

DAY COUNTY COMMISSION
WEBSTER, SOUTH DAKOTA
May 25, 2021

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday May 25, 2021 in the Commissioners Chambers in the Day County Courthouse. Meeting called to order by Chairman Linda Walters. Members present: Commissioners Tompkins, Sinner, Tobin, and Jim Walter. Others: Amanda Fanger-R&F & Glenn Gebur.

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

CORRESPONDENCE: Thank you from the family of Justin Nilson.

PUBLIC COMMENTS: Jim Walter spoke on behalf of clarifying the reason he voted no on the Deputy States Attorney motion was for additional part time secretarial budget expenses. He is in favor of the hiring of John Knight.

MINUTES: Moved by Tompkins, seconded by Sinner to approve the minutes for May 11, 2021 regular commissioner meeting with clarification of the amendment from Jim Walter. Motion carried.

PAYROLL: Moved by Sinner, seconded by Tobin to approve and authorize the chairman to sign the payroll period ending May 8, 2021. Motion carried.

Auditor's Office 4,772.21; Treasurer's Office 5,167.20; Register of Deeds 4,584.70; State's Attorney 2,136.00; Sheriff's Office 9,436.25; Jailors 7,767.75; Assessor's Office 5,125.20; Commissioners 2,706.92; Home Health 474.00; WIC 385.13; Veteran's Service 2,201.36; Maintenance 2,422.70; Extension 1,134.00; Welfare 375.00; Drainage 98.08; Planning & Zoning 260.08; OEM 750.00; 911 318.75; Weed 682.15; Highway 19,931.78; Social Security 4,252.04; Medicare 994.45; Health Insurance 638.12; Life Insurance 289.39; SD Retirement 4,060.60 for a total of 80,963.86.

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

SERVICES: Aramark Uniform Services/Ameripride Services Inc. 169.38, Aramark Uniform Services/Ameripride Services Inc. 201.67, Bantz, Gosch & Cremer 3,594.80, Bullert Automotive LLC 200.00, Century Business Products 132.19, Christensen Ambulance 4,200.00, Marshall & Swift 1,199.95, Glacial Lakes Electric LLC 1,620.86, Greg Johnson Construction, Inc 6,180.62, Kevin's Service 50.00, Law Office of Danny Smeins 5,056.66, Loiseau Construction Inc 229,804.00, Microfilm Imaging Systems Inc 95.00, Sanford Health 734.00, SDACO M&P Fund 344.00, SDVSOA 100.00, Team Laboratory Chemical 778.50, Tyler Technologies Inc 2,680.19,

SUPPLIES: 3-D Specialties Inc 125.91, ACE 627.50, American Solutions 12.95, Bob Barker Co 65.64, Know Ink 90.00, Medtox Laboratories Inc 73.36, Premier Biotech 522.89, Spot On Printing 24.00, Valley Office Products 85.29,

INSURANCE: Amanda Bartelt 545.13,

REPAIRS: Butler Machinery 1,115.00, Dakota Fluid Power, Inc 576.41, Dave Hahler Automotive 52.00, Kone Inc 634.65, Transource Trucking 665.78,

PER DIEM: Jodi Berger 225.76,

PUBLICATION: Civil Air Patrol Magazine 195.00,

UTILITIES: Dependable Sanitation 146.48, Northwestern Energy 761.59, Ottetail Power Co. 31.66, Venture Communication Inc. 264.69.

MANUAL CHECKS: SD Dept of Revenue 138,387.42, Glacial Lakes Technology 1,059.00, Day County Treasurer 625.82.

REPORTS: The Board noted the following reports:

In compliance with the law, I, Karli Zimmerman 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 May 1, 2021. Total amount of deposits in bank 1,203,100.48. Total amount of actual cash 737.55. Total amount of deposits and drafts in treasurer's possession not exceeding three days 601,585.90. 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 11,020,021.56; Postage 301.10; Register of Deeds petty cash 200.00; Sheriff 559.00; Credit cards 6,372.26 for a total of \$13,422,877.85. Cash Balances: General Fund 4,143,569.85;

Highway 4,765,514.48; E911 10,210.23; OEM 1,519.14; Domestic Abuse 179.00; 24/7 Fund 41,104.98; M & P Fund 45,139.59; 700 Accounts 4,398,564.46; equals \$13,405,801.73.

