

HAND COUNTY BOARD OF COMMISSIONERS

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MILLER, SOUTH DAKOTA 57362-1346
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<http://hand.sdcounties.org/commissioner>
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The Hand County Board of County Commissioners met in regular session in the commission chambers of the courthouse on **August 1, 2023**. The meeting was called to order by Chairman Luke Wernsmann at 1:00 P.M. with commissioners Jim Jones, Jim Eschenbaum, Daniel Jensen and Greg Palmer also present.

Auditor Doug DeBoer presented the consent agenda to the commission. DeBoer requested the commission make note of the following two claims which were added after the bills / claims had been recorded that morning.

The following items were received and acknowledged by the commission: The revenue report, expenditure report and cash fund balance report ending July 31, the payroll ledger report for July, the Registrar's financial report, and the Library Board's minutes and financial report and the zoning director's list of building permits.

The following items were approved with the consent agenda: The payment of claims and the minutes of the June 6 and July 6 meetings.

The consent agenda was approved upon motion of Eschenbaum & Jensen and passed.

DeBoer said there were **two plats for consideration**. The first was called the Clements Addition and the second was called the Dacotah Diamond Tract 1. It was moved by Jones & Palmer to approve the Clements Addition plat, motioned carried. It was moved by Jones & Palmer to approve the Dacotah Diamond Tract 1 plat, motion carried. A third plat was not in final form so it was not considered.

The text of the Clements plat reads as follows: "Be it resolved by the Board of County Commissioners of Hand County, South Dakota, that the plat of **LOT 1 OF CLEMENTS ADDITION** IN THE NW 1/4 OF SECTION 14, T 115 N, R 70 W OF THE 5TH P.M., HAND COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same. Dated this 1st day of August, 2023."

The text of the Dacotah Diamond Tract 1 plat reads as follows: "Be it resolved by the Board of County Commissioners of Hand County, South Dakota, that the plat of **DACOTAH DIAMOND TRACT 1, A SUBDIVISION OF THE SE 1/4 OF SECTION 33, T 110 N, R 67 W OF THE 5TH P.M., HAND COUNTY, SOUTH DAKOTA,** which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same. Dated this 1st day of August, 2023."

A letter crafted by Commissioners Jones and Eschenbaum was presented to the remainder of the board for consideration. The **letter will be sent to the Public Utilities Commission**, the Governor, Lieutenant Governor, Attorney General, Secretary of State, the President Pro Tempore of the Senate and each of the county commissions within the state. There was some discussion about whether the letter should also include other private enterprises using eminent domain or leave it with just carbon capture pipelines. It was decided to leave the letter as is and to make it available for each commissioner to sign after the meeting.

It was noted, however, that the commissioners have a common opinion in that they do not support the use of eminent domain for any non-public infrastructure.

Emergency Manager Arlen Gortmaker asked to be recognized so he could talk about a discussion he had with Summit Carbon Solutions about the funding support of emergency services in responding to incidents on or along the pipeline should it be built. Gortmaker said a company representative said they would support purchases of breathing apparatuses but this has never been put to paper so it remains just an opinion. Gortmaker said it would be nice if there was some mechanism to require such projects to make equipment and training provisions for local emergency services.

Gortmaker brought forward a **request to surplus equipment which had been donated to him** after it was used by other public safety agencies. Gortmaker used the equipment (VHF state radios) for various purposes until the state radio changed trunking platforms. The change has left the radios inoperable and they are no longer needed. Gortmaker presented a list of the equipment which includes 29 EF Johnson mobile radios, 15 EF Johnson portable radios and 75 Motorola radios. Gortmaker requested permission to sell the radios and use the proceeds to fund other radio / technology needed in his agency. The request to surplus the items as requested was moved by Jones & Palmer and passed. The items will be listed locally and on various websites as they will still work for business band and amateur radio purposes.

