

July 2, 2019  
HAND COUNTY COMMISSION  
Board of Commissioners  
MILLER, SOUTH DAKOTA

The Hand County Board of Commissioners convened at 9:30am on Tuesday July 2, 2019. Members present were Chairman J.D. Wangsness, Commissioners Greg Palmer, Jim Jones, Luke Wernsmann, and Gib Rodgers (arrived at 9:35).

The Pledge of Allegiance said aloud.

Auditor DeBoer reviewed the following items on the consent agenda: Approval of the June 6, 2019 minutes as published, Approval of claims for payment on warrants, receipt of the Register of Deeds Statement of Fees, receipt of the building permit list, setting the next regular meeting for August 6, 2019 at 9:30 am, receipt of a Notice of Taking Tax Deed by County on the Arland property, reappointment of Marianne Peterka and Gloria Keck to the library board of trustees and the setting of a special meeting to consider the budget to be advertised later. It was moved by Wernsmann, seconded by Jones, all voting in favor thereof.

Assessor Augspurger provided the board with the schedule of fees for building permits issued in the county. Augspurger also provided time for Ryan Hartley of First (Planning) District to do a presentation on GIS parcel data collection. Hartley informed the board that there are over eight thousand parcels, each would be added to a map layer for use in the future. The process may take over a year and the First District estimate of costs was \$59,000. The board decided to gather more information before proceeding.

A public hearing for 9:45 was delay and held at 9:50 for consideration of two permits for the Polo American Legion. The Polo Legion requested a malt beverage and a liquor license. Proponents of the application included Ted Schaff who informed the commission of their intent to host social events and offer for spirits for sale. No opponents presented themselves. The board questioned how the Polo Legion would police their grounds given that the application was for over an acre of land. Schaff replied that they would prohibit outside beverages and members of the group would police the events and crowds for potentials problems. It was moved by Rodgers, seconded by Wernsmann with all voting in favor thereof to approve the granting of both the malt beverage and hard liquor sales license. The fee was paid in advance.

Auditor DeBoer presented the commission with information the VSP vision insurance benefit plan. VSP wants to discontinue the 24-month examination / hardware replacement in favor of the more common 12-month schedule. The commission agreed to switch and pursue premium information. VSP is a shared program with the employee.

Auditor DeBoer reported that the previous medical claim came in lower than previously reported. The process will continue to determine eligibility.

The electronic attendance policy was placed on the July agenda.

Custodian Page provided the commission with a report on the re-roof project. Page said the plan is to have the work mostly completed before the holiday break and finished the first part of the next week. The crew from Pro-Tec found another hold in the roof and was able to repair it effectively. No other major problems have been reported.

Page also reported that he would like to start some renovation work inside the building, most notably the repainting of common areas. Page also reported that he has located someone to do plaster repairs

in the rotunda and is working on negotiations. The commission supported Page's efforts to stay ahead of problem.

The commission approved the hire of Cassidy Keck as seasonal, part-time help for the 4-H program. Keck's pay was set at \$10.52 per hour, limited to 19 hours per week. This approval was by motion of Jones, seconded by Rodger with all voting in favor thereof.

Ulteig Engineer Brad Stangohr spoke to the commission about the upcoming replacement signing project scheduled for Hand County and its participating towns and townships. Stangohr said participation is voluntary and the program is paid for through federal funds. The local governments do not have to contribute any match to complete the project. Stangohr said the most common complaint is the placement of signs along local government roadways which are too close to the roadway and get struck by farm equipment. Stangohr said the regulations do not provide him flexibility to move the signs and the markers / signs will be place according to federally set standards. Repair and maintenance of the signs after installation will fall exclusively on the unit of local government in control of the roadway in question. The next phase of the project is to advertise and locate a contractor. This program was also done about 20 years ago.

The commissioners considered the request for an easement from the City of Miller for placement of public utilities on the property on East 2<sup>nd</sup> Street adjoining the highway shop. It was moved by Wernsmann, seconded by Rodgers to approve the requested easement. All present voted in favor thereof.

After a break between 10:30 and 10:35, the commission entered their work period. The first item was the review and second reading of ordinances 2019-01 entitled "Hand County Ordinance #19-01 to amend Hand County Comprehensive Plan to Address Wind Energy Systems (WES)".

