

DAY COUNTY COMMISSION
WEBSTER, SOUTH DAKOTA
April 7, 2020
(unapproved)

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday April 7, 2020 in the Commissioners Chambers in the Day County Courthouse. Meeting called to order by Chairman Tompkins. Members present: Commissioners James, Tobin and Sinner. Walters by teleconference. Others present: Auditor Fosheim, States Attorney Smeins, Co. Health Nurse Aadland, Hwy Supt. Braaten, Sheriff Rucktaeschel, Deputy Sheriff Schreur and Amanda Fanger-R&F.

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

CORRESPONDENCE: Dept. of Environment and Natural Resources, Grow SD and SD Dept. of Revenue

PUBLIC COMMENTS: None

MINUTES: Moved by Tobin, seconded by James to approve the minutes for March 17, 2020 regular commissioner meeting. Motion carried. Moved by Sinner, seconded by James to approve the minutes for March 25 and March 30, 2020 special meetings. Motion carried.

PAYROLL: Moved by James, seconded by Tobin to approve and authorize the chairman to sign the payroll period ending March 14, 2020. Motion carried.

Auditor's Office 4,749.44; Treasurer's Office 5,047.21; Register of Deeds 3,567.20; State's Attorney 2,096.00; Sheriff's Office 9,232.33; Jailors 6,764.38; Assessor's Office 4,969.70; Commissioners 2,706.92; Home Health 529.38; WIC 346.50; Veteran's Service 2,108.06; Maintenance 2,255.95; Extension 1,209.69; Welfare 234.43; Drainage 98.08; Planning & Zoning 295.58; OEM 784.75; 911 365.00; Weed 735.15; Highway 19,470.61; Social Security 4,011.75; Medicare 938.20; Health Insurance 27,624.21; SD Retirement 3,561.37 for a total of 103,701.89.

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

SERVICES: A&B Business Inc. 182.44, Aramark Uniform Services/Ameripride Services Inc. 356.72, Century Business Products 116.13, Christensen Ambulance 3,250.00, City of Watertown 4,693.44, Thomas J Cogley, Ronayne & Cogley 5,402.90, CoreLogic/Marshall & Swift 1,899.95, CrimeStar Corp. 900.00, Dakota Counseling Group, LLC 900.00, Delaney Nielsen & Sannes 4,000.00, Grand Slam Computers Inc. 63.75, Horn Law Office Prof LLC 241.50, Law Office of Danny R Smeins 5,233.74, LexisNexis 58.44, Lincoln County Treasurer 252.75, Microfilm Imaging Systems Inc. 330.00, SDACC-CLERP 3,977.00, Storage Rentals LLC 200.00, Tyler Technologies Inc. 3,151.90, Xerox Corp. 331.96,

SUPPLIES: A&S Hardware 1,311.68, Bethesda Nursing Home 17.96, Cardmember Service 1,407.29, Colonial Research 546.32, CWD 1,297.51, Day County Treasurer 357.30, Dollar General 217.30, JCL Solution's/Janitor's Closet 247.14, Johnson Lumber 381.95, Lyle Signs Inc. 1,490.00, McLeod's 559.19, Mid-American Research 584.34, Mike's Jack & Jill 191.81, Northland Auto Center Inc. 97.64, Phoenix Suppl 262.35, Ryan's Candy 36.50, Sioux Valley Coop. 5,613.59, Sturdevant's Auto Parts 787.20, Valley Office Products 411.27,

REPAIRS: Dave Hahler Automotive 52.00, Equipment Blades Inc. 923.00, NorthStar Mechanical Inc. 477.62, Overhead Door Company 788.53, Power Plan 811.61, Productivity Plus Account 1,248.50, Safety Service Inc. 100.63, Snaza Implement LLC 23.34, Transource Trucking Equipment 106.49, Twin Valley Tire 4,091.95, Webster Auto Care 98.28, Webster Tire Inc. 64.95,

UTILITIES: AT&T-FirstNet 65.41, Century Link 376.11, City of Webster 310.08, ITC Telecom 1,206.39, Midcontinent Communications 288.86, Northwestern Energy 66.69, RC Technologies 50.00, Reliance Telephone Inc. 400.00,

DONATION: Bristol Senior Citizens 1,567.50, Safe Harbor 260.00, Waubay Senior Citizens 1,235.00, Webster Golden Age Club 1,947.50,

INSURANCE: Louise Baumgarn 914.83, SDML Workers' Compensation Fund 826.00,

PER DIEM: Frank James 59.40, Rick Tobin 62.10,

PUBLICATION: Reporter and Farmer 581.10,

MANUAL CHECKS: Day County Treasurer 936.25, Venture Communications 264.69.

DEPARTMENT HEADS: County Health Nurse Brianna Aadland gave an updated report on COVID-19. Other Department Heads reported on how they are dealing with splitting office staff shifts for social distancing.

VACATE ALLEY AND ADOPT RESOLUTION: Moved by James, seconded by Tobin to adopt the following Resolution #2020-06. Motion carried.

