

DAY COUNTY COMMISSION
WEBSTER, SOUTH DAKOTA
July 23, 2019
(unapproved)

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday July 23, 2019 in the Commissioners Chambers in the Day County Courthouse. Meeting called to order by Chairman Tompkins. Members present: Commissioners James, Tobin, Sinner and Walters. Others: John Suhr -R&F, Calvin Meyer-GF&P, Sheriff Rucktaeschel, Joan Trygstad and Glenn Gebur.

PLEDGE: Chairman Tompkins led the members in reciting the Pledge of Allegiance.

CORRESPONDENCE: None.

PUBLIC COMMENTS: Kevin Jens, Waubay City Mayor, wanted Auditor Fosheim to relay a message from him. When people come to the county asking about building/moving things, they need to be referred to the correct entity to make sure the correct permits are obtained. Permits may be required from the city that is not required by the county.

MINUTES: Moved by Walters, seconded by Tobin to approve the minutes for July 9, 2019 regular commission meeting. Motion carried.

PAYROLL: Moved by Sinner, seconded by Walters to approve and authorize the chairman to sign the payroll period ending July 6, 2019. Motion carried.

Auditor's Office 4,873.21; Treasurer's Office 4,657.60; Register of Deeds 3,487.20; State's Attorney 2,056.00; Sheriff's Office 8,484.01; Jailors 6,393.01; Assessor's Office 4,578.17; Commissioners 2,706.92; Home Health 500.63; WIC 348.75; Veteran's Service 1,426.50; Maintenance 2,257.69; Extension 1,078.00; Welfare 154.00; Drainage 98.08; Planning & Zoning 252.08; OEM 710.00; 911 355.00; Weed 658.15; Highway 19,908.23; Social Security 3,962.23; Medicare 926.65; Life Insurance 257.60; Retirement 3,308.37 for a total of 73,438.08.

CLAIMS: Moved by Walters, seconded by Sinner to approve and authorize the chairman to sign the following audited claims. Motion carried.

SERVICES: Ameripride Services Inc. 142.71, Kelli Aslesen 416.00, Brown County Sheriff/Jail 8,360.00, Century Business Products 211.95, Certified Languages International 13.20, Christensen Ambulance 4,083.33, Duane Cleveland 192.00, Darcy Lockwood 18.00, Delaney Nielsen & Sannes 3,333.33, Doody Law 688.50, Green Roby, Oviatt, Cummings & Linngren LLP 408.40, Ameripride 198.00, Mark Katterhagen 18.00, Kerri Cook Huber 60.00, Kone Inc. 223.08, Lucy Lewno 116.50, Michelle Gaikowski 121.60, Sanford Health 1,078.00, Scantron Corp. 2,120.78, SD Dept. Transportation 8,113.62, Taliaferro Law firm, P.C. 956.25, Xerox Corp. 86.92, Yankton Co. Sheriff's Office 50.00, Sara Zahn 3,699.40,

SUPPLIES: Bituminous Paving Inc. 255,493.96, Bob Barker Co. 148.75, Kwasniewski Enterprises Inc.-Cornwell Drug 59.39, Partners Funding, Inc. 586.35, Johnson Lumber 85.13, Office Peeps Inc. 56.07, RDO Equipment Co. 46.80, Sportsman Cove 39.99, Thomson Reuters 657.78, Valley Office Products 428.03,

REPAIRS: Bullert Automotive LLC 153.00, Cenex 11.00, Dave Hahler Automotive 660.46, Kevin's Service 110.00, Webster Tire Inc. 35.00,

UTILITIES: Century Link 376.11, Dependable Sanitation 146.48, James Valley Telecommunication 139.40, Northwestern Energy 403.21, Otter Tail Power Co. 22.34, Venture Communication Inc. 264.69,

PER DIEM: Bryan Anderson 25.00, Frank James 39.60, Rose Kraft 81.00, Deb Sundem 45.00, Rick Tobin 41.40, Jim Tompkins 48.15, Marla Wicklund-Storlien 384.36,

MANUAL CHECKS: Dept. of Revenue 129,188.54, SD State Treasurer 39.98.

REPORTS: The Board noted the following reports:

In compliance with the law, I, Bonnie Fosheim hereby submit the following report of my examination of the cash and cash items in the hands of the Treasurer of this County as of July 1,

2019. Total amount of deposits in bank 68,688.73. Total amount of actual cash 2,591.98. Total amount of deposits and drafts in Treasurer's possession not exceeding three days 26,129.93. Itemized list of all items checks and drafts which have been in the Treasurer's possession over three days: CD'S 590,000.00; IMMA 7,219,138.10; Postage 181.84; Register of Deeds petty cash 85.00; Credit cards 1,210.91 for a total of \$7,908,026.49. Cash Balances: General Fund 2,445,862.65; Highway 4,987,911.89; E911 3,939.06; OEM 12,783.49; Domestic Abuse 304.00; 24/7 Fund 22,552.95; M & P Fund 39,545.25; 700 Accounts 379,878.41; equals \$7,892,777.70.

