

HAND COUNTY BOARD OF COMMISSIONERS

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<http://hand.sdcounties.org/commissioner>
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The Hand County **Planning and Zoning Commission**, and Board of Adjustment met in the commission chambers of the courthouse on March 7, 2023. Chairman Luke Wernsmann called the meeting to order at 1:00 P.M. with the following other commissioners present: Jim Jones, Jim Eschenbaum, Dan Jensen and Greg Palmer. The meeting was broadcasted live on YouTube with a link on the county's Facebook page.

Zoning Director Jaime Russell informed the board that the "LEDCOR TECHNICAL SERVICES" conditional use permit application was intended for the April meeting, not the March meeting. Russell told the board they could remove that topic from the agenda.

The proposed agenda was approved as the official agenda upon motion of Jones & Eschenbaum and passed.

Aaron Eldridge and Tre Lester of **Summit Carbon Solutions** provided the board with an introduction of themselves and then a summary of the project in the area and in Hand County. Eldridge told the board that 91.4% of miles had been captured by easement and 90.6% of landowners have executed easements. Considerable discussion was had about the posture of Summit Carbon Solutions in previous visits and their reported disregard for the zoning ordinances of the county. Commissioner Jones asked about the ownership of Summit. Eldridge indicated that a South Korean company is an investor. Jones expressed concern about a foreign country having ownership in such a project. Eldridge asserted the federal government regulates those affairs.

Commissioner Eschenbaum told the board that he had conferred with the states attorney and drew their attention to section 509 of the zoning ordinance which may prohibit the pipeline as an acceptable land use. Considerable discussion followed about Summit's apparent disregard of the local authorities on acceptable land use.

Ultimately, the Summit representatives requested the board consider the right of way crossings. The consensus of the commissioners was that approving the crossing was "premature" since the Public Utilities Commission hasn't approved their project. When asked again, chairman Wernsmann told them the commission isn't ready to make a decision. Jones added that while the commission hasn't said yes, it also hasn't said no.

The commission took note of a letter from the **SD-Dept of Ag and Natural Resources** regarding the CAFO manure management plan for the Millerdale Hutterite Colony.

There were three plats before the commission. Staff reported that everything seemed to be in order. The plats were referred to the county commission for final approval.

Chairman Wernsmann opened the meeting to public input. Candice Lockner addressed the board about having the Planning and Zoning Board include members of the public. Lockner said that Hyde County's board is composed as such and they appear to like it. Lockner asked the commission to consider it.

Hearing no others, it was moved by Palmer & Jones, passed, to adjourn the meeting.

The Hand County Board of County Commissioners met in the commission chambers of the courthouse on March 7, 2023 at 1:45 P.M. Chairman Wernsmann called the meeting to order with commissioners Eschenbaum, Jones, Jensen, and Palmer present.

The proposed agenda was approved as the official agenda upon motion of Eschenbaum & Jensen, and passed.

Auditor DeBoer presented the **requests of the Weed & Pest Board** as follows: a request to publish a notice of intent to inspect for noxious weeds, a request to advertise for seasonal help, a request to publish requests for bids on ag chemicals and a request to publish information about the "Info Show". The requests were approved in bulk upon motion of Palmer & Jensen and passed.

The **consent agenda** was approved upon motion of Jones & Eschenbaum and passed. The items acknowledged by such action included: Receipt of the year-to-date Revenue and Expenditure reports, the February payroll ledger, the Library Board's minutes and financial report for January. The items approved included the following travel requests: Sheriff Croeni to attend the Sheriff's Association spring meeting in Deadwood, Sheriff's Office Manager Price to attend Sex Offender Registry training in Deadwood, Sheriff's Deputy Fisher and K9 Ringo to attend annual recertification in Sioux Falls, and Auditor DeBoer, Registrar Wernsmann and Treasurer Fanning to attend new officials' workshop in Pierre. Other approvals included the minutes of the February 21 meetings and the payment of claims / vouchers.

