

Hand County Board of Commissioners
Miller, South Dakota
Commission Chambers (video via Facebook Live)
September 1, 2020

Chairman Jim Jones brought the meeting to order at 9:30 A.M with commissioners Jim Eschenbaum, Greg Palmer, Luke Wernsmann, and Gib Rodgers present.

Chairman Jones summarized the Consent Agenda items

Assessor Terry Augspurger addressed the commission about the execution of the agreement with First District Association of Local Governments (1st District). The agreement covers parcel mapping to take place over the next three years. 1st District does the GIS encoding of the properties. The agreement specifies the project will not exceed \$48,615 if only rural parcels are encoded. If both rural and municipal parcels are done, the agreed maximum cost would be \$59,000. Both agreements allowed for the payment of costs over three years beginning in 2021. After considerable discussion, it was moved by Palmer & Wernsmann, passed, to approve the agreement for countywide parcel mapping.

Augspurger asked the commission to revisit the topic of House Bill 1259 which dealt with discretionary formulas. Augspurger is worried that the county's lack of action may have consequences. Chairman Jones said he spoke to a representative of the Department of Revenue who thought the county's existing materials were sufficient. At the end of the discussion it was agreed to have the county attorney review the topic again and offer an opinion.

In the absence of Emergency Manager Arlen Gortmaker, Auditor DeBoer requested the commission review and approve the Local Emergency Management Performance Grant (LEMPG). The LEMPG is a funding mechanism where federal funds are administered through the state to help counties employ an emergency manager. The funds are used for employment, not operational expenses. It was moved by Wernsmann & Eschenbaum, passed, to execute the LEMPG agreement.

DeBoer explained that the county received another reimbursement for the 2019 flooding / blizzard recovery. The state is again administering federal FEMA money. The FEMA/State split was \$7,292.04/\$972.27 for a total recovery on this payment of \$8,264.31

DeBoer explained the request on the agenda whereas the Northeast Council of Governments, NECOG, facilitated a Hazard Mitigation community meeting and needed specific language to be included in the minutes to memorialize the event. The request was approved upon motion of Wernsmann & Rodgers, passed, to include the following text;

"Members from Miller, Ree Heights, St Lawrence and Hand County attended a mitigation planning meeting at the Miller Community Center on August 25, 2020. Staff from NECOG led the meeting. The purpose of the mitigation planning meetings is to collect input and information for the County's Mitigation plan. Having an updated Hazard Mitigation Plan is a requirement by FEMA for any jurisdiction (city, county, State, tribe) that desires to remain eligible for FEMA disaster mitigation funding. FEMA disaster mitigation funding is a grant program that covers 75% of the costs to complete mitigation projects. The funding can be used for construction of projects that mitigate (reduce or eliminate) the threat of natural hazards or prevent loss of life, loss of property, or loss of infrastructure. Examples of eligible activities include: powerline

burial, construction of storm shelters, construction of or improvements to storm sewers, acquisition or relocation of homes or businesses located in flood prone areas, and installation of backup generators to run critical facilities in the event of power loss. There are many other types of projects that are eligible for consideration in this program. Through the mitigation process, projects are identified for each participating jurisdiction. After the projects are identified, they are prioritized, and included in the mitigation strategy section of the plan. NECOG requested that participating jurisdictions (city and county officials) as well as members of the public provide information and/or comments about possible mitigation projects to be included in the plan. Written comments can be emailed to alison@necog.org or mailed to NECOG at 416 Production Street N., Suite #1, Aberdeen SD 57401."

At 9:45 the commission engaged in a joint conference call with the Hyde County Board of Commissioners. Also present was David Johnson and Kevin Bowen (SD Veteran Affairs). The purpose of the meeting was to discuss Hyde County appointing Hand County's VSO, David Johnson, as their Veteran Service Office. At the conclusion of the discussion it was moved by Wernsmann & Rodgers, passed, to allow Hyde County to appoint David Johnson as their Veteran Service Officer. Additionally, the commission concluded that it was acceptable that VSO Johnson include his Hyde County duties while working his Hand County duties, having been told that VSO Johnson already has been servicing Hyde County veterans for some time.