RESOLUTION #2020-06

WHEREAS, a Petition has been presented to the Day County Board of County Commissioners, which Petition has been signed by all owners of the property adjoining and surrounding an existing alley that separates the following described properties:

Lots 1 through 9 of Koenig & Bartos' Outlots in Section 11, Township 121 North, Range 56, West of the 5th P.M., Day County, South Dakota, except Lot H-1 in Lots 1 - 9;

And Lots 10 through 18, of Koenig & Bartos' Outlots in Section 11, Township 121 North, Range 56, West of the 5th P.M., Day County, South Dakota.

WHEREAS, said Petitioners state that said Petition was for the purpose of vacating an alley, as it is an unimproved alley and has never been used by the public or anyone for access.

WHEREAS, the Day County Board of County Commissioners determined that the facts set forth in the Petition are true, that the granting of the Petition will not abridge or destroy any of the rights and privileges of other proprietors of such Plat and that the alley to be vacated has not been used, worked, or traveled as such during twenty years next preceding the time for this meeting and since the recording of the plat thereof, and that it is in the best interests of the public and all concerned that the Petition be granted.

WHEREAS, it has been determined by the Day County Board of County Commissioners, that there have been no objections to said vacation of the alley separating the above described property and that the public interest will be better served by the said vacation, and there having been no timely referendum in connection with the approval of the petition.

BE IT RESOLVED that the Day County Board of County Commissioners order that said alley separating the following described property:

Lots 1 through 9 of Koenig & Bartos' Outlots in Section 11, Township 121 North, Range 56, West of the 5th P.M., Day County, South Dakota, except Lot H-1 in Lots 1 - 9; and

Lots 10 through 18, of Koenig & Bartos' Outlots in Section 11, Township 121 North, Range 56, West of the 5th P.M., Day County, South Dakota, be vacated.

ORDER

Pursuant to the above duly passed Resolution of the Day County Board of County Commissioners:

IT IS HEREBY ORDERED that the alley separating the following described properties:

Lots 1 through 9 of Koenig & Bartos' Outlots in Section 11, Township 121 North, Range 56, West of the 5th P.M., Day County, South Dakota, except Lot H-1 in Lots 1 - 9; and

Lots 10 through 18, of Koenig & Bartos' Outlots in Section 11, Township 121 North, Range 56, West of the 5th P.M., Day County, South Dakota, is hereby vacated.

DATED: April 7, 2020.

James Tompkins, Chairman Board of County Commissioners

ATTEST: Bonnie Fosheim, Day County Auditor

WEB WATER DEVELOPMENT ASSOCIATION INC. RESOLUTION: Moved by James, seconded by Sinner to adopt the following Resolution #2020-07. Motion carried.

RESOLUTION NO. 2020-07

Resolution No. 2020-07, granting WEB Water Development Association, Inc., a county wide authorization for the purpose of the continued placement, repair, and maintenance of pipeline and related appurtenances and the construction and maintenance of new pipeline and related appurtenances for the Day county portion of the WEB Water Development Association water system.

WEB Water Development Association, Inc., applied to the Day County Board of County Commissioners for authorization to construct, repair, and maintain its water system on, over, across, or under public highways and rights-of-way for the purpose of providing rural water service in Day County, South Dakota. Notice was duly given by mail of the application of WEB Water Development Association, Inc. to all persons, firms or corporations owning or operating electric, telephone, or telegraph lines within Day County, South Dakota, in compliance with SDCL 31-26-13. All comments received were considered by the Day County Commissioners. This Resolution was adopted according to SDCL Ch. 31-26 and in particular SDCL 31-26-24 and 31-26-25 by the Day County Board of County Commissioners at a regular meeting which was held in the Commissioner's room in the Courthouse in the city of Webster, Day County, South Dakota, on April 7, 2020. All Commissioners were Present (Walters by teleconference). After discussion, the following resolution was numbered 2020-07 and upon motion duly made, seconded, and carried was unanimously adopted:

BE IT RESOLVED that the WEB Water Development Association, Inc., a South Dakota nonprofit corporation, will be allowed and permitted to run an underground pipeline for transmitting water or all purposes for which said corporation was formed along any and all public rights-of-way, including pipelines, appurtenances, all rights-of-way between all sections in Day County, South Dakota, so long as said transmission and distribution pipe is buried so as not to interfere with the building of any roads or causing any liability to the County.

BE IT FURTHER RESOLVED that the WEB Water Development Association, Inc. will bear the expense the water system components, if required by Day County.

BE IT FURTHER RESOLVED that when the pipeline is installed in the public right-of-way, such right-of-way must be restored to as near its original condition as is practical with normal construction methods.