In compliance with the law, I, Jodi Berger hereby report the fees of the Office of Register of Deeds for the month of April 2021. Births (16) 240.00; Deaths (20) 300.00; Marriages (0) 0.00; Transfer fees 3,773.00; Recordings 4,965.00; Copies 615.25; Sales Tax .15 for a total of 9,893.40.

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 April 2021: Accident Reports 0.00; Phone cards 178.41; Phone Commission 434.98; Remote Breath Tests 196.00; Remote Breath Act/Deact. 0.00; Sheriff's Fees 2,622.46; Fingerprints 47.56; Juvenile Care 600.00; Misc. Income 5.00; PBT's 218.00; Pistol Permits 9.00; Prisoners-Out of Co. 2,325.00; UA Fees 80.00; Work Release 767.00; Sales Tax 14.03 for a total of 7,797.44.

DEPARTMENT HEADS: Chairman Linda Walters called upon each department for their reports.

PLANNING/ZONING: Moved by Sinner, seconded by Tompkins to recess the regular session at 9:14 AM, to convene as Planning, Zoning and Drainage Board. Motion carried. Chairman Linda Walters reconvened the regular session at 9:42 AM.

PLAT: Upon recommendation of the Planning & Zoning Board, moved by Sinner, seconded by Walter to approve the following plats: 1) David Johnson Second Addn in S ½ NE 11 & SW 12.122.57; 2) Jaskulka Addn in N ½ N ½ SENE 2.123.53. Motion carried.

ALCOHOLIC BEVERAGE LICENSE: Auditor Zimmerman presented a resolution to the board for the passing of new off sale liquor licenses. Moved by Tompkins, seconded by Sinner to pass and have the Chairman sign Resolution 2021-7. Motion carried.

RESOLUTION 2021-07

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of package off-sale liquor by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35 as amended; and WHEREAS SDCL 35-4-11.1 as amended provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of package off-sale liquor licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and

WHEREAS, the Day County Board of County Commissioners has set the number of package off-sale liquor licenses at three and the fee for such license at \$1,000.00 and

WHEREAS, the Day County Board of Commissioners has set the number of package off-sale liquor licenses at three and the renewal fee for such licenses at \$500.00 and

WHEREAS, Day County currently qualifies for zero package off-sale liquor licenses, making three additional licenses available for issuance July 1, 2021: and

WHEREAS, the Day County Board of Commissioners wishes to make the license available to the public on a first-come, first-serve basis.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Day County Commission makes the following rules applicable to the issuance of new package off-sale liquor licenses:

1. Applicants may apply for the package off-sale liquor license beginning upon passage of 2021 Senate Bill 152
2. Such application packet shall include the following:
 - A. **Uniform Alcoholic Beverage Application.** This must be completed fully and according to its instructions, and bear the necessary original signatures.
 - B. **License Purchase Fee.** License purchase fee in the amount of \$1,000.00 shall be presented at time of application.
3. In the event the first-come, first-served applicant is not able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant who next submits a fully and accurately completed application shall be next considered.

Dated this 25th day of May, 2021.

Linda M. Walters, Chairman
Day County Commission

ATTEST: Karli Zimmerman, Day County Auditor

GRENVILLE GRADE FISHING: Calvin Meyer and Mark Ermer presented on behalf of Game Fish and Parks along with Sheriff Rucktaeschel to discuss opening the Grenville Grade to shore fishing and possible parking along the grade. Calvin Meyer stated that the GFP may have funds available to put in more parking spaces along grades in Day County, which would help reduce the off the shoulder parking. Rucktaeschel said he does not have enough manpower to write tickets all day for no parking and this is a problem no matter what the board decides to do. Moved by Tobin, seconded by Sinner to leave the Grenville Grade closed at this time to shore fishing and no parking, and for the GFP to explore parking options to different Grades throughout Day County. Motion carried.