Each of the three plats from the Planning and Zoning Commission, and Board of Adjustment meeting were approved upon motion from Jones & Eschenbaum and passed by roll call vote. The resolutions related to each are as follows:

COUNTY COMMISSION APPROVAL: I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Hand County, South Dakota. Meeting held on the 7th day of March, 2023 /s/: Doug DeBoer County Auditor Hand County, South Dakota

"Be it resolved by the County Commission of Hand County, South Dakota, that the plat showing: **"LONG ADDITION IN THE NW1/4 OF SECTION 25, TOWNSHIP 110 NORTH, RANGE 70 WEST OF THE 5TH P.M., HAND COUNTY, SOUTH DAKOTA"** having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

COUNTY COMMISSION APPROVAL: I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Hand County, South Dakota. Meeting held on the 7th day of March, 2023 /s/: Doug DeBoer County Auditor Hand County, South Dakota

"Be it resolved by the County Commission of Hand County, South Dakota, that the plat showing: **"SYBESMA ADDITION IN THE SW1/4 OF SECTION 24, TOWNSHIP 110 NORTH, RANGE 70 WEST OF THE 5TH P.M., HAND COUNTY, SOUTH DAKOTA"** having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments."

RESOLUTION BY COUNTY COMMISSION: It was moved by Jim Jones, seconded by Jim Eschenbaum, motion carried that the plat of "JENA OUTLOT 2" part of Tract 5A of Paterka's Addition in Section 3, Twp. 112 North, Rge. 68 West of the 5th Principal Meridian, Hand County, South Dakota, as described above and drawn hereon be approved and accepted and the Auditor is instructed to endorse on such plat a copy of the resolution and to certify the same.

I, Doug DeBoer, County Auditor of Hand County, South Dakota, do hereby certify that the within and foregoing is a true and correct copy of the resolution adopted by the County Commission of Hand County, South Dakota, at its meeting on March 7 A.D., 2023. /s/: Doug DeBoer Auditor, Hand County, South Dakota

In **Old Business**, the commission approved, upon motion of Palmer & Eschenbaum, passed by roll call vote, RESOLUTION 2023-07 which reads as follows: **RESOLUTION 2023-07 [-] WHEREAS**, The County of Hand desires to ensure that people in this area have the support of a locally managed entity to assist families in need of assistance and victims of domestic violence / sexual assault, and **WHEREAS**, The Family Crisis Center, Inc., dba/ Ginny's Safe House is a locally controlled entity; **NOW THEREFORE BE IT RESOLVED**, The County of Hand hereby designates the Family Crisis Center, Inc., /dba/ Ginny's Safe House as the official entity of choice to provide assistance to families in need and victims of domestic violence / sexual assault in the Hand County area. There were 5 votes for and 0 votes against the enactment of this resolution. Dated this 7th day of March, 2023, at Miller, Hand County, South Dakota. Board of County Commissioners of Hand County /s/: Luke Wernsmann, Chairman [-] ATTEST: /s/: Doug DeBoer, Auditor

Janitor Will Page met with the board to request approval of the change order requested via Pierce and Harris Engineering (Randy Hoscheid). **Change Order 1** was related to the installation of "Fire Pictorial Elevator Plates". It was moved by Eschenbaum & Jones, passed to approve Change Order 1 which amounts to \$2,175.00.

Change Order 2 related to the removal of the taller communication tower on the roof. The request was approved upon the motion of Eschenbaum & Palmer, passed. Change Order 2 amounts to \$7,769.00.

Hoscheid also provided the county with a **schedule / timeline** for the project. An August completion date is still expected.

Page next presented **Preventive Maintenance Agreements (PMA)** from **G&R Controls** for boiler maintenance and Interstate Power Systems for backup generator servicing. It was moved by Eschenbaum & Jensen, passed to approve the G&R Controls PMA in the amount of \$2,970.00. It was moved by Jones & Eschenbaum, passed to approve the **Interstate Power Systems** PMA in the amount of \$1,214.17 (for one year).

Auditor DeBoer requested the commission adopt the bid offered from **TrueNorth Steel** (formerly Huron Tank and Culvert) which was provided to Beadle County South Dakota. By adopting the bid of Beadle County, Hand County would be allowed to make purchases off the bid without rebidding the same items. The request was approved upon motion of Palmer & Eschenbaum, and passed.