The chairman read the title of the proposed ordinance and upon motion of Jones, seconded by Palmer, the motion passed. Roll-Call vote: Jones answered yea, Palmer answered yea, Rodgers answered yea and Wernsmann answered yea.

The chairman proceeded to the second reading of Ordinance 2019-02 entitled, "Ordinance #19-02 An Ordinance Amending the Existing Hand County Comprehensive Plan providing for Wind Energy System (WES) Requirements".

The chairman read the title of the proposed ordinance and upon motion of Jones, second by Palmer, the motion passed. Roll-call vote: Jones answered yea, Palmer answered yea, Rodgers answered yea and Wernsmann answered yea.

Commissioner Jones then moved to approve the companion documents to Ordinances #19-01 and #19-02 which amend the index and building permit pages of the master document. It was moved by Jones, second by Palmer to approve. All members voted in favor thereof.

Sheriff Croeni met with the commission and reviewed his monthly report. Of note, his department completed firearms training and received their new traffic radars via a grant with the Office of Highway Safety. Croeni also informed the board that Deputy Black has received orders to deploy to Poland for nine months next month. Croeni requested permission to hire law enforcement students from Lake Area Technical Institute (LATI) to work part time, along the same line as an internship while Deputy Black is active duty. It was moved by Jones, seconded by Wernsmann to allow the sheriff to seek law enforcement students to be part-time employees not to exceed 19 hours per week, paid on the current pay scale. All members voted in favor thereof.

Sheriff Croeni and Auditor DeBoer discussed a proposal from the Department of Social Services to implement the 211 Help Line service in Hand County. The proposal offered a 50% match on the expense of the program. The commission approved Croeni and DeBoer submitting an application for the grant, participating in the program and using the mental budget to cover the counties share. It was moved by Rodgers, seconded by Jones to enroll in the 211-helpline program. All members voted in favor thereof.

Highway Superintendent Jeff Hargens met with the commission. The commission was asked to approve the purchase of a 2002 Sterling truck from SD-DOT. The unit comes with a sander and plow. The price was \$24,000 and was purchased inter-governmentally. It was moved by Wernsmann, seconded by Palmer to approve the purchase. All members voted in favor thereof.

Hargens requested permission to purchase a 2008 Chevy pickup from Stobbs Sales. The truck has accessories the department wants and despite the high mileage, Hargens believes the pickup will make a good replacement for his department. The cost is \$17,900. It was moved by Wernsmann, seconded by Palmer to purchase the pickup. All members voted in favor thereof.

Hargens informed the board that Doug Purrington will be retiring soon and he would like the commission to approve the hiring of Tony Moss as a full-time employee to replace Purrington. After some discussion, it was moved by Wernsmann, seconded by Jones to offer employment to Tony Moss as a fulltime employee, his wage will be 90% of \$17.36 during orientation and then 100% if he completes it. This gives credit for his having a CDL. All members voted in favor thereof. Hargens said Moss will start on Monday if possible.

Hargens asked the board if he could hire from the applicants for part-time help but did not name the applicant. The position was advertised as part-time which may lead into full time employment, again because of a pending retirement. Hargens said he believes he has an applicant who might fit that program well. It was moved by Rodgers, seconded by Palmer to allow an offer of employment to be made. All members voted in favor thereof. [The applicant, Hayden Peterman, accepted the offer.]

Hargens presented a request to allow an employee to donate accumulated sick leave to another employee who has no sick leave and is presently laid up. The commission and Hargens reviewed a similar situation from 2011 and agreed the 2011 decision should have been placed into policy. It was moved by Wernsmann, seconded by Jones grant the request and have the process incorporated into policy. All members voted in favor thereof. Additionally, the commission reiterated the 2011 decision that the gift of sick leave is non-fundable and final.

Hargens discussed the recent release of federal funds for bridge improvements. The county is currently eligible for \$293,630 over the next three years to fund the project(s). It appears this is a non-reoccurring program so it may be a one-time award. It was moved by Palmer, seconded by Wernsmann to execute the needed agreements to receive the federal funds. All members voted in favor thereof.