SIGN ON BONUS: Sheriff Rucktaeschel expressed the problem of finding help. Suggested maybe looking at offering a sign on bonus. No action was taken.

TRAVEL REQUEST: Moved by Tompkins, seconded by Sinner for the Sheriff Deputies to attend training in Aberdeen on June 21, 2021. Motion carried.

COUNTY ASSISTANCE LIEN: States Attorney Smeins discussed with the board a County Assistance Lien and possibly agreeing to satisfy the lien upon a payment made by the estate. Smeins will present the figures proposed at the next meeting once he has the final figures. Moved by Tompkins, seconded by Sinner to table the satisfaction until States Attorney reports back. Motion carried.

ROW FOR NORTHERN VALLEY COMMUNICATIONS: Moved by Walter, seconded by Tompkins to approve three applications for Occupancy on ROW of County Highways for Northern Valley Communications per Highway Supt. Braaten's recommendations. Motion carried.

FLAP PROJECT: Highway Supt. Braaten came back to the board asking for either approval or denial on the Federal Land Access Project from the previous meeting. Moved by Sinner, seconded by Tobin to deny the application for FLAP. The board advised Hwy Supt. Braaten to continue to look at options for the approaches on County Rd #1 and the road to the Refuge. Motion carried.

TRAVEL REQUEST: Moved by Tompkins, seconded by Sinner to approve Hwy. Supt. Braaten to attend an Executive meeting in Pierre on June 9, 2021. Motion carried.

CHAIRMAN TO SIGN U.S. DEPT OF TREASURY APPLICATION: Moved by Tobin, seconded by Walter to approve Chairman Walters to sign U.S. Department of Treasury Coronavirus Local Fiscal Recovery Fund application. Motion carried.

RECESS: Chairman Linda Walters declared a recess at 10:42 AM. Chairman Linda Walters reconvened the regular session at 10:49 AM.

DISTRICT MEETING: Auditor Zimmerman informed the board that Day County will host the next district meeting. Plans are being made to host it July 22, 2021 at the Pickerel Lake Lodge.

MEMORIAL DAY CLOSURE: Day County Courthouse and Highway Department will be closed May 31, 2021 for the Memorial Day Holiday.

AUTO SUPPLEMENT AMBULANCE: Moved by Tobin, seconded by Walter to approve the automatic budget supplement to the Health Services/Ambulance budget (101-4-424-422.6) \$1,106.00 from money received from Pierpont City to fund the ambulance agreement. Motion carried.

TRAVEL REQUEST: Auditor Zimmerman presented a travel request on behalf of the Coroner to travel to Pierre on June 1, 2021 for continuing ed. Moved by Walter, seconded by Tobin to approve the travel request. Motion carried.

FUTURE COMMISSIONER DATES: Future meeting dates were set as followed: July 13 and 27, August 10 & 24 and September 7 & 21, 2021.

EXECUTIVE SESSION: Moved by Sinner, seconded by Tompkins to enter Executive Session at 11:00 AM for personnel matters as per SDCL 1-25-2. Motion carried. Chairman Walters reconvened the regular session at 12:18 AM.

STATES ATTORNEY: Discussion was held on the States Attorney budget. States Attorney Smeins presented plans of reducing his salary, hours and no longer enrolling in county benefits with the recent hire of a deputy. Smeins secretarial help would also have a reduction in wage and hours. Additional secretarial help would be needed for the deputy. Chairman Walters spoke on behalf of the board with their concerns of trying to keep the budget in line. Commissioners discussed cutting office rent, some additional secretarial wages, and miscellaneous supplies. Smeins told commissioners if this is something that can not be resolved, he would also be willing to submit his resignation effective June 19,

2021. A motion by Walter was made to accept Smeins resignation effective June 19, 2021. Motion died due to lack of a second.

ADJOURNMENT: Moved by Tobin, seconded by Tompkins to adjourn until 9:00 AM, Tuesday June 1, 2021 to convene in the Commissioners Chambers in the Day County Courthouse. Motion carried.

Linda M. Walters
Chairman

ATTEST:

Karli Zimmerman
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.