In compliance with the law, I, Jodi Berger hereby report the fees of the Office of Register of Deeds for the month of June 2019. Births (9) 135.00; Deaths (52) 780.00; Marriages (3) 120.00; Transfer fees 1,375.00; Recordings 3,360.00; Copies 260.65; Sales Tax .11 for a total of \$6,030.76.

In compliance with the law, I, Ryan Rucktaeschel hereby submit the following report of all fees received by me as Sheriff within and for the County for the month of June 2019: Accidents 4.00; Phone cards 530.00; Phone Commission 435.09; Remote Breath Tests 140.00; Remote Breath Fees 40.00; Fees 1,114.93; Finger Prints 30.00; PBT's 436.00; Pistol Permits 6.00; Out of County Prisoners 5,820.00; UA Fees 70.00; Work Release 840.00 for a total of \$9,466.02.

VSO TRAVEL REQUEST: Moved by James, seconded by Tobin to approve travel expenses for VSO Kevin Bohn to attend the Annual School on August 26-30, 2019 in Pierre, SD. Motion carried.

VSO OFFICE CLOSED: Moved by James, seconded by Sinner to authorize VSO Bohn to close the Veterans Service Office on August 26, 2019. Staff will be out of town. Motion carried.

PLANNING/ZONING: Moved by Walters, seconded by Sinner to recess the regular session at 9:10 AM, to convene as Planning, Zoning and Drainage Board. Motion carried. Chairman Tompkins reconvened the regular session at 9:46 AM.

PLAT: Upon recommendation of the Planning & Zoning Board, moved by James, seconded by Tobin to approve the following plat: 1) Meyer Addition in Gov't Lot 1 (5-120-56). Motion carried.

EXECUTIVE SESSION: Moved by Sinner, seconded by James to enter Executive Session at 9:52 AM for legal matters as per SDCL 1-25-2. Motion carried. Chairman Tompkins reconvened the regular session at 10:03 AM.

WEED BOARD: Moved by Sinner, seconded by James to recess and convene as a Weed Board at 10:04 AM. Motion carried. Chairman Tompkins reconvened the regular meeting at 10:10 AM. Next Weed Board meeting will be Tuesday September 24, 2019 at 10:00 AM.

HWY. DEPT. The Hwy crew has started working on the Lily road.

AGREEMENT WITH BNSF RAILWAY COMPANY: Moved by James, seconded by Tobin to approve the Structure Replacement and Ownership Agreement with BNSF Railway Company and Day County. Motion carried

ROAD CLOSURE RESOLUTION: Moved by James, seconded by Walters to approve signing the Road Closure Resolution Day County and Kidder Township. Motion carried.

ROAD CLOSURE RESOLUTION 2019-04

DAY COUNTY AND KIDDER TOWNSHIP

A RESOLUTION CALLING FOR THE CLOSING OF THE RAILROAD CROSSING LOCATED AT UNNAMED ROAD, LS 2004, MP 663.43, U.S DOT# 393706G

IN THE COUNTY OF DAY, STATE OF SOUTH DAKOTA.

WHEREAS, The BNSF Railway Company ("Railroad"), the County of Day ("County"), and Kidder Township ("Township") have joined together to consolidate redundant and unnecessary street/railroad crossings; and

WHEREAS, the COUNTY and TOWNSHIP met on July 23, 2019, and there discussed and approved the railroad crossing closure referred to as Unnamed road (street name), located at BNSF Line Segment 2004 and MP 663.43, and designated as U.S. DOT#393706G, which adjoins real estate described as:

Lot Two (2) of Gast's Subdivision of the Northwest quarter of the Northwest quarter (NW¼NW¼) in Section Thirty-five (35), Township One Hundred Twenty-two North (122N), Range Fifty-seven (57), West of the 5th Principal Meridian, (Kidder Township) Day County, South Dakota; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY AND TOWNSHIP that both County and Township disclaim any and all interests, claims, and easements over the U.S. DOT#393706G crossing and agree to the permanent closure to vehicular traffic and vacation of the roadway, to the extent that the County and Township have jurisdiction.

Railroad shall remove the railroad crossing surfaces and crossbucks within its right-of-way, and reestablish the natural parallel ballast and ditch line, upon completion of the Bridge as set forth in agreement with COUNTY per BNSF File No. BF10011938.

Passed and approved this 23rd DAY OF July 2019.

TOWNSHIP

By: _____

Title: _____

ATTEST:

COUNTY

By: James Tompkins

Title: Chairman of the Board

ATTEST: Bonnie Fosheim-Day County Auditor

ROAD CLOSURE RESOLUTION: Moved by Walters, seconded by James to approve signing the Road Closure Resolution Day County. Motion carried.