The commission asked Hyde County to forward their agreement of the terms and conditions over to Auditor DeBoer so the details can be worked out related to covering expenses.

The commission recognized Michelle Benette and her husband, Brian Hines of Huron. The couple had requested discussion on four topics which were outlined on the agenda. Chairman Jones invited the couple to address the topics one at a time.

Ms. Benette was the primary presenter. The discussion started when their explanation of how they were stopped by members of the Spring Hill Township board while they were building a fence along the Green Valley Road. Dennis and Charles Fawcett (also present) had reportedly told Hines & Benette to stop their fencing project because it was in the right-of-way, ROW. Benette agreed it was in the ROW but that the steep terrain in that area did not safely allow them to place the fence on the edge of the ROW. Benette said Fawcetts said the commission would have to grant them authority to build in the right of way. After hearing from the parties, it was concluded that the commission is not the right venue for the request because the Green Valley Road is not part of the county highway system.

Another topic was the township's failure to remove snow which the presenters said prohibits them from visiting their property. The presenters offered that the Green Valley Road is a bus and mail route and therefor snow removal was needed. Fawcetts responded that the mail carrier said he/she was willing to alter the route when the road is plugged. The presenters acknowledged that snow removal is expensive and the group acknowledged that some other townships also do not remove snow on all their roadways. The commission concluded that snow removal is an issue to resolve with the township, not the commission.

Another topic was the township's closing of the road, and again preventing access to the presenter's property. The presenters said that

they would have to by-pass the road closed signs, committing a traffic offense, to visit their property.

The commission concluded that again this is an issue for the township. The presenters offered statutory references that include the county in the decision-making process.

It was concluded that if the presenters want to fence off the ROW and install gates at either end, that the Spring Hill Township board would have to specify the construction of the gate (whether a cattle guard or swinging or wire gate). At that time the commission would review the request.

The last topic discussed was the condition of a bridge on the Green Valley Road. The bridge (Federal DOT inventory number 30-015-358) was reportedly removed in or about 1990. The presenters said they had visited with the engineering firm of Pierce and Harris and was told the bridge should not have been removed from the county system and left to the township because it is over the threshold size.

Highway Superintendent Jeff Hargens said he measured the bridge and it was below the threshold. Hargens said the bridge is in poor condition and acknowledged that a bridge north of this bridge is scheduled for repairs. The bridge will be examined by Hargens and a disposition will be formulated. At the end of the 38-minute discussion, no formal action was taken by the commission on any of the requests. It was the consensus of the commission that all of the topics excluding the bridge condition are in the township's authority to address and if the presenters are not satisfied with the township, they can take the matter to circuit court for final remedy.

Shane Croeni, Sheriff met with the board to ask them to approve the hire of Zachory West as an uncertified deputy sheriff. The last known base pay was \$18 per hour but that may have changed. It was moved by Palmer & Rodgers, passed, to approve the hire and set the wage according to the wage scale.

Croeni then requested permission to ratify the purchase of a Chevy Tahoe from the state of South Dakota bid. A dealership in Iowa is offering the vehicle for \$36,430. Croeni said the wait time on South Dakota dealerships is many more months.

Croeni additionally requested approval to purchase new equipment for the interior of the vehicle including a camera system made by Digital Ally (\$2,845 for one model or the other for \$2,650). The remainder will be through 316 Upfitting and Supply (Blunt, SD) for extra exterior lighting for \$620, prisoner transport cell for \$1,075, center equipment console for \$831, gun mount for \$410 and shipping costs of \$200 for a total of \$3,136. The commission consented to the purchase.

Croeni then asked the commission for permission to hire a part-time deputy sheriff to work weekends. Croeni said that current part time help cannot do shift work. Auditor DeBoer pointed out that the hire was not on the agenda so no action should be taken. The item will appear on the next meeting's agenda for approval. The commission did however voice support so the sheriff will be allowed to advertise for the position.