Highway Superintendent Jeff Hargens and Auditor Doug DeBoer brought forward RESOLUTION 2023-13 which establishes a temporary speed limit on 205th Street between SD HWY 45 and 369th Avenue. This would set the speed limit to 40 mph for all vehicles, not just trucks and it would “sunset” on November 1, 2023. It was moved by Palmer & Eschenbaum, and passed by roll-call vote. The text of the resolution reads:

RESOLUTION 2023-13

ESTABLISHING A TEMPORARY SPEED LIMIT

WHEREAS, Pursuant to SDCL 32-25-9.1, the Board of Commissioners may determine and establish speed zones upon streets and highways at the request of and after any other local authority having charge of the maintenance thereof; and

WHEREAS, Pursuant to SDCL 7-18A-2, the Board of Commissioners may enact a resolution as may be proper and to provide for the enforcement thereof, and

WHEREAS, because of the nature and conditions of 205th Street between 369th Avenue and SD HWY 45 in Logan, Pearl and Hulbert Townships, it is in the interest of safety and welfare of all residents and travelers on such roads to maintain the speed limit of 40 miles per hour; and

NOW THEREFORE, BE IT RESOLVED, that Hand County establishes a speed limit of 40 miles per hour for all vehicles on 205th Street between 369th Avenue and SD HWY 45 in portions of Logan, Pearl and Hulbert Townships.

BE IT FURTHER RESOLVED, that the Hand County Highway Department shall erect traffic control devices and or regulatory signs so that drivers entering upon the aforementioned roadway shall see such signs in each direction from each junction to said roadway, and

BE IT FURTHER RESOLVED, that the Hand County Sheriff and his deputies shall endeavor to enforce compliance with said traffic control devices, and

BE IT FURTHER RESOLVED, that this resolution shall expire and the limitations contained therein shall cease to be enforceable on and after November 1, 2023.

There were 5 votes for and 0 votes against the enactment of this resolution.

Dated this 1st day of August, 2023, at Miller, Hand County, South Dakota.

Board of County Commissioners of Hand County

/s/: Luke Wernsmann, Chairman

Attest: /s/: Doug DeBoer, Auditor

Hargens and DeBoer next brought RESOLUTION 2023-15 which amends the 5-year Transportation Plan. It was moved by Eschenbaum & Jensen and passed by roll-call vote to approve the resolution which reads:

RESOLUTION 2023-15
BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING 5 YEAR COUNTY PLAN AMENDMENTS

WHEREAS, Hand County wishes to amend their previously approved 5 Year County Plan for the Bridge Improvement Grant Program:

ADDITION/REMOVAL OF STRUCTURE NUMBER(S) AND LOCATION(S):

30-213-130, 5.0 miles East and 12.0 miles North of Miller over Shafer Creek
30-270-133, 11.0 miles East and 11.7 miles North of Miller over Wolf Creek
30-260-242, 10 miles East and 1.8 miles North of Miller over Pearl Creek
30-151-210, 4.0 miles North and 0.9 miles South of Miller over Un-named Creek
30-035-318, 5.8 miles South and 1.7 miles West of Ree Heights over Un-named Creek
30-294-190, 11.0 miles North and 0.6 miles West of Wessington over Un-named Creek
30-170-226, 2.4 Miles North and 1.0 miles East of Miller over Ree Creek
30-131-300, 4.0 miles South and 2.9 miles West of Miller over Un-named Creek
30-150-284. 1.0 miles West and 2.4 miles South of Miller over Un-named Creek
30-120-188, 4.0 miles West and 6.2 miles North of Miller over Wolf Creek
30-120-188, 4.0 miles West and 6.2 miles North of Miller over Wolf Creek
30-054-260, Ree Heights over Un-named Creek
30-297-300, 0.3 miles West of Wessington over Cain Creek
30-211-430, 17.0 miles South and 5.1 miles East of Miller over Un-named Creek
30-013-354, 3.7 miles West and 9.4 miles South of Ree Heights over Un-named Creek
30-210-219, 3.1 miles North and 3.0 miles East of St. Lawrence over Ree Creek

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the Amended 5 Year County Highway and Bridge Improvement Plan, previously approved on September 1, 2022.

Vote of Commissioners/~~Council~~: Yes 5 No 0

Dated at Miller, SD, this 1st day of August, 2023.

/s/: Luke Wernsmann – Chairman

ATTEST: /s/: Doug DeBoer - Auditor

Proposed **Policy 2023-15** which would have amended the **county's current CDL policy** for equipment operators in the highway department was sent back for modifications. The commission concluded that it was in

the best interest and consistent with decisions related to other offices to pay for the costs of CDL training and licensure. The proposed policy will be on the September agenda.

