

**DAY COUNTY COMMISSION**  
**WEBSTER, SOUTH DAKOTA**  
**August 16, 2022**

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday August 16, 2022 in the Commissioner Chambers in the Day County Courthouse. Meeting called to order by Chairman Walters. Members present: Commissioners Tobin, Sinner, Walter, and Tompkins. Others: Auditor Zimmerman, States Attorney Knight, Amanda Fanger R&F, Glenn Gebur, Shayne Schmiegl, Chloe Rithmiller, Rick Froslic, and Justin Carlson.

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

**CORRESPONDENCE:** Letter from SDACC President Karsky.

**PUBLIC COMMENTS:** Glenn Gebur asked the Board if Day County hired a weed sprayer? Gebur asked why the weed spraying in the riprap was not done. Rick Froslic reported his observation from the Day County Fair was that not all buildings were handicap accessible. Froslic asked the Board if they would accept 2 wheelchair ramps from him to use at the Exhibit Building and the Pavilion. Glenn Gebur also commented that the Rabbit Building was not Handicap accessible. Commissioners thanked Froslic for bringing it to their attention and for his donation to Day County.

**MINUTES:** Moved by Sinner, seconded by Walter to approve the minutes from August 2, 2022 regular commissioner meeting. Motion carried.

**PAYROLL:** Moved by Tompkins, seconded by Tobin to approve and authorize the chairman to sign the payroll period ending July 30, 2022. Motion carried.

Auditor's Office 5,173.20; Treasurer's Office 5,643.21; Register of Deeds 5,005.70; State's Attorney 2,752.80; Sheriff's Office 7,959.25; Jailors 10,699.50; Assessor's Office 5,357.20; Commissioners 2,706.92; Home Health 563.75; WIC 410.00; Veteran's Service 1,894.25; Maintenance 1,859.00; Extension 1,190.00; Welfare 410.00; Ambulance 2,307.70; Drainage 98.08; Planning & Zoning 268.08; OEM 850.00; 911 425.00; Weed 883.63; Highway 19,541.61; Social Security 4,610.34; Medicare 1,078.27; Life Insurance 208.93; Dental Insurance 501.01; SD Retirement 4,424.38 for a total of 86,821.81.

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

**SERVICES:** A&B Business 140.14, Aramark 556.84, Ben Braaten 40.00, Card Member Services 1,640.26, Century Business Products 385.37, Christensen Ambulance 4,200.00, Judy Cleveland 140.00, IMEG Corp. 3,838.22, John Knight 4,100.00, Microfilm Imaging Systems 95.00, Rob's Septic, LLC 159.75, Scantron Corporation 1,888.81, SD Public Health Laboratory 680.00, SDACO M & P Fund 284.00, Taliaferro Law Firm, P.C. 2,126.85, Xerox Corporation 222.36, Xerox Financial Services 186.40,

**SUPPLIES:** Ace 273.41, All Flags, LLC 90.80, Auto Value Webster 588.98, Butler Machinery 475.18, CWD Distributing 1,299.47, Dakota Electronics 30.00, Dollar General 103.55, Election Systems & Software 959.09, Johnson Lumber 56.98, Medtox laboratories Inc 73.36, Mike's Jack and Jill 394.82, Sioux Valley Coop 29,694.70, Transource Trucking Equipment 627.42, Tri State Water Inc 277.55, Valley Office Products 537.15,

**UTILITIES:** City of Webster 404.84, Dependable Sanitation 111.88, ITC Telecom 628.91, James Valley Telecommunication 139.40, Midcontinent Communications 339.52, Northwestern Energy 3,489.99, Ottetail Power Co. 29.32, RC Technologies 50.00, Venture Communication Inc. 264.69,

**REPAIR:** House of Glass Inc. 240.00, Northstar Mechanical Inc. 329.02, Power Plan 1,128.10, Snaza Implement LLC 58.34, Webster Auto Care Inc 932.62.

**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 August 1, 2022. Total amount of deposits in bank 125,364.35. Total amount of actual cash 1,165.10. Total amount of deposits and drafts in Treasurer's possession not exceeding three days 19,067.61. 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 7,399,158.07; Postage 189.25; Register of Deeds petty cash 200.00; Sheriff 691.00; Credit cards 2,598.91 for a total of \$8,138,434.29. Cash Balances: General Fund 4,105,557.60; Highway 3,477,691.12; E911 11,394.20; OEM 12,186.34; Domestic Abuse 154.00; 24/7 Fund 34,459.78; M & P Fund 55,465.94; 0; Highway Rural Access 143,101.24; 700 Accounts 297,973.07; equals \$8,137,983.29.