DeBoer next offered the agreements for **Voluntary Right of Way Donation** related to bridge improvements at three locations. The agreements are between Hand County and each of the land owners impacted. It was moved by Palmer & Jones, passed, that the chairman be allowed to sign the agreements. The projects are denoted as: 8030 (19) 08MT, 8030 (17) 08MQ and 8030 (18) 08MR.

DeBoer's next request was to approve payment of a voucher (mid month) to Reck Funeral Home in the amount of **\$2,000 to cover an indigent cremation**. This was a topic of a previous executive session in February. It was moved by Jones & Jensen, and passed.

DeBoer presented a request for a temporary **policy prohibiting the use of TikTok on county devices** and county internet infrastructure. The request is similar to a policy imposed by the state for its employees and infrastructure. TikTok represents a security risk to government operations. It was moved by Eschenbaum & Palmer, passed, to adopt the temporary policy. DeBoer said that Venture Communications can block the

TikTok domain via the firewalls in place at each of the county's locations. [This policy does not prohibit privately owned devices on their own internet connections from accessing TikTok].

DeBoer provided the commission with a summary of requests for indigent medical services. As of March 1, there were \$3.17m in "notifications" received, \$1.11m in "applications", \$233.6 thousand in UB-04 (a standardized billing form) submissions and \$89,935 in direct requests. DeBoer provided history on the claims process which begins when a person enters a facility for treatment. The facility submits a "Notice of Hospitalization" to the county. It was noted that some Notices are received even when there are means to pay the costs. DeBoer said he has discovered that a notice can be received after a car accident where the vehicle insurance pays for some costs, when a work compensation claim is pending, when a third-party insurer is available but hasn't paid, and when a person has the means to pay without a third party. DeBoer said that he is going to deny an application in the very near future where the facility refused to work with a workers compensation provider so they submitted the application to the county anyway. Another denial was associated with a child who was seen for a broken bone but the facility sent the notice despite having valid insurance information. When asked, DeBoer also said in his four years of doing claims, Sanford Health has not submitted a claim but appears to use foundation money to help cover their losses.

The second part of the process is when the facility sends an application to the county. Facilities can send an application for payment even though the patient is not consulted or does not want it to be involved. DeBoer said the county, however, must determine indigency before processing a claim. Without the patient's input, it is very difficult to determine indigency and this could result in a denial as well. DeBoer said that while a facility may submit the "full retail price" on the notice, the goal is to reduce the bill to those services absolutely necessary and payable at the same rate as Medicaid or Medicare. This negotiation with the facilities is often complicated by the opinions on each side as to what is medically necessary and allowable. It was noted by Chairman Wernsmann that payment of these claims would cause serious financial issues for the county in all other budgets.

DeBoer asked the commission about their feelings regarding a **one-acre parcel in Howell Township** that is owned by the county but not used by the county. The parcel was deeded to the county in 1903. DeBoer said the land represents a liability without any enjoyment to the county and he recommended disposing of it. After some discussion, it was approved to have the issue taken before the state's attorney to determine if the property could be disposed of, and in what manner, including the reversion of it to the parent quarter of land. DeBoer said he would forward the information to the attorney's office.

Lastly, DeBoer requested the commission approve removing three desktop computers from inventory. DeBoer dismantled the computers so the cases could be recycled, the hard drive contents destroyed and the plastics discarded. It was moved by Palmer & Jensen, passed, to declare three HP computers (from the Assessor's Office) as surplus and destroyed. They are: GEN01110 an HP 6000 MTQ9500, GEN01162 an HP1-5-4570 (SN: 2ua3502TY5) and GEN01169 an HP EliteDesk 800 (SN: MXL5041R81).

There was one item of correspondence received from **Grow South Dakota**. Grow submitted a request for 2024 budget consideration in the amount of \$5,000. This has been their request for at least the last four years. The request will be carried over into the budget process in the following months.

There being no other agenda items except an executive session, it was moved by Palmer & Jensen, passed, to close the meeting (at 2:46) for the purpose specified in SDCL 1-25-2(1) related to personnel issues.

The closed meeting concluded at 3:30 and it was moved by Eschenbaum & Palmer, passed to adjourn. The action following the executive session was for the auditor (as the HR administrator) to draft a memorandum

summarizing the personnel issue discussed and bring it before the commission in April for consideration of approval.