The board next considered a request from the highway department to **approve the request to surplus property** which was previously sold at the fall 2022 sale. The property was listed and declared surplus but lacked the inventory details normally associated with such action. DeBoer requested the commission revisit the declaration to surplus the property so it could be removed from the formal inventory. The request was approved upon motion of Eschenbaum & Jensen and passed.

The second request to surplus property was for the three **John Deere road graders** which are being taken out of service now that the 2016 machines have arrived. It was moved by Eschenbaum & Jensen and passed.

Auditor DeBoer explained that he had made a **mistake when calculating the SECONDARY ROAD OPT OUT LEVY**. DeBoer explained that the original levy to collect \$250,000 (across all five townships) was \$1.4397/1,000. The original secondary roads levy was \$0.565/1,000 for a combined levy of \$2.005 / 1,000.

The intent of the commission was to have the second opt out collect the same amount as if the original opt out has passed. The opt out should have been for \$31,346 in additional revenue in order to satisfy the intent. Coupled with the original levy of \$0.565 (which would produce \$12,301) for a combined tax revenue of \$43,647 and a combined opt out levy of \$2.080 / 1,000. [Differences in levies are the result of rounding]

Due to the miscalculation, the new combined revenue expected is only \$29,676, approximately \$13,971 less than desired. The correct opt out levy should have been an additional \$0.640 / 1,000.

It was ultimately concluded that to err is human and that the results of the mistake will only be realized after the levy year passes and a shortfall can be determined after the maintenance has been completed. The commission noted that it retains the ability to seek a second, additional, opt out to cover whatever shortfall is determined.

DeBoer and the commission revisited the discussion about bringing other courthouse offices onto **the second-floor server**. When completed, the other offices would have storage which would be backed up centrally and daily. Connecting Point, one of the county's software vendors estimated the cost to add the other users to be \$2,675.10 which includes travel and labor. It was moved by Jensen & Jones, passed, to approve the work to expand the services of the server.

The commission held a public hearing as advertised for the purpose of hearing requests of the auditor to transfer funds and supplement budgets. No one appeared to testify for or against the adoption of the transfers or budget supplements. It was moved by Jones & Palmer, passed by roll-call vote to adopt Resolution 2023-16 which spells out the requests and board decisions as follows:

RESOLUTION 2023-16

BUDGET MODIFICATIONS

WHEREAS, it is necessary to supplement the 2023 Annual Budget and or make transfers from one fund to another, in order to carry on the indispensable functions of the county, and

WHEREAS, the adoption of the proposed supplement and or transfers were duly considered by the county commission on the 1st day of August, 2023, pursuant to due notice, and

NOW THEREFORE, BE IT RESOLVED by the board of county commissioners, that the Auditor is instructed to amend the following funds and budgets in the prescribed manner, so that it may conduct the indispensable functions of government, to-wit:

Supplement by contingency transfer an amount of \$3,000 to the General Fund Elections budget, Activity 101-120.

Supplement by contingency transfer an amount of \$1,640.50 to the General Fund Defense of Abused or Neglected Children budget, Activity 101-154.

Transfer \$300,000 from the General Fund (101) to the Road and Bridge fund (201).

Transfer and supplement \$180,000 from the Rural Access Infrastructure Fund (295) to the Rural Access Infrastructure expenditure budget, Activity 295-311.

There were 5 votes for and 0 votes against the enactment of this resolution.

Dated this 1st day of August, 2023, at Miller, Hand County, South Dakota.

Board of County Commissioners of Hand County

/s/: Luke Wernsmann, Chairman

Attest: /s/: Doug DeBoer, Auditor

The commission further approved the transfer of the **Quoin Financial Bank loan proceeds** to the Road and Bridge Fund and to supplement the Road and Bridge budget in the same amount.

After a short break the commission heard from Mike LeBrun and Jesse Tolsma of **DICE Financial Service** of Mitchell. At the last meeting the commission requested that both DICE and **Risty Benefits** prepare proposals that would match what the other vendor had offered. LeBrun and Tolsma brought proposals and comparisons for “buy downs” on traditional policies. There was considerable discussion but no action was taken at the conclusion of DICE’s presentation.