In compliance with the law, I, Jodi Berger hereby report the fees of the Office of Register of Deeds for the month of July 2022. Births (8) 120.00; Deaths (42) 630.00; Marriages (1) 40.00; Transfer fees 3,652.00; Recordings 4,350.00; Copies 760.40; Sales Tax .55 for a total of \$9,552.95.

In compliance with the law, I, Jerred Schreur hereby submit the following report of all fees received by me as Sheriff within and for the County for the month of July 2022: Accident Reports 0.00; Phone cards 187.80; Phone Commission 712.65; Remote Breath Tests 11.00; Remote Breath Act/Deact 0.00; Sheriff's Fees 989.71; Fingerprints 56.34; Juvenile Care 0.00; Dispatch Services 0.00; PBT's 315.00; Pistol Permits 0.00; Prisoners-Out of Co. 12,830.00; UA Fees 220.00; Work Release 100.00; Sales Tax 15.86 for a total of 15,438.36.

**BUILDING UPDATE:** Custodian Holland informed the Board that repairs need to be made on the canopies outside of the courthouse. Bolts are coming loose along with large cracks in the canopy. Holland is still waiting on a quote for repair costs.

**PLANNING/ZONING:** Moved by Walter, seconded by Tobin 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 9:43 AM.

**PLAT:** Upon recommendation of the Planning & Zoning Board, moved by Sinner, seconded by Tompkins to approve the following plat: 1) Tvinnereim-Meyer Addition in SE 25.123.57. Motion carried.

**EXECUTIVE SESSION:** Moved by Sinner, seconded by Tompkins to enter into Executive Session at 9:49 AM for personnel matters as per SDCL 1-25-2. Motion carried. Chairman Linda Walters reconvened the regular session at 10:11 AM.

**B.D.M PUBLIC HEARING:** Public Hearing was held on B.D.M Rural Water System, Inc. requesting authority to install water lines and appurtenances within Day County road rights-of-way. Moved by Tobin, seconded by Tompkins to adopt Resolution 2022-11 granting B.D.M Rural Water System, Inc., a county wide authorization for the purpose of the continued placement, repair, and maintenance of pipeline. Motion carried.

#### **RESOLUTION NO. 2022-11**

BE IT RESOLVED that BDM Rural Water System, Inc., a South Dakota Non-profit 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 BDM Rural Water System, Inc. will bear the expenses or costs associated in the construction and operating of the water system.

BE IT FURTHER RESOLVED that when a 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 Highway 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 Highway Superintendent.

4. Clean Up Right-of-Way: Upon completion of work, litter will be removed from 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 “as built” 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 and pay all expenses or costs to the County which occurs as a result of the operation and maintenance of the pipelines and appurtenances.
8. Paved and FAS (Future Paved) 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 BDM Rural Water System, Inc. at the time of the County review of the need for change in pipeline cover.

Adopted this 16<sup>th</sup> day of August, 2022.

DAY COUNTY COMMISSION

By: Linda Walters

Its: Chairman

ATTEST:

By: Karli Zimmerman

Its: Auditor

**BRISTOL BRIDGE:** Bristol City Council Member Shayne Schmieg and Finance Officer Chloe Rithmiller appeared before the board to ask for help in paying for the repair of the Bristol Bridge. A quote to fix the Bridge from Hollaway Bridge and Culvert, Inc. was presented in the amount of \$91,386.90. Schmieg stated that the City of Bristol feels that it is an emergency situation, and they should fix it as soon as possible. If they notify Hollaway Bridge by August 17<sup>th</sup> the project could be completed by the end of September. It is still unknown exactly who owns the bridge. Chairman Walters asked if the city had COVID money to spend on infrastructure. Finance Officer Rithmiller said that money has been designated to a ground sewer project. Schmieg said City does have the money to cover the cost but is asking that the County consider contributing possibly a third of the project expense. Commissioner Sinner said he agrees that they should help, he is just concerned about setting a precedent for other cities and with taking on the ambulance service he is just not sure they can swing that at this time. No decision was made.

**LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT:** Moved by Tobin, seconded by Tompkins to approve the Chairman to sign the Local Emergency Management Performance Grant. Motion carried.

**VSO COMPUTER QUOTE:** Auditor Zimmerman presented a quote on behalf of VSO Nelson for a new computer with docking station and software. The quote received was from Glacial Lakes Technology Services for \$2,800.00. Moved by Sinner, seconded by Walter to approve the quote with Glacial Lakes Technology Services. Motion carried.

**ADJOURNMENT:** Moved by Sinner, seconded by Tompkins to adjourn until 9:00 AM, Tuesday, September 6, 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.