Highway Superintendent Jeff Hargens addressed the board and presented information that he had received proposal for gravel royalties, that being from David Schaffer in the amount of \$2.50 per ton. Hargens said the previous royalty rate was \$1.75 per ton. The commission chose to take no action on the topic, essentially denying the proposal.

Hargens then presented the sole bid for "approximately 6000 tons" of pea gravel. Sheila Muellenberg of Rockham submitted a price of \$10.25 per ton. It was moved by Eschenbaum & Wernsmann, passed, to accept the bid.

Hargens informed the commission that he had contact with the land owner, Terry Aesoph, and believes they are going to improve and re-open the by-pass on 174th Street which was previously flooded and which does not have a natural drain.

Hargens also said that he visited with Sheila Muellenberg about creating a by-pass on her land to get around a similarly flooded road in Plato Township. Hargens will continue efforts to find, resolution there.

Lastly, Hargens and the commission spoke at length about the dike on the Pearl Creek in southern Gilbert Township. It was concluded that Hargens would affect temporary repairs and follow up with permanent repairs, restoring the dike to pre-flood condition. At that time the land owners will become part of the plan to preserve the dike from future damage. That participation will be formalized in writing. Hargens said he had visited the dike and found the area groomed and passable. He believes that the work can be accomplished relatively soon. Commissioner Rodgers (from that district) wanted assurances that it would be completed before weather prevents it.

The discussion then turned to Hargens' role as rubble site manager. The commission asked Hargens to remain at the meeting so they could revisit the topic, possibly in executive session because it involved discussion of personnel likely to be hired.

Chairman Jones addressed the board about the bronze statue in the commission room. Jones explained it is a limited-edition replica of the Spirit of South Dakota and that it was gifted to the county in hopes of it being displayed for all to enjoy. The statute was created by Dale Lamphere and was gifted to the county because Winifred Lawrence served as the first superintendent of schools in Hand County and her office was in the current 4-H Office. The previous owner, Dean Robinson, felt its rightful home was in the courthouse. The commission agreed and acknowledged it was an honor to receive such a valuable and meaningful gift.

Following a ten-minute break, the commission heard from Will Page, courthouse custodian. Page discussed the revised proposal from Schumacher Elevator Company. Schumacher's revised proposal was to replace the elevator for \$248,179.00 a substantial reduction from the proposal nearly two years prior. The group spent considerable time examining the document and found several areas of concern. Some of the more notable included the absences of pricing related to subcontractors for electrical, cement and finish work. The current capital reserve fund sits at \$150,000 and if accepted and implemented would necessitate finding \$98,179 from other sources. It was concluded by the commission that the proposal was missing key elements and that those missing items needed be addressed before any action could be taken. Auditor DeBoer informed the group that because of the cost, formal bidding on the project would be needed before any action could be taken. Mr. Page will investigate deeper into the proposal and return to the commission.

The next topic was the electrical problems which have appeared at the east / main entry to the building. There is a short in the circuit which now needs repair. Hughes Electric was contacted about the project and submitted an estimate of \$652.47 on the repairs to the electrical

circuit. It was moved by Wernsmann & Eschenbaum, passed, to approve the project and estimate.

Page also described how the east entrance clock needed electrical work to finish that project. Again, Hughes Electric was contacted and estimated \$962.32 for repairs to the electrical side of the project. It was moved by Wernsmann & Rodgers, passed, to approve the work and estimate.

Auditor DeBoer reviewed the status of the incinerator. Originally the SD-DENR approved the use for paper so long as it didn't exceed 500 pounds of paper per hour. Shortly thereafter, another SD-DENR employee revoked the permissions because our paper constituted "industrial waste" just as biohazards or other chemicals are classified. The SD-DENR has suspended our approval until the federal EPA can offer an opinion which would support the SD-DENR original approval. If not, the incinerator would become useless. Ironically, we are allowed to open burn in a barrel if needed without restriction.

The policy changes requested by DeBoer were put off until a later meeting because he was unable to draft the policies due to an absence from contracting Covid-19.