Risty Benefits had written to each commission and the auditor to explain their alternative options / plan.

Auditor DeBoer explained to the commissioners that he is changing the manner in which correspondence is memorialized for the commission. DeBoer added a webpage to the county’s website called correspondence [<https://hand.sdcounties.org/correspondence>] where he will list the items received by year and then month. This will help commissioners review and revisit letters / materials which are mailed or emailed to the auditor’s office.

At the request of Commissioner Palmer, it was moved by Jones & Jensen, passed, to move into executive session to discuss a personnel matter [3:16 P.M.].

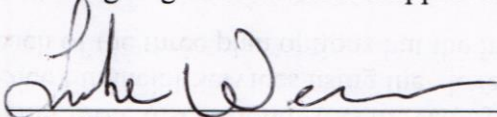
It was moved by Jensen & Palmer, passed to exit executive session and return to open session [4:16 P.M.].

The commission returned to the discussion of what to do with the health insurance renewal period approaching. After more discussion it was moved by Palmer & Jensen, passed, to renew the Avera Health plan offering from Dice Financial Services using the “levelized” proposal. The levelized renewal results in a 9.85% increase for each of the three plan options but the increased premium is still lower than the 2017 premium amounts were.

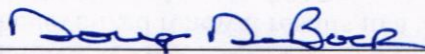
The commissioners decided to revisit the personnel issue from executive session by having it placed on the September agenda and taking no action at this meeting.

There being no further business to come before the board, it was moved by Jones & Jensen, passed to adjourn the meeting. [4:33 P.M.]

The forgoing text reflects the approved minutes of the commission.



Luke Wernsmann, Chairman



Attest: Doug DeBoer, Auditor



Payroll for the month of July, 2023: Commissioners: \$3,694.45. Auditor: \$7,476.06. Treasurer: \$7,476.06. States Attorney: \$8,258.58. Custodial: \$4,265.39. Director of Equalization: \$7,019.82. Register of Deeds: \$7,476.06. Veteran Services: \$781.77. Sheriff: \$19,237.64 + \$302.58 = \$19,540.22. E-911: \$212.02. Emergency Management: \$3,745.80. Highway: \$51,652.76 + \$96.60 = \$51,749.36. Rubble Site: \$3,656.48. Library: \$4,686.37. 4-H: \$3,431.16. Weed & Pest: \$7,101.59. Total Payroll: \$140,172.01 + \$399.18 = \$140,571.19.

SDCL 7-10-3 Auditor's account with Treasurer on July 31, 2023. Includes funds held for other governmental agencies (Schools, Towns, Townships, Special Districts) Cash on Hand: \$1,342.85. Checks in Possession less than 3 days: \$39,571.65. Checks in Possession more than 3 days: \$100.27. Cash Items: \$10.65. Petty Cash: \$300.00. Reconciled Demand Deposits-American Bank & Trust: \$8,704.47. Reconciled Demand Deposits-Quoin Financial Bank: \$186,833.13. Time Deposits - American Bank & Trust: \$106,224.71. Time Deposits - Quoin Financial Bank: \$1,384,085.20. IMMA - American Bank & Trust: \$2,440,000.00. Library Checking: \$38,462.87. Library Certificates of Deposit: \$7,551.00. Library Stocks: \$12,400.00. Total: \$4,225,586.80

COLLECTIONS DISTRIBUTED TO SCHOOL DISTRICTS: FAULKTON-11321.39, HITCHCOCK-TULARE-5174.74, MILLER-113902.28, REDFIELD-5842.42, WOLSEY/WESSINGTON-2545.81: 138786.64.
TOWNSHIPS: ALDEN-472.79, ALPHA-578.92, BATES-463.14, BURDETTE-1177.63, CAMPBELL-227.65, CARLTON-395.60, CEDAR-332.88, COMO-458.31, FLORENCE-414.89, GILBERT-1705.43, GLENDALE-381.97, GRAND-791.19, GREENLEAF-549.97, HILAND-308.76, HOLDEN-540.33, HULBERT-463.14, LINN-424.54, LOGAN-405.24, MIDLAND-588.24, MILLER-665.76, MONDAMIN-405.24, OHIO-270.16, ONTARIO-434.19, PARK-1036.10, PEARL-250.87, PLATO-545.15, PLEASANT VALLEY-284.64, RIVERSIDE-260.52, ROCKDALE-614.13, ROSEHILL-598.22, SPRING HILL-482.25, SPRING LAKE-607.47, SAINT LAWRENCE-481.25, WHEATON-598.22, YORK-501.73: 18716.52. **MUNICIPALITIES:** MILLER-4205.83, REE HEIGHTS-1054.11, SAINT LAWRENCE-2210.91, WESSINGTON-67.51: 7538.36. **TOTAL DISTRIBUTIONS MADE THIS DATE: 165041.52.**