The commission and Hargens discussed the mowing of shoulders, resurfacing projects and the need to get more people online to complete needed repairs on gravel and hard surface roadways.

Auditor DeBoer gave the commission a presentation on the state of the county for 2019 and budget projections for FY2020. DeBoer explained that all department submitted their budget spending requests and he calculated the projected / estimated revenues. The results for

the general funds are expected revenues of \$2.83 million and \$2.92 in anticipated expenditures. The difference to be reconciled is \$92,434.16. The road and bridge fund expect \$2.4 million in revenue and \$2.35 in expenditures. The result is \$54k. The other non-general fund accounts are close to level. The resulting difference will be resolved when the commission meets with the department heads during their public hearing to be held in late July.

The auditor commented that the easiest way to balance the budget is to control spending based on established plans and implementation of a spending policy as recommended by legislative audit. Currently the county does not have a spending policy department heads can turn to for guidance.

It was moved by Jones, seconded by Wernsmann to establish the following timeline for budget meetings [subject to published changes]: July 25 for the budget hearing, publication the first two weeks of August and provisional budget hearing for September 3<sup>rd</sup> and meeting on September 24 for adoption of the budget. All members voted in favor thereof.

Mike Moncur met with the board to discuss the 4-H directorship. Moncur suggested the county opt-out of the three-county directorship and explore doing either a single county or two-county program. Moncur also explained that with a pending retirement of the secretary and the fees being paid to SDSU, it may be possible to fund the new position within or close to the budgeted amount already in play.

The commission agreed and instructed the auditor to sent the necessary notice to SDSU-Extension of the county's desire to opt-out. The decision was formalized by motion of Palmer, seconded by Jones with all present voting in favor thereof.

A plat was presented by Clay and Brittany Anderson for approval. The plat was reviewed and approved upon motion of Rodgers, seconded by Wernsmann with all present voting in favor thereof.

Emergency Management Director Arlen Gortmaker met with the board to request permission to purchase tires from Tony's Repair (lowest quote). The commission approved his spending request.

Gortmaker also approved adding Doug DeBoer to the roster of employees in Emergency Management as an assistant to help during times of need. DeBoer did not ask for any compensation. The commission approved the request.

Gortmaker discussed the county's Local Emergency Operations Plan (LEOP) which is a public record but protected because it contains sensitive materials which could compromise security. Gortmaker informed the commission that the LEOP needs regular updates and which would require commission approval / adoption. Gortmaker also updated the commission on his move from  $\frac{3}{4}$  time EM to 100 % EM (removing 911) from his duties. The commission, upon motion of Wernsmann, second by Jones, approved the move from  $\frac{3}{4}$  time to full-time, with all voting in favor thereof. As a result of the change, the 911 coordinator position is vacant and the State and Local Agreement will compensate the county at a greater rate for Gortmaker's service as director.

At the scheduled time of 1 PM, Pipestone Veterinary Services offered an update on their plans to build a swine production facility in Pearl Township southeast of St. Lawrence (West of 364<sup>th</sup> Avenue and south of 207<sup>th</sup> Street). Nick Fitzgerald (with Kirk Aughenbaugh) presented the commission with an update on their planned construction of the swine facility. Fitzgerald commented that because of available wells, the project would require a permit from the state to pull the additional water needed. If the permit is denied, the project would

become less feasible and potentially impossible. Commissioner Rodgers left the meeting at 1:15 PM.

The chairman of the board then granted the assembled gallery members to offer comment. Jim Eschenbaum was the first to offer his concerns about the impact the increased traffic would have on roadways and the possible liability associated therein. Brad Magness questioned the board on the projects impact upon land values. Magness followed up by questioning why Pipestone choose this location, asserting another county stopped their project. Kenette Rogers questioned the board about how Pipestone would apply the manure and how the odor impacts the surround area, even possibly Sunshine Bible Academy during times when they have outdoor activities. Pat Moriarty questioned the board about their desire to have the facility in their area and having to smell the facility while in the yard. Moriarty also questioned the impact on the roadways, increased traffic and damage. Moriarty asked about the impact on water quality and impact on the natural water table from the consumption required. Lastly, Moriarty questioned the workforce ethnicity of potential workers and the impact it might have. Charlene Beckett asked who the land owners were and whether Pipestone would assist in improvements, repairs and maintenance of roadways.

