

**DAY COUNTY COMMISSION  
WEBSTER, SOUTH DAKOTA  
February 1, 2022**

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday February 1, 2022 in the Commissioners Chambers in the Day County Courthouse. Meeting called to order by Chairman Linda Walters. Members present: Commissioners Sinner, Tobin, Walter, and Tompkins. Others: Amanda Fanger R&F, Glenn Gebur, and Logan Mannhart.

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

**CORRESPONDENCE:** NRCS seeking assistance in identifying historic properties. NECOG 2021 performance report. Day County Courthouse closed February 21, 2022 in observance of Presidents' Day.

**PUBLIC COMMENTS:** None.

**MINUTES:** Moved by Tompkins, seconded by Sinner to approve the minutes from January 18, 2022 regular commissioner meeting. Motion carried.

**PAYROLL:** Moved by Walter, seconded by Tobin to approve and authorize the chairman to sign the payroll period ending January 15, 2022. Motion carried.

Auditor's Office 5,098.21; Treasurer's Office 5,643.20; Register of Deeds 4,968.20; State's Attorney 2,752.80; Sheriff's Office 9,664.04; Jailors 8,323.75; Assessor's Office 5,357.21; Commissioners 2,706.92; Home Health 451.00; WIC 358.75; Veteran's Service 1,515.63; Maintenance 1,859.00; Extension 1,190.00; Welfare 385.00; Drainage 98.08; Planning & Zoning 268.08; OEM 828.75; 911 425.00; Weed 706.15; Highway 22,504.97; Social Security 4,564.02; Medicare 1,067.39; Dental Insurance 471.61; SD Retirement 4,380.68 for a total of 85,588.44.

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

**SERVICES:** Aramark Uniform Services 111.91, Century Business Products 141.49, Cole Papers 7.00, Delaney, Nielsen & Sannes 5,500.00, Imeg Corp 5,589.33, Keller Mechanical Inc 131.58, Kone Inc 246.27, Sanford Health 654.00, SD Dept of Transportation 449.38, SDSU Extension 10,567.75, Serr Law Office 518.25,

**SUPPLIES:** Axon Enterprise Inc 1,374.00, Colonial Research 316.86, Mid-American Research 332.14, James Pearson 100.00, Ryan's Candy 49.85, Valley Office Products 85.76,

**DONATION:** Agricultural & Biosystems 2,000.00, Area IV Senior Nutrition 5,000.00, Center for Independence 720.00, Community Transit Inc 4,500.00, Day County Conservation District 10,000.00, Day County Fair 10,000.00, Glacial Lakes Tourism 626.00, Live, Inc 720.00, NESDCAP 5,000.00, Northeastern Mental Health 5,000.00, Safe Harbor 500.00.

**UTILITIES:** AT&T 202.13, Dependable Sanitation 248.98, Northwestern Energy 94.56, Reliance Telephone Inc. 400.00, Venture Communication 264.69,

**PER DIEM:** Rick Tobin 41.40, James Walter 12.60,

**PUBLISHING:** Reporter and Farmer 713.95, Waubay Clipper 904.82,

**INSURANCE:** Avera Medical Group 699.00,

**MANUAL CHECKS:** Day County Treasurer 1,586.54, Sioux Valley Coop 1,181.25, Governor's Inn 154.00.

**EXECUTIVE SESSION:** Moved by Sinner, seconded by Tompkins to enter into Executive Session at 9:04 AM for personnel matters as per SDCL 1-25-2. Motion carried. Chairman Linda Walters reconvened the regular session at 9:27 AM.

**REDISTRICTING:** Moved by Sinner, seconded by Tobin to approve and adopt the new commissioner district boundaries. Motion carried.

**RESOLUTION #01-2022  
RESOLUTION TO ESTABLISH COMMISSIONER DISTRICTS  
BASED ON THE 2020 CENSUS**

WHEREAS, the 2020 federal decennial census has been completed; and

WHEREAS, under SDCL 7-8-10 the Board of County Commissioners shall hold a hearing at its regular meeting in February of 2022 and shall change the boundaries of commissioner districts if such change is necessary in order that each district shall be as regular and compact in form as practicable and contain as near as possible an equal number of residents; and

THEREFORE, BE IT RESOLVED, the Day County Board of Commissioners hereby establishes the boundaries of the five (5) commissioner district for Day County, South Dakota, beginning this year of 2022 as follows:

**COMMISSIONER DISTRICT ONE:** consists of Kosciusko Township and Waubay Township including the incorporated limits of the City of Waubay except that portion south of Railway Avenue.

**COMMISSIONER DISTRICT TWO:** consists of the incorporated limits of the City of Webster except that portion east of Highway 25 and south of 12<sup>th</sup> Avenue.

**COMMISSIONER DISTRICT THREE:** consists of Farmington Township, Andover Township, Homer Township, Union Township, Independence Township, Lynn Township, Raritan Township, Liberty Township, Nutley Township, Grenville Township, Town of Roslyn, Town of Pierpont, Town of Andover and the Town of Grenville.