The commission approved a special budget hearing meeting for September 23 at 7 P.M. No other business will be considered.

DeBoer asked the commission to review and initial the reports of changes in the general ledgers. The changes occurred because of relabeling, deletion for non-use, or because a function has disappeared. The recommendation to have the changes reviewed and approved is suggested by legislative audit. This action was formalized upon motion of Palmer & Eschenbaum and passed.

DeBoer also provided a report of the court appointed attorney expenses for state fiscal year 2019-2020. The report showed \$17,059.28 was spent on court appointments. Only \$420 was spent on the defense of abuse or neglected children. Part of the alcohol reversion tax will be applied to court appointed attorney fees beginning in 2021. The coroner's budget will also see some of the alcohol reversion, as will funding of the victim advocate which began in FY2020 and will continue going forward. DeBoer reported that no one office submitted a request for a specified project for the funds so he distributed them amongst the law enforcement functions. The reversion tax hovers around \$26,000 each year and is by statute to help cover increased costs of those functions.

DeBoer then addressed the effort to implement ACH payments of payroll and possibly other recurring costs. Quoin Financial Bank submitted their documents for approval and after consideration, it was approved and the chairman signed the agreement.

DeBoer reported on the migration from Midco for telephone and internet services to Venture Communications. Considerable work had been finished on running new network cabling and connections. The internet is expected to go live in the courthouse soon followed by the transition to digital / VOIP telephone. Then the weed complex, library and highway office will follow. No serious problems were noted.

The final item DeBoer reported on was the work comp audit that is done annually. The work comp premium is based on the number of employees in a particular position and the gross payroll expended. The formula does not differentiate between full time, part time, or seasonal part time employees. There may be savings found should the county be able to hire some of the part time help as a professional fee or "day labor". Day

labor employees are not included in the formula because they do not receive work comp coverage and assume their own liability, much like hiring some other professional to do work. The ability to do this, hinges on whether is legal (within the fair labor standards act) to do so. The commission agreed it was worth looking into.

The commission revisited the wheel tax and upon motion of Rodgers & Wernsmann with all five commissioners voting in favor thereof, directed the county attorney draft the ordinance imposing the wheel tax at \$5 per wheel and have the first reading at the October 6 meeting.

At 12:50 P.M. it was moved by Wernsmann & Rodgers, passed, to enter executive session with Mike Moncur, Ann Price and SDSU 4-H official, Amber Erickson for the purpose of discussion Prices transition from probationary to permanent employee.

At 1:52 P.M. it was moved by Wernsmann & Rodgers, passed, to exit executive session. It was the consensus of the commission that when Ann Price began full time employment, her clock started and therefor her six months does not end until November. It was moved by Wernsmann & Rodgers, passed, to deny the request of an extension of Price's probation due to Covid, as she is not at her six-month anniversary at which time the commission would decide whether Price becomes a "regular" full time employee.

Library Director Mary Breitling met with the commission request approval of hiring Hannah Caffee and Deb Munger as part time assistants to make up hours lost by two others reducing hours voluntarily. The request was approved by motion of Palmer & Eschenbaum, passed. The hourly rate was set at \$14 per hour.

Breitling also requested that Connie Schroeder be paid \$14 per hour rather than the current \$13.14 since all other staff are at least \$14 per hour. The request was approved upon motion of Wernsmann & Eschenbaum, passed.

Breitling also clarified that the interpretation of the insurance coverage for the roof last month was inaccurate. The insurance will provide approximately \$7,600 ahead of and again at the end of the roof replacement for a total near \$15,200. The contractor believes, weather permitting, it can be replaced yet this calendar year. If not, it will be first on the spring agenda.

It was moved by Wernsmann & Eschenbaum, passed, to exit regular session and enter executive session to discuss several personnel matters and review candidates for promotion with Jeff Hargens (1:59 P.M.)

It was moved by Wernsmann & Palmer, passed, to exit executive session (2:39 P.M.) and reconvene in regular session.

Upon returning to regular session, it was moved by Wernsmann & Eschenbaum, passed, to approve the advertising for three additional regular, full-time, employees at the highway department (or promotion of existing part-time / seasonal employees).