BE IT FURTHER RESOLVED that the installation of such pipeline and appurtenances in the public right-of-way will conform to plans and specifications to be submitted to the County, prior to construction, for review and comment, and must include the following conditions:

1. Notice Prior to Starting-Work: Before starting construction work, the County Road Superintendent or other designated employee of the County will be notified at least 48 hours in advance of the time work is to begin.
2. Minimum Interference with Traffic: All work will be planned and carried out so as to minimize inconvenience to the traveling public.
3. Storage of Material: No material may be stored within eight feet from the edge of pavement or traveled way or within the shoulder line unless otherwise approved by the County Superintendent.
4. Clean Up Right-of-Way: Upon completion of work, litter will be removed and the right-of-way and it will be left in as presentable a condition as before work started.
5. Care of Drainage: If the contemplated work interferes with established drainage, provisions will be incorporated in the project during construction to maintain normal drainage.
6. Location Plans: Upon completion of the work a copy of the record drawings will be furnished to the County for their records and use.
7. Maintenance: The pipelines and appurtenances placed in the County right-of-way will be maintained and reasonable care exercised in inspecting and repairing any portion of the right-of-way which occurs as a result of the operation and maintenance of the pipelines and appurtenances.
8. Paved and FAS (Future Paves) Roadways: Pipelines installed perpendicular to asphalt or concrete paved roadways will be installed by boring or jacking methods or by an open cut. Pipelines installed longitudinally in a right-of-way will be by an open cut. Minimum of one-half of paved surfacing will be left clear and open to traffic at all times. All lanes will remain clear and open

during the hours of darkness.

9. **Graveled and Other Roadways:** Pipelines installed transversely or longitudinally in a graveled or other road right-of-way will be by an open cut method. Roadways may be closed during construction for crossing provided a detour signing is maintained. All lanes will remain clear and open during the hours of darkness.

10. **Depth of Pipelines:** Pipelines will be placed to a depth of cover consistent with design standards for water pipelines for the area. Where additional pipeline cover is necessary to accommodate future roadways, vertical and horizontal roadway designed clearances, the County will so advise WEB Water at the time of County review of the need for change in pipeline cover.

Adopted this 7th Day of April, 2020.

James Tompkins, Chairman Board of County Commissioners

ATTEST: Bonnie Fosheim, Day County Auditor

ROAD MACHINERY BID OPENING: Bids received for Road Machinery: Kevin Bourdon, Clausen Const. Inc., Clausen & Sons Const. LLC, Deutsch Excavating, Hanlon Brothers, H.F. Jacobs & Son Const. Inc., Kriech Const., Lien Transportation & Const., Skeide Graveling, and Webster Scale Inc. Moved by James, seconded by Sinner to accept all bids based on availability and location to project. Motion carried. All bids are on file at the Highway Department and Auditor's office.

ROAD OIL BID OPENING: Bids received for Road Oil were Flint Hills Resources, LP and Jebro Inc. Moved by James, seconded by Tobin, per Supt. Braaten's recommendation, to accept Jebro Inc. Motion carried. All bids are on file at the Highway Department and Auditor's office.

HOT MIX AND PAVER LAID IN PLACE BID OPENING: Bids received for Hot Mix were Bituminous Paving Inc., Duininck, Inc., Lien Transportation & Const. and Jensen Rock & Sand Inc. Moved by James, seconded by Tobin, per Supt. Braaten's recommendation, to accept all bids (for Hot Mix-Picked Up and Paver Laid in Place) based on availability and location to project and to accept Bituminous Paving Inc. for two miles of overlay on County #1A. Motion carried. All bids are on file at the Highway Department and Auditor's office.

HWY DEPT: Hwy Supt Braaten reported on the lake levels and road closures.

RECESS: Chairman Tompkins declared a recess at 10:49 AM. Chairman Tompkins reconvened the regular session at 10:54 AM.

RESIGNATION: Moved by James, seconded by Sinner to accept with regret a letter of resignation from Amy Fischer effective April 2, 2020. Motion carried.

NEW HIRE: 80% EMPLOYEE: Sheriff Rucktaeschel requested the board approve new hire Amanda Sonnenburg for his 80% jailer/dispatcher person. Moved by James, seconded by Tobin to approve Amanda Sonnenburg as an 80% jailer/dispatcher at \$15.50/hour. Start date April 3, 2020. Motion carried.

GOTOMEETING: The commissioners will use the GoToMeeting as needed.

ABSENTEE VOTING/ELECTION: Auditor Fosheim discussed absentee voting by mail and having one polling location for the June 2, 2020 Primary Election. A decision on having one polling place will be made at the next commissioner meeting on April 14, 2020. Moved by Sinner, seconded by James to have a Public Service Announcement to encourage absentee voting done by mail, how to handle early voting and polling location. Motion carried.

SENIOR MEALS: Jim Tompkins will notify the Webster Golden Age Club as to how many meals to be delivered to the courthouse at noon for the next commissioner meeting on April 14, 2020.

MITIGATION PLAN UPDATE: In-person planning meetings have been postponed due to the COVID-19 Outbreak. Auditor Fosheim read the Mitigation Plan Update as presented to her from NECOG.

EXECUTIVE SESSION: Moved by Sinner, seconded by Tobin to enter Executive Session at 12:00 PM for personnel matters as per SDCL 1-25-2. Motion carried. Chairman Tompkins reconvened the regular session at 1:13 PM.

ADJOURNMENT: Moved by Tobin, seconded by Sinner to adjourn until 9:00 AM, Tuesday April 14, 2020 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.