**COMMISSIONER DISTRICT FOUR:** consists of Bristol Township, Kidder Township, Webster Township except the incorporated limits of the City of Webster, Racine Township, Highland Township, Scotland Township, Valley Township, Butler Township, Oak Gulch Township, Troy Township, York Township, City of Bristol, and the Town of Butler.

**COMMISSIONER DISTRICT FIVE:** consists of Rusk Township, Morton Township, Central Point Township, Wheatland Township, Egeland Township, that portion of the incorporated limits of the City of Webster east of Highway 25 and south of 12<sup>th</sup> Avenue, and that portion of the incorporated limits of the City of Waubay south of Railway Avenue.

The map of commissioner boundary districts is on file in the Auditor's Office.

Dated this 1st day of February 2022.

Linda M Walters, Chairman

ATTEST: Karli Zimmerman, Day County Auditor

**ROOF BIDS:** At 9:30 AM, Tuesday, February 1, 2022 this being the time and place set to receive bids for the labor, materials, equipment and tools as required to meet the roof replacement at the Day County Courthouse Webster, SD. The Commission received one bid: ProTec Roofing ARS Tecta America Company, LLC. Moved by Walter, seconded by Tobin to accept the bid from ProTec Roofing ARS Tecta America Company, LLC for \$146,000.00 to replace the existing roof at Day County Courthouse and replace wet or deteriorated insulation at 2.00/sq. ft. per 1" thick. The bidder agrees to complete the work by October 7, 2022. Motion carried.

**NORTHWESTERN ENERGY RENEWAL APPLICATION:** Public Hearing was held for Northwestern Energy Renewal Application. No one from the public appeared. Robert Gehm appeared on behalf of Northwestern Energy to answer any questions. Moved by Tobin, seconded by Tompkins to approve the renewal application with Northwestern Energy. Motion carried.

#### **RESOLUTION #02-2022**

#### **RECITALS**

I.

WHEREAS, NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy (NorthWestern), has filed an application with the Day County Board of Commissioners pursuant to Chapter 31-26 of the South Dakota Codified Laws, seeking the right to erect and maintain poles, wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting,

heating and power purposes (Power Lines) on and along the county highways located in Day County, South Dakota.

II.

WHEREAS, the Day County Board of Commissioners has the jurisdiction and authority to grant the application of NorthWestern as set forth in paragraph I above, subject to such conditions as it may desire to impose.

NOW, THEREFORE, BE IT RESOLVED by the Day County Board of Commissioners as follows:

1. That the application of Northwestern dated February 1, 2022, for permission to erect and maintain Power Lines on and along Day County public highways is granted subject to the conditions set forth herein.
2. That this grant is for a period twenty (20) years from and after February 1, 2022, or as may be extended by the Day County Board of Commissioners in writing at a subsequent date.
3. That as consideration for this grant, NorthWestern agrees to indemnify and hold harmless Day County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, operating, inspecting, repairing, maintaining, replacing or removal of the Power Lines along with all appurtenances thereto located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, NorthWestern agrees to restore, at its expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the public highways in the county should be rebuilt or construction and maintenance of the county highways requires the removal or relocation of the Power Lines, it shall be solely at the expense of NorthWestern.
5. That the rights and conditions by this grant shall be binding upon the successors and assigns of NorthWestern.
6. This grant shall further be subject to all rules and regulations as specified in the current edition of the National Electrical Safety Code.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by NorthWestern.

Dated this 1st day of February, 2022.

DAY COUNTY BOARD OF COMMISSIONERS

By Linda M. Walters

Chairman, Board of County Commissioners

ATTEST:

Karli Zimmerman, County Auditor

**HWY DEPT. SEALED BIDS:** Moved by Walter, seconded by Sinner to authorize Hwy Supt. Braaten to advertise for sealed bids on the following: 1) Road Machinery Rental Rates; 2) One-Year

supply of Road Oil; 3) Hot Mix and Paver Laid Hot Mix and 4) One-Year supply of Road Construction and Maintenance Gravel Materials. Bid opening will be on March 15, 2022 at 10:00 AM. Motion carried.

**LOAD LIMITS:** Moved by Sinner, seconded by Tobin to adopt the following Resolution and authorize the Highway Supt. to set the effective date for Road Limits. Motion carried.

**RESOLUTION #03-2022**

WHEREAS the Day County Highway Superintendent will be placing restrictions on county roads during the spring break-up, starting approx. March 1, 2022, and

DO NOW THEREFORE request that the South Dakota Highway Patrol assist in enforcing the road weight restrictions on county roads.

Dated at Webster, South Dakota, this 1st day of February 2022.

By the Board of County Commissioners:

Linda M. Walters, Chairman

Jim Walter

Richard Tobin

Derek Sinner

James Tompkins

ATTEST: Karli Zimmerman, County Auditor

**RECESS:** Chairman Linda Walters declared a recess at 10:13 AM. Chairman Linda Walters reconvened the regular session at 10:18 AM.