[The next scheduled meeting is set for April 4, 2023]

Claims paid on March 7, 2023: BOARD OF COUNTY COMM: QUADIENT FINANCE-POSTAGE-1451.43. **AUDITOR:** A & B BUSINESS-COPIER MAINTENANCE CONTRACT-35.67, SD ASS'N OF COUNTY OFFICIALS-NEW OFFICIALS WORKSHOP REG-110.00: 145.67. **TREASURER:** HAND COUNTY TREASURER-POSTAGE-8.13, SD ASS'N OF COUNTY OFFICIALS-NEW OFFICIALS WORKSHOP REG-110.00: 118.13. **STATES ATTORNEY:** ANSON LAW-RENT-357.50, SUPPLIES-333.33, & UTILITIES-416.66, AVERA HAND CO. MEMORIAL HOSPIT ALCOHOL BLOOD DRAW-114.00: 1221.49. **COURT APP. ATTORNEY:** BLUE, WHEELER & BANKS LLP-1398.61, DAKOTA LAW FIRM-3056.90, VOLESKY LAW OFFICE-5654.00: 10109.51. **ABUSED & NEG. CHILD:** VOLESKY LAW OFFICE-COURT APPOINTED-2140.50. **JANITOR:** ARAMARK-SUPPLIES-227.67, BOB'S DISPOSAL SERVICE-GARBAGE DISPOSAL-120.00, MILLER ACE-SUPPLIES-68.53, CITY OF MILLER-UTILITIES-863.01: 1279.21. **ASSESSOR:** A & B BUSINESS-COPIER MAINTENANCE-36.61 & COPIES-124.60, MARSHALL & SWIFT/BOECKH-COST MANUAL RENEWAL-1060.15: 1221.36. **REGISTRAR:** MILLER REXALL-SUPPLIES-6.89, SD ASS'N OF COUNTY OFFICIALS-NEW OFFICIALS WORKSHOP REG-110.00, THE MILLER PRESS-SUBSCRIPTION RENEWALS-55.00: 171.89. **SHERIFF:** DEPARTMENT OF PUBLIC SAFETY-TELETYPE SERVICES JAN-JUNE-2340.00, BRANDON FISHER-MEAL AT K-9 TRAINING-8.80, MILLER ACE-SUPPLIES-50.46, OFFICE PEEPS-SUPPLIES-99.60, PRAIRIE VIEW VET CLINIC-K-9 DOG FOOD-95.48, STURDEVANT'S-SUPPLIES-69.98, THE MILLER PRESS-SUBSCRIPTION RENEWALS-55.00, VISA-MAINTENANCE-10.00, MICROSOFT SUBSCRIPTION/FEE-20.64, APPLE.COM-2.12, SUPPLIES-37.04, TRAINING – CROENI-249.00, CELL PHONES-246.14: 3284.26. **JAIL:** BEADLE COUNTY-PRISONER CARE-3420.00, REDWOOD TOXICOLOGY LAB-DRUG CONFIRMATION & MAILING-255.59. VISA-DRUG TESTS IN BULK-250.00: 3925.59. **RUBBLE SITE:** DAKOTA ENERGY-UTILITIES-108.50. **COUNTY NURSE:** HAND CO MEMORIAL HOSPITAL INC-MONTHLY RENT-600.00. **MENTAL HEALTH:** CENTER FOR INDEPENDENCE-MONTHLY SUPPORT-180.00. **LIBRARY:** A & B BUSINESS-COPIER MAINTENANCE CONTRACT-67.17, BOB'S DISPOSAL-GARBAGE DISPOSAL-21.00, BOB'S GAS-PROPANE-827.75, DEMCO-LIBRARY SUPPLIES-324.41, INGRAM LIBRARY SERV-BOOKS-335.00, CITY OF MILLER-UTILITIES-304.18: 1879.51. **WEED CONTROL:** AA MOTORSPORTS, LLC-MAINTENANCE-160.47, AT & T-CELL PHONE-45.36, CROSSROADS HOTEL-ROOMS AT WEED CONFERENCE-464.95, CITY OF MILLER-UTILITIES-411.58, KYLE OAKLEY-BOARD MEETING-50.00, MATT ROGERS-BOARD MEETING-50.00 & MILEAGE-25.50, JEROME SCHAEFERS-BOARD MEETING-50.00 & MILEAGE-18.36, ASSN OFSD CO WEED & PEST BDS-MEMBERSHIP-200.00, BRETT STEVENS-BOARD MEETING-50.00 & MILEAGE-22.44, STURDEVANT'S-SUPPLIES-10.99: 1559.65. **HWY RDS BRIDGES:** A-OX WELDING SUPPLY CO-SUPPLIES-538.81, ARAMARK-SUPPLIES-720.14, BIG STATE INDUSTRIAL SUPPLY-SUPPLIES-461.66, BOB'S DISPOSAL-GARBAGE DISPOSAL-60.00, BUILDERS SOLUTIONS-SUPPLIES-5.78, CEDAR SHORE RESORT-ROOM AT CONFERENCE-108.92, D & F TRUCK AND AUTO-SUPPLIES-80.82, DAKOTA ENERGY-UTILITIES-62.35, DONLIN BUILDING-SUPPLIES-115.37, DUININCK-SUPPLIES-5940.00, FASTENAL COMPANY-SUPPLIES-2369.00, HARKINS ENTERPRISES-REPAIRS-180.00, MACK METAL SALES-SUPPLIES-329.88, MARLE'S REPAIR-MAINTENANCE-936.00, MILLER ACE-SUPPLIES-187.38, CITY OF MILLER-UTILITIES-534.21, MILLER REXALL DRUG-SUPPLIES-6.89, NAPA CENTRAL MN-SUPPLIES-1125.39, OAKLEY FARM & RANCH SUPPLY-SUPPLIES-315.78, OAKLEY REPAIR-SUPPLIES-2052.67, OFFICE EQUIPMENT SERVICE-SUPPLIES-79.50, SD DEPT OF TRANSPORTATION-COUNTY SHARE OF BRIDGE WORK-4382.61, SDACHS-SHORT COURSE REGISTRATION FEE-100.00, S.D. FEDERAL PROPERTY AGENCY-SUPPLIES-440.00, TRANSOURCE TRUCK & EQUIPMENT-REPAIRS-5242.63, TWIN VALLEY TIRE OF MILLER-REPAIRS-1110.64:

27486.43. **EMERGENCY MGT:** VERIZON WIRELESS-CELL PHONE-46.83, VISA-APPLE STORAGE-1.05: 47.88. TOTAL CHECKS THIS DATE: 56931.01.

SDCL 6-1-10 Payroll for the month of February, 2023: **Commissioners:** \$3,694.45. **Auditor:** \$7323.98. **Treasurer:** \$7076.85. **States Attorney:** \$7654.83. **Custodial:** \$3931.91. **Director of Equalization:** 7323.98. **Register of Deeds:** \$7723.98. **Veteran Services:** \$781.77. **Sheriff:** \$14924.61 (Reg), \$152.64 (OT) = \$15077.25. **E-911:** \$212.02. **Emergency Management:** \$3,745.80. **Highway:** \$46000.50 (Reg), \$1159.65 (OT) = \$47160.15. **Rubble Site:** \$4078.24. **Library:** \$3903.87. **4-H:** \$3,431.16. **Weed & Pest:** \$3,628.06. Total payroll: \$126748.30.

SDCL 7-10-3 **Auditor's account with the Treasurer** on March 1, 2023: Includes funds held for other governmental agencies (Schools, Towns, Townships, Special Districts) Cash on Hand – 1374.47, Checks in Possession less than 3 days – 47196.99, Checks in Possession more than 3 days – 90.00, Cash items – 8.13, Petty Cash – 300.00, Reconciled Demand Deposits-American Bank & Trust – 8688.19, Reconciled Demand Deposits-Quoin Financial Bank – 60367.10, Time Deposits – American Bank & Trust – 1564869.62, Time Deposits – Quoin Financial Bank – 1355915.77, American Rescue Plan Act (ARPA-Federal Funds) – 622414.16, Library Checking – 38462.87, Library Certificates of Deposit – 7551.00, Library Stocks - 12400: Total: \$3719638.30.

The forgoing text reflects the approved minutes of the commission.

Luke Wernsmann, Chairman

Attest:

Doug DeBoer, Auditor