Pipestone / Fitzgerald responded to the board with the following answers. This sight was chosen because of the owner's interest and the county's favorable zoning laws. Pipestone would be willing to work on preservation of the roadways. He offered that the travel of their 19 employees hinges on good roadways as does their delivery of goods and services and off loading of animals. The site was chosen by Pipestone because of its isolation (2 miles) from occupied neighbors. Fitzgerald said this also helps with biosecurity and disease control. The manure would be knifed into the ground using the tether method where it is pumped in a hose to the applicator reducing roadway use. The smell of knifing would be present for a short duration but could be moved with winds. Fitzgerald also said that application of the manure was on adjoining land, in close proximity to the farm.

Kenette Rogers questioned the impact the odor would have when prospective students and families visit Sunshine Bible Academy and that they could be deterred to enroll by the smell of the facility. Fitzgerald said Pipestone would be willing to work around the schools needs through communication and that knifing occurs generally once, in the fall, after harvest. Pat Moriarty spoke on the winds and how they exist all year round. Jim Eschenbaum questioned the proximity to Sunshine being just over two miles and also that there should be some consideration for residents over non-residents in the decision to grant construction. Eschenbaum concluded by commenting on how many of the 19 positions would be filled by local people. Larry VanZee questioned why he was not contacted when it was claimed that all the neighbors had been contacted. Fitzgerald said Pipestone contacted Paul Fulton and Jeremy Stevens and attempted to contact Jerry VanZee but did not get any calls back. Helen Moriarty questioned what happens to the waste. Fitzgerald said all manure is knifed into the ground as fertilizer for plant growth. Charlene Beckett questioned who would be using the ground next to the facility and for what purpose. Aughenbaugh replied that they will be farming the ground. Brad Magness offered that he does not envy the county commission in their decisions.

Commission chair Wangsness explained a couple of times that Pipestone had not yet filed for a building permit. Pipestone said they were prepared to apply for a construction permit today if

possible. The commission agreed that a public hearing on a conditional use permit would be needed and held. At 1:50, the public comment period on this topic concluded and the board returned to their agenda.

The commission met in executive session at the request of Registrar of Deeds to discuss a personnel matter (SDCL 1-25-2(1)). Commissioner Wernsmann also requested an executive session to discuss a different personnel matter. It was moved by Wernsmann, seconded by Jones with all present voting in favor thereof.

Chairman Wangsness declared the return from executive session at 2:20 PM. The decisions following execution session included that Commissioner Wernsmann was given authority to resolve a personnel issue in a department he is liaison to.

Register of Deeds Wernsmann requested that the commission move her employee, Shaney Davis from three-quarter time to full time. Chairman Wangsness questioned the impact on expenditures. ROD Wernsmann estimates the change will result in about four thousand dollars in increased spending for the remainder of the year. The 2020 budget projection included the possibility of Davis being employed as a full-time employee. As a full-time employee, Davis' wage would increase to \$16.29 per hour.

It was moved by Palmer, seconded by Jones to change Shaney Davis employment to full-time and set her wage at \$16.29 per hour, effective September 1, 2019. All present voted in favor thereof.

Upon motion of Jones, seconded by Wernsmann to adjourn. The chairman declared the meeting adjourned. The next regular meeting is August 6th, 2019 at 9:30 am.

The claims for payment are as follows:

For: BOARD OF COUNTY COMM		
SD DEPT OF TRANSPORTATION	COUNTY MAP	3.50
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		3.50
For: AUDITOR*****		
CONNECTING POINT	SUPPORT CONTRACT	4905.00
CONNECTING POINT	2 COMPUTERS & ADAPTERS	2348.00
CONNECTING POINT	MILEAGE	21.10
OFFICE PEEPS, INC.	SUPPLIES	42.22
PITNEY BOWES	POSTAGE METER LEASE	321.84
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		7638.16
For: TREASURER*****		
CONNECTING POINT	SUPPORT CONTRACT	3143.60
CONNECTING POINT	COMPUTER	1135.00
CONNECTING POINT	MILEAGE	90.00
ENGINEERING INNOVATIONS	PASSPORT SUPPLIES	126.35
QUILL OFFICE SUPPLIES	SUPPLIES	49.99
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		4544.94
For: STATES ATTORNEY*****		
ANSON LAW	RENT	325.00
ANSON LAW	SUPPLIES	300.00
ANSON LAW	UTILITIES	291.66
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		916.66
For: COURT APP. ATTORNEY*		
BLUE HAEDER & BANKS	COURT APPOINTED ATTORNEY	980.00
KATZ LAW OFFICE, PROF.L.L.C.	COURT APPOINTED ATTORNEY	1971.56
WHEELER LAW OFFICE	COURT APPOINTED ATTORNEY	254.00
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		3205.56
For: GOV. BUILDING*****		
A & B BUSINESS, INC.	COPIER MAINTENANCE CONTRACT	26.80
AMERIPRIDE SERVICES, INC.	SUPPLIES	175.76
BUILDERS CASHWAY, INC.	SUPPLIES	296.72
COWBOY COUNTRY STORES	GAS	21.25
HUGHES ELECTRIC, LLC	REPAIR FAA LIGHT	428.72
CITY OF MILLER	UTILITIES	787.81
STUDIO 66	BAL DUE CLEANING STAINED GLASS	727.00
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		2464.06
For: DIR. OF EQUAL*****		
A & B BUSINESS, INC.	COPIER MAINTENANCE CONTRACT	25.00
TERRY AUGSPURGER	MILEAGE	62.16
CONNECTING POINT	SUPPORT CONTRACT	3445.00
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		3532.16
For: REG. OF DEEDS*****		
OFFICE PEEPS, INC.	SUPPLIES	88.38
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		88.38
For: SHERIFF*****		
APPLIED CONCEPTS, INC.	DSR ENHANCED COUNTING UNIT	2595.00
APPLIED CONCEPTS, INC.	DSR ENHANCED COUNTING UNIT	2595.00
APPLIED CONCEPTS, INC.	DSR ENHANCED COUNTING UNIT	2595.00
COWBOY COUNTRY STORES	GAS	110.86
COWBOY COUNTRY STORES	GAS	347.18
COWBOY COUNTRY STORES	GAS	36.39
IDI	EXPANDED PLAN	25.00
MILLER FIRE DEPARTMENT	SERVICE FEE	25.00
MILLER FIRE DEPARTMENT	SERVICE FEE	12.50
MILLER FIRE DEPARTMENT	SERVICE FEE	12.50
MILLER FIRE DEPARTMENT	SERVICE FEE	12.50
OFFICE PEEPS, INC.	SUPPLIES	133.06
COLLEEN PETERMAN	NOTARY APP& FEE	30.00
VISA	SUPPLIES	8.00
VISA	SUPPLIES	167.95
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		8705.94
For: JAIL*****		
BEADLE COUNTY SHERIFF	PRISONER CARE	2290.00
FAULKTON DRUG	PRISONER MEDS	16.65
FAULK COUNTY SHERIFF DEPT	PRISONER CARE	1275.00
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		3581.65
For: SOLID WASTE*****		
A+ TIRE & AUTO SERVICE CENTER	REPAIRS	5.74
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		5.74
For: COUNTY NURSE*****		
HAND CO MEMORIAL HOSPITAL INC.	COUNTY HEALTH NURSE	2954.21
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		2954.21
For: MENTAL HEALTH*****		
CENTER FOR INDEPENDENCE	MONTHLY SUPPORT	180.00
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		180.00
For: LIBRARY*****		
BOB'S DISPOSAL SERVICE	GARBAGE DISPOSAL	21.00
MARY BREITLING	MILEAGE	60.48

INGRAM LIBRARY SERVICES	BOOKS	237.41
CITY OF MILLER	UTILITIES	297.14
RAPID CITY JOURNAL	SUBSCRIPTION	560.00
THE MILLER PRESS	AD	31.25