**EASEMENT:** Moved by Sinner, seconded by Tompkins to approve a perpetual easement for the following property: Lot Twenty-nine (29) of Duncan's First Addition to Tahahe Point and Tipi-ota Beach located in Lot One (1) of Section Twenty-seven (27), Township One Hundred Twenty-Four North (124N), Range Fifty-three (53) West of the 5<sup>th</sup> P.M. and Lot Six (6) of Section Twenty-two (22), Township One Hundred Twenty-four North (124N), Range Fifty-three (53), West of the 5<sup>th</sup> P.M., Day County, South Dakota. This easement allows the garage to be maintained in its present location. Motion carried.

**WAGE INCREASE:** Sheriff Schreur recommended wage increase for Kayla Schimmel. Moved by Walter, seconded by Sinner to approve pay increase of \$1.00 (from 18.00 to 19.00) effective January 30, 2022. Motion carried.

**LAW ENFORCEMENT TRAINING:** Sheriff Schreur informed the board that Deputy Sheriff Sullivan and Deputy Sheriff Ackerman will be attending Law Enforcement training in Pierre starting in March.

**TAHOE:** Sheriff Schreur reported that the 2013 Tahoe is having engine trouble. If the new part doesn't resolve the issues, he is considering removing the lights and placing them on the Dodge Pick-up.

**EXECUTIVE SESSION:** Moved by Tobin, seconded by Walter to enter into Executive Session at 10:40 AM for personnel matters as per SDCL 1-25-2. Motion carried. Chairman Linda Walters reconvened the regular session at 11:09 AM.

**FUTURE COMMISSIONER DATES:** Future Commissioner dates were set as followed: March 29, April 12, 21 (Equalization), & 26; May 10 & 24; June 9 & 21, 2022.

**CHAIRMAN TO SIGN ADMISSION OF SERVICE:** The Chairman signed the admission of service of Summons and Complaint with the City of Webster and Maxine Endres, et al.

**COURTROOM MICROPHONE:** A quote was received from Randy Mount to put new microphones in the courtroom for \$1,591.00. Moved by Tobin, seconded by Sinner to approve the quote with Randy Mount. Motion carried.

**ABATEMENTS:** Auditor Zimmerman presented fourteen abatements for Commission approval. Moved by Sinner, seconded by Tompkins to approve the following abatements.

Abatement #2022-08: abate \$1,956.11 on parcel #02.655.1800 for Shawn & Lonna Schmidt due to a loss occurred because of fire.

Abatement #2022-09: abate \$489.38 on parcel #78.80.0110 for Dacotah Bank due to structure being removed on leased site.

Abatement #2022-10: abate \$39.27 on parcel #78.19.0120 for Terry McBroom (City of Webster) due to selling a portion of property to the City of Webster and the City being exempt from taxes.

Abatement #2022-11: abate \$842.60 on parcel #78.72.0090 for City of Webster due to City being tax exempt from taxes.

Abatement #2022-12: abate \$219.72 on parcel #77.01.0916 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-13: abate \$177.56 on parcel #77.13.0100 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-14: abate \$568.56 on parcel #77.13.0110 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-15: abate \$51.16 on parcel #77.14.0050 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-16: abate \$866.80 on parcel #77.17.0120 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-17: abate \$1,949.90 on parcel #77.36.0210 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-18: abate \$1,629.78 on parcel #77.40.0490 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-19: abate \$1,824.38 on parcel #77.40.0500 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-20: abate \$3,273.82 on parcel #77.40.0420 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-21: abate \$128.01 on parcel #77.08.0040 for Waubay City due to City being tax exempt from taxes.

Abatement #2022-22: abate \$70.86 on parcel #70.01.0512 for Andover City due to City being tax exempt from taxes. Motion carried.

**ECONOMIC DEVELOPMENT:** Discussion was held on the money budgeted for Economic Development for the 2022 year. Moved by Sinner, seconded by Walter to approve giving half the budget donation amount of \$11,000.00. Motion carried.

**SD DEPT OF PUBLIC SAFTEY DESIGNEE:** Moved by Tompkins, seconded by Sinner to appoint Sheriff Schreur, OEM/911 Director Anderson, Highway Supt. Braaten and Commissioner Tobin to be designees to request fire suppression assistance with Wildland Fire Division. The Wildland Fire Division under SDCL 41-20A-11, will supply up to 6 personnel and 2 vehicles for mutual aid at no cost to the county. If more aid would be needed Schreur or Anderson would be the designees to request more. Motion carried.

**CPI:** Auditor Zimmerman reported the CPI is 3.0% for 2022 taxes payable in 2023.

**PICKERAL LAKE SANITARY DISTRICT:** States Attorney Knight discussed the boards involvement with the Pickerel Lake Sanitary District and the Tribal land that's within the district. Chairman Walters would like to invite the Tribal Chairman and the Pickerel Lake Sanitary District to a County Commissioner meeting to discuss the issues within the Sanitary District.

**ADJOURNMENT:** Moved by Tompkins, seconded by Tobin to adjourn until 9:00 AM, Tuesday February 15, 2022 to convene in the Commissioners Chambers in the Day County Courthouse. Motion carried.

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Linda M. Walters  
Chairman

ATTEST:

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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.