CLAIMS PAID ON 07/26/2023: DEBT SERVICE: KINETIC LEASING-PUGMILL PRIN. PAYMENT-40260.03 & INTEREST PAYMENT-1431.97: 41692.00. **TOTAL CLAIMS PAID THIS DATE: \$41692.00.**

CLAIMS PAID ON 08/01/2023: COMMISSIONERS: CONNECTING POINT-BACK UP-20.00, QUADIENT FINANCE-POSTAGE-500.00, THE MILLER PRESS-PUBLISHING-893.35: 1413.35. **ELECTIONS:** FAULK COUNTY RECORD-ELECTION PUBLISHING-286.57, THE MILLER PRESS-ELECTION PUBLISHING-2230.64: 2517.21. **AUDITOR:** A & B BUSINESS-COPIER MAINTENANCE CONTRACT-39.24, AMERICAN SOLUTIONS-OFFICE SUPPLIES-80.63, AMERICAN STAMP & MARKING-COUNTY AUDITOR SEAL STAMP-67.04, CONNECTING POINT-REMOTE ASSISTANCE-62.50, DOUG DEBOER-3 WOODEN STOOLS-100.00, MCLEODS PRINTING-1/2 OF TAX NOTICES & PAPER-249.94, SDACC-CONVENTION REGISTRATION-200.00: 799.35. **TREASURER:** MCLEODS PRINTING-1/2 OF TAX NOTICES AND PAPER-249.94, SDACC-CONVENTION REGISTRATION-200.00: 449.94. **STATES ATTORNEY:** ANSON LAW-RENT-357.50, SUPPLIES-333.33 & UTILITIES-416.66, SD DEPARTMENT OF HEALTH-BLOOD TESTS-125.00, THOMSON REUTERS-SD CRIM & MV LAW WITH CD-758.00: 1990.49. **COURT APPOINTED ATTORNEY (AMENDED 08-02-23):** VOLESKY LAW OFFICE-COURT APPOINTED ATTORNEY-963.75, BLUE, WHEELER & BANKS-COURT APPOINTED ATTORNEY-1032.06: 1995.81. **JANITOR:** ARAMARK-RUGS/CLEANING