ROAD CLOSURE RESOLUTION 2019-05

DAY COUNTY

503 W 1st Avenue Webster, SD 57274

A RESOLUTION CALLING FOR THE CLOSING OF THE RAILROAD CROSSING LOCATED AT 142nd Street, LS 2004, MP 649.04, U.S DOT# 393686X, compass west of Waubay, SD between Sections 5 and 6 in Central Point Township

IN THE COUNTY OF DAY, STATE OF SOUTH DAKOTA.

WHEREAS, The BNSF Railway Company ("Railroad"), and the County of Day ("County") have joined together to consolidate redundant and unnecessary street/railroad crossings; WHEREAS, the COUNTY met in regular session on July 23, 2019, and there discussed and approved the railroad crossing closure referred to as 142nd Street (street name), located at BNSF Line Segment 2004 and MP 649.04, and designated as U.S. DOT#393686X.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY as the acting road authority, that the U.S. DOT#393686X crossing be permanently closed to vehicular traffic and vacated. COUNTY agrees to place appropriate end-of-road treatment on both of the roadway approaches at a minimum distance of 50 feet from nearest rail of the track. The COUNTY will remove, or cause to be removed, both roadway approaches between the end-of-road treatment and the track.

In lieu of installing permanent end-of-road barriers, the COUNTY may re-establish the natural parallel ditch line.

COUNTY shall coordinate removal of roadway approaches with the BNSF Roadmaster in order for the Railroad to provide the required flagging for notification of train operations.

Railroad shall remove the railroad crossing surfaces and crossbucks within its right-of-way upon completion of the Bridge as set forth in agreement with COUNTY per BNSF File No.BF10011938.

Passed and approved this 23rd DAY OF July 2019.

By: James Tompkins
Title: Chairman of the Board
ATTEST: Bonnie Fosheim-Day County Auditor

SNOW RESTRICTED FUND: Moved by Sinner, seconded by James to transfer \$335,295.51 snow restricted fund 201-274.5 to assigned fund balance 201-276.03 for road purposes. Motion carried.

RECESS: Chairman Tompkins declared a recess at 10:26 AM. Chairman Tompkins reconvened the regular session at 10:32 AM.

SHERIFF DEPT: TRAVEL REQUEST: Moved by Walters, seconded by Sinner to approve travel expenses for Sheriff Rucktaeschel and Courtney Tedder to attend the Mental Health Training on August 13-14, 2019 in Chamberlain, SD. Motion carried.

RECOMMENDATION: Sheriff Rucktaeschel recommended a pay increase for Lauren Jones, Joseph Bury, Candice Nelson, Courtney Tedder and Amy Fischer. Moved by Walters, seconded by Tobin to approve a \$1.00/hour increase (from \$18.00 to \$19.00) for Lauren Jones; \$1.00/hour increase (from \$15.00 to \$16.00) for Joseph Bury; \$1.00/hour increase (from \$14.00 to \$15.00) for Candice Nelson (all three effective starting July 7, 2019 pay period). \$1.00/hour increase (from \$17.50 to \$18.50) for Courtney Tedder and \$1.75/hour increase (from \$14.75 to \$16.50) for Amy Fischer (both effective starting July 21, 2019 pay period). Motion carried.

AUTOMATIC BUDGET SUPPLEMENT: Moved by James, seconded by Sinner to approve an automatic budget supplement to 101-4-211-425.7 (Sheriff Repairs and Maintenance-Vehicle) in the amount of \$5,184.95 for vehicle damages from insurance proceeds. Motion carried.

2020 SHERIFF/JAIL BUDGET: Sheriff Rucktaeschel discussed with the board some budget cuts that were made since the last commissioner meeting.

EXECUTIVE SESSION: Moved by Sinner, seconded by James to enter Executive Session at 10:36 AM for personnel matters as per SDCL 1-25-2. Motion carried. Chairman Tompkins reconvened the regular session at 10:45 AM.

CHRISTENSEN AMBULANCE: Mark and Renee Christensen talked to the board about the ambulance budget cut that was done at the last commissioner meeting. After much discussion the board decided to leave the ambulance budget cut at \$39,000.00 and have the Auditor put that amount in the Provisional Budget.

LAKE REGION DISTRICT MEETING: Moved by James seconded by Walters to approve expenses for all county employees who were invited to attend the Marshall County District meeting. It will be held at the Britton Event Center on July 25, 2019. Motion carried.

OEM TRAVEL REQUEST: Moved by James, seconded by Tobin to approve travel expenses for OEM Bryan Anderson to attend the Homeland Security Exercise and Evaluation Program August 27 & 28, 2019 in Pierre, SD. Motion carried.

2020 BUDGET: Discussion was held on the 2020 Budget on various departments.

ADJOURNMENT: Moved by James, seconded by Sinner to adjourn (at 12:15 PM) until 9:00 AM, Tuesday August 6, 2019 to convene in the Commissioners Chambers in the Day County Courthouse. Motion carried.

James Tompkins
Chairman

ATTEST:

Bonnie Fosheim
Day County Auditor

Day County does not discriminate on the basis of color, national origin, sex, religion, age, or disability in employment or the provision of service.

Published once at the total approximate cost of \$ _____