$12,712.27 in the library checking account, \$12,400.00 in library certificates of deposit and \$10,633.00 in library stocks.

Total cash assets equal \$3,340,737.63

James D. Wangsness, Chairman
Hand County Board of Commissioners

(Attest)

Doug DeBoer, Hand County Auditor

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