SUPP-351.17, BOB'S DISPOSAL-GARBAGE DISPOSAL-120.00, G & R CONTROLS-BOILER PARTS-322.70, INTERSTATE POWER SYSTEMS-REPAIRS TO GENERATOR-3189.11, CITY OF MILLER-UTILITIES-1378.64, THE MILLER PRESS-SUPPLIES-319.26, TOTAL CONSTRUCTION SOLUTIONS-ELEVATOR PAYMENT-180926.66: 186607.54. **ASSESSOR:** A & B BUSINESS-COPIER MAINTENANCE CONTRACT-36.61, AMERICAN SOLUTIONS-OFFICE SUPPLIES-3.09, CONNECTING POINT-REMOTE ASSISTANCE-185.00, THE MILLER PRESS-PUBLISHING-44.45: 269.15. **REGISTRAR:** A & B BUSINESS-COPIER MAINTENANCE CONTRACT-51.75, OFFICE PEEPS-OFFICE SUPPLIES-55.42, SDACC-CONVENTION REGISTRATION-200.00: 307.17. **VETERANS SERVICES:** SDVSOA-ASSOCIATION DUES-100.00. **SHERIFF:** BUILDERS SOLUTIONS-MAP FRAMES & TARGET STANDS-135.48, CIVIL AIR PATROL MAGAZINE-MAGAZINE-145.00, MCLEODS PRINTING-TRAFFIC TICKETS-255.56, NAPA CENTRAL MN-AIR FILTER-35.58, OFFICE PEEPS- SUPPLIES-181.34, PRAIRIE VIEW VET CLINIC-DOG E-COLLAR-10.48, SOUTH DAKOTA ARMS-AMMO-57.56, SUPPLIES-165.00, SUPPLIES-165.00, SUPPLIES-165.00, TONY'S REPAIR-MAINTENANCE-833.96, VISA-SUPPLIES-149.05 & APPLE.COM-2.12 & CELL PHONES-246.00: 2547.13. **JAIL:** CHARLES MIX CO-PRISONER CARE-1260.00, REDWOOD TOXICOLOGY LAB-DRUG RESULTS-28.27, VISA-POSTAGE-4.85: 1293.12. **MENTAL HEALTH:** BLUE, WHEELER & BANKS LLP-TRAINING-256.80 & MILEAGE-27.54, MINNEHAHA COUNTY AUDITOR-MENTAL HEALTH EVALUATION-349.90: 634.24, **LIBRARY:** A & B BUSINESS-COPIER MAINTENANCE CONTRACT-67.17, BOB'S DISPOSAL-GARBAGE DISPOSAL-21.00, BOOK SYSTEMS-RENEWAL-1885.00, DEMCO-LIBRARY SUPPLIES-78.46, CITY OF MILLER-UTILITIES-507.68: 2559.31. **4-H / EXTENSION:** AMERICAN SOLUTIONS FOR BUSINES OFFICE SUPPLIES-149.02, ANN PRICE-SUPPLIES-65.79 & MILEAGE-23.46, STATE 4-H OFFICE-ENVELOPES-89.85, STATE 4-H OFFICE-CAMPING SPOT AT FAIR-295.00: 623.12. **WEED BOARD:** AA MOTORSPORTS-REPAIRS-199.98, AGTEGRA-CHEMICAL-200.85, AT & T-CELL PHONE-45.28, HAND COUNTY WEED & PEST-CASH FOR QUARTERS-50.00, CITY OF MILLER-UTILITIES-536.01, OAKLEY FARM & RANCH-SUPPLIES-4.14, OAKLEY REPAIR-PICKUP REPAIRS-1183.00, THE MILLER PRESS-PUBLISHING-208.29: 2427.55. **ROAD & BRIDGE:** AMERICLEAR-SUPPLIES-1200.00, ARAMARK-SUPPLIES-763.21, BOB'S DISPOSAL-GARBAGE DISPOSAL-120.00, CNH INDUSTRIAL ACCOUNTS-SUPPLIES-386.37, CONNECTING POINT-REMOTE ASSISTANCE-92.50, FARM TECH-SUPPLIES-159.47, FLINT HILLS RESOURCES-ASPHALT-16401.00, HARKINS ENTERPRISES-REPAIRS-120.00, MACK METAL SALES-SUPPLIES-355.24, CITY OF MILLER-UTILITIES-280.56, MORRIS, INC-ADD SAND-15163.08, OAKLEY FARM & RANCH-SUPPLIES-122.56, OAKLEY REPAIR-REPAIRS-1416.79, RDO EQUIPMENT CO. - AG-PAYMENT ON 3 MOTOR GRADERS-860007.51, RESEL OIL-DIESEL FUEL-18751.95, SD DEPT OF TRANSPORTATION-SHARE OF BRIDGE WORK-4395.10, SD DEPT OF TRANSPORTATION-SHARE OF BRIDGE WORK-268.67, SD PUBLIC ASSURANCE ALLIANCE-INSURANCE ON EQUIPMENT-1357.05, SDACC-CONVENTION REGISTRATION-200.00, TRANSOURCE TRUCK-SUPPLIES-162.49, TWIN VALLEY TIRE-REPAIRS-213.00: 921936.55. **E-911:** CITY OF HURON-MAY 2023 911 SERVICE-2803.13, TWO WAY SOLUTIONS-SONIC WALL ROUTER REPAIRS-3800.00: 6603.13. **EMERGENCY MANAGEMENT:** THE MILLER PRESS-PUBLISHING-12.18. **TOTAL CLAIMS PAID THIS DATE:**
1135086.34.

Amended during the meeting.