The commission also voiced their support of hiring a full-time rubble site manager who will work a standard work week and use part-time help as needed to cover other hours. This position would work under the commission as a department head and not under the highway department. Equipment and manpower might be shared with other offices. The auditor will undertake to find a job description

The commission also voiced their support of adding staff to the highway department to accomplish the increase project load and to that

U.S. POSTAL SERVICE	POSTAGE	200.00

		302.56
For: TREASURER*****		
OFFICE PEEPS, INC.	OFFICE SUPPLIES	15.60

		15.60
For: STATES ATTORNEY*****		
ANSON LAW	RENT	325.00
ANSON LAW	SUPPLIES	312.50
ANSON LAW	UTILITIES	300.00
AVERA HAND CO. MEMORIAL HOSPIT	BLOOD ALCOHOL TEST	102.00
SD DEPARTMENT OF HEALTH	BLOOD TOX TEST	80.00
LAURIE MARCUS	BLOOD ALCOHOL TEST	80.00

		1199.50
For: COURT APP. ATTORNEY*		
VOLESKY LAW OFFICE	COURT APPOINTED ATTORNEY	824.50

		824.50
For: GOV. BUILDING*****		
AMERICAN TIME	CLOCKS	609.15
AMERIPRIDE SERVICES, INC.	SUPPLIES	196.18
BOB'S GAS	MAINTENANCE	130.00
C & B OPERATIONS LLC	LAWN MOWER CHUTE	124.40
MID AMERICAN RESEARCH CHEMICAL	SUPPLIES	184.69
CITY OF MILLER	UTILITIES	1283.20
STURDEVANT'S AUTO PARTS	SUPPLIES	2.30
TWIN VALLEY TIRE OF MILLER	SUPPLIES	114.09

		2644.01
For: DIR. OF EQUAL*****		
A & B BUSINESS, INC.	COPIER MAINTENANCE CONTRACT	27.50
MILLER REXALL DRUG	SUPPLIES	10.58

		38.08
For: REG. OF DEEDS*****		
CONNECTING POINT	SERVICES	55.00
OFFICE PEEPS, INC.	OFFICE SUPPLIES	14.90

		69.90
For: VETERANS SER. OFF.**		
DAVID JOHNSON	MEALS & MILEAGE	207.66

		207.66
For: SHERIFF*****		
DEPARTMENT OF PUBLIC SAFETY	TELETYPE SERVICE	2340.00
SHEONA DUNLAP	SEWING PATCHES	5.00
SHEONA DUNLAP	SEWING PATCHES	10.00
FARNAM'S GENUINE PARTS, INC.	MAINTENANCE	35.98
MILLER FIRE DEPARTMENT	911 SERVICE FEE	50.00
MILLER FIRE DEPARTMENT	911 SERVICE FEE	12.50
MILLER FIRE DEPARTMENT	911 SERVICE FEE	12.50
MILLER FIRE DEPARTMENT	911 SERVICE FEE	12.50

OFFICE PEEPS, INC.	OFFICE SUPPLIES	256.81
SD SHERIFF'S ASSOCIATION	CONFERENCE REGISTRATION	60.00
VISA	SUPPLIES	72.81
VISA	MEALS	21.35
VISA	CELL PHONES	159.40

3048.85

For: JAIL*****

BEADLE COUNTY SHERIFF	PRISONER CARE	80.00
FAULK COUNTY SHERIFF DEPT	PRISONER CARE	85.00
FED EX	DELIVERY SERVICE	33.52
PETTY CASH	POSTAGE	18.98

217.50

For: CARE OF POOR (CARE)*

DOUGLUS DEAN DE BOER	SUPPLIES	45.00
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45.00