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1207.28

For: WEED CONTROL\*\*\*\*\*

A+ TIRE & AUTO SERVICE CENTER	MAINTENANCE	91.95
AT & T	CELL PHONE	63.69
BUILDERS CASHWAY, INC.	SUPPLIES	21.49
DAKOTA FIRE EQUIPMENT	SUPPLIES	45.00
GEMPLER'S, INC.	SUPPLIES	48.96
HEPPER'S SPORTS CENTER	REPAIRS	95.83
HEPPER'S SPORTS CENTER	SUPPLIES	122.44
MARLE'S REPAIR	REPAIRS & MAINTENANCE	375.38
CITY OF MILLER	UTILITIES	278.23
RONMAR INDUSTRIES, INC.	REPAIRS	37.50
WARNE CHEMICAL & EQ CO	SUPPLIES	94.90

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1275.37

For: HWY RDS BRIDGES\*\*\*\*\*

A+ TIRE & AUTO SERVICE CENTER	MAINTENANCE	271.01
A+ TIRE & AUTO SERVICE CENTER	SUPPLIES	18.00
AGTEGRA COOPERATIVE	GAS & FUEL	10263.36
AMERIPRIDE SERVICES, INC.	SUPPLIES	555.38
AVERA HAND CO. MEMORIAL HOSPIT	DRUG TEST	45.00
BOB'S DISPOSAL SERVICE	GARBAGE DISPOSAL	50.00
CAPITAL I INDUSTRIES, INC.	MULCHER LEASE	3500.00
DAKOTA OIL	SUPPLIES	405.75
FARM TECH INC	SUPPLIES	41.22
FASTENAL COMPANY	SUPPLIES	142.37
FLINT HILLS RESOURCES LP	ROAD OIL	22368.90
C & B OPERATIONS LLC	TRACTORS LEASE	5000.00
HARTMAN CONSTRUCTION	EXCAVATOR WORK	3275.51
MIDWEST FIRE & SAFETY	EXTINGUISHER MAINTENANCE	421.00
CITY OF MILLER	HYDRANT METER	799.99
CITY OF MILLER	UTILITIES	417.35
NORTHWESTERN ENERGY	UTILITIES	17.55
OAKLEY FARM & RANCH SUPPLY	SUPPLIES	100.53
OAKLEY REPAIR	REPAIRS	190.78
PRORATE SERVICES	DRUG TEST RESULTS	35.00
R & R BLADING	SNOW REMOVAL	400.00
CHRIS SCHAEFERS	SUPPLIES	179.74
SD STATE PROPERTY MANAGEMENT	DUMP TRK/PLOW/SPREADER/WING	24000.00
S.D. FEDERAL PROPERTY AGENCY	SUPPLIES	92.00
THEE GLASS DOKTOR	WINDSHIELD REPAIRS	1410.18
TRANSOURCE TRUCK & EQUIPMENT	REPAIRS	3821.68
TRANSOURCE TRUCK & EQUIPMENT	SUPPLIES	59.23
TRUENORTH STEEL, INC.	SUPPLIES	5470.02

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83351.55

For: E-911\*\*\*\*\*

CITY OF HURON	APRIL E-911 CHARGES	2599.84
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2599.84

For: EMERG. & DIS. SERV.\*

OFFICE PEEPS, INC.	SUPPLIES	32.28
VISA	SUPPLIES	37.13
VISA	CELL PHONE	48.10

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		117.51
For: JAIL*****		
PETTY CASH	POSTAGE	4.39
SD DRUG CONTROL FUND	DRUG TESTING	230.00
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		234.39

Total Checks: 126606.90

The Auditor's Account with the Treasurer per SDCL 7-10-3 is, as of the close of business on the last day of June, 2019, the treasurer had \$1,017.79 of cash on hand, \$0.00 of checks in possession less than 3 days, \$23,111.48 of checks in possession more than 3 days, \$0.00 of cash items, \$300.00 of petty cash.

Reconciled Demand Deposits: \$316,417.73 in the American Bank & Trust and \$147,597.64 in the Quoin Financial Bank.

Time Deposits: \$1,657,311.59 in the American Bank & Trust and \$1,693,750.59 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 3875252.09

James D. Wangsness, Chairman  
Hand County Board of Commissioners

(Attest)

Doug DeBoer, Hand County Auditor

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