For: LIBRARY*****

A & B BUSINESS, INC.	COPIER MAINTENANCE CONTRACT	50.46
BOB'S DISPOSAL SERVICE	GARBAGE DISPOSAL	21.00
CENTER POINT LARGE PRINT	LARGE PRINT BOOKS	524.88
DEMCO	SUPPLIES	194.47
HUGHES ELECTRIC, LLC	FIXING LIGHTS	159.96
INGRAM LIBRARY SERVICES	BOOKS	433.65
CITY OF MILLER	UTILITIES	436.43
THE MILLER PRESS	PUBLISHING	36.80

1857.65

For: EXTENSION*****

OFFICE EQUIPMENT SERVICE	COPIER MAINTENANCE AGREEMENT	172.79
OFFICE PEEPS, INC.	OFFICE SUPPLIES	30.45
STATE 4-H OFFICE	STATE FAIR ENTRY/PARKING PASS	39.00

242.24

For: WEED CONTROL*****

CK WELDING & REPAIR LLC	REPAIRS	96.44
HAND COUNTY TREASURER	SUPPLIES	20.00
CITY OF MILLER	UTILITIES	492.76
NUTRIEN AG SOLUTIONS, INC.	CHEMICALS	73.00
PREFERRED TRANSMISSIONS	REPAIRS	923.56
TWIN VALLEY TIRE OF MILLER	REPAIRS	254.54
VERN'S MFG., INC.	TRAILER REPAIR	295.00

2155.30

For: HWY RDS BRIDGES*****

ABLE HOSE & RUBBER INC.	SUPPLIES	1580.00
AVERA HAND CO. MEMORIAL HOSPIT	TESTS	471.00
BINGER REPAIR, LLC.	REPAIRS	393.02
BOB'S DISPOSAL SERVICE	GARBAGE DISPOSAL	50.00
BOB'S GAS	PROPANE	180.00
DEPARTMENT OF TRANSPORTAION	BRIDGE WORK	593.68
FARM TECH INC	SUPPLIES	116.46
FARMERS UNION OIL CO.	GAS	12.16

FASTENAL COMPANY	SUPPLIES	61.59
FLINT HILLS RESOURCES LP	ROAD OIL	100493.57
GREAT WESTERN TIRE	REPAIRS	321.90
GREAT WESTERN TIRE	REPAIRS & SUPPLIES	2902.50
MIDWEST FIRE & SAFETY	FIRE EXTINGUISHER MAINTENANCE	347.50
CITY OF MILLER	UTILITIES	281.94
MILLER CONCRETE PRODUCT INC	RED ROCK	850.00
MINNESOTA MUNICIPAL UTILITIES	SAFETY TRAINING	7275.00
OAKLEY FARM & RANCH SUPPLY	SUPPLIES	188.54
OAKLEY REPAIR	REPAIRS	1208.18
PIERCE & HARRIS ENGINEER CO.	H & H STUDY - SITE #42	5000.00
PRORATE SERVICES	DRUG TEST RESULTS	200.00
TEAM LABORATORY CHEMICAL CORP	SUPPLIES	278.50
TRANSOURCE TRUCK & EQUIPMENT	SUPPLIES	33.49
TRUENORTH STEEL, INC.	SUPPLIES	1573.78

		124412.81
For: E-911*****		
CITY OF HURON	E-911 CHARGES	5337.14

		5337.14
For: EMERG. & DIS. SERV.*		
MILLER FIRE DEPARTMENT	911 SERVICE FEE	25.00

		25.00

Total Checks: 145849.29

In accord with SDCL 7-10-3, the Auditor's account with the Treasurer as of the close of business on the last day of the preceding month, the treasurer had \$1,280.25 of cash on hand, \$18,410.53 of checks in possession less than 3 days, \$0.00 of checks in possession more than 3 days, \$20.00 of cash items, and \$300.00 of petty cash. The reconciled demand deposits were: \$178,476.32 in the American Bank & Trust and \$194,545.28 in the Quoin Financial Bank. The time deposits were: \$1,426,797.80 in the American Bank & Trust and \$1,779,963.33 in the Quoin Financial Bank. The library investments were: \$11,995.86 in the checking account, \$12,400.00 in certificates of deposit and \$7,551.00 in stocks. The total cash assets equaled \$3,631,740.37