

DAY COUNTY COMMISSION
WEBSTER, SOUTH DAKOTA
November 22, 2022

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday November 22, 2022 in the Commissioner Chambers in the Day County Courthouse. Meeting called to order by Chairman Walters. Members present: Commissioners Sinner, Walter, and Tompkins. Absent: Tobin. Others: Auditor Zimmerman, States Attorney Knight, John Suhr R&F, Robert Gehm, and Danny Kjos.

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

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

MINUTES: Moved by Sinner, seconded by Tompkins to approve the minutes from November 9th, 2022 regular commissioner meeting. Motion carried.

PAYROLL: Moved by Tompkins, seconded by Sinner to approve and authorize the chairman to sign the payroll period ending November 5, 2022. Motion carried.

Auditor's Office 6,843.20; Treasurer's Office 5,643.20; Register of Deeds 5,205.71; State's Attorney 2,752.80; Sheriff's Office 9,706.01; Jailors 9,577.00; Assessor's Office 6,357.21; Commissioners 2,706.92; Home Health 471.50; WIC 343.38; Veteran's Service 2,080.75; Ambulance 2,307.70; Maintenance 1,793.00; Extension 1,190.00; Welfare 400.00; Drainage 98.08; Planning & Zoning 268.08; OEM 850.00; 911 425.00; Weed 706.15; Highway 20,990.85; Social Security 4,905.49; Medicare 1,147.29; Life Insurance 208.93; Health Insurance 0.00; Dental Insurance 501.01; SD Retirement 4,624.41 for a total of 92,103.67.

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

SERVICES: Aramark 382.79, City of Watertown 4,722.32, Concord Services LLC 30,660.00, Glacial Lakes Technology Services 352.50, IMEG Corp. 18,005.71, Lincoln County Treasurer 500.36, Prairie Lakes Healthcare 117.00, Sanford Health 2,086.77, Scantron Corporation 1,895.17, SDACO M & P 282.00, Sioux Valley Cooperative 18.00, Xerox Corporation 368.41, Xerox Financial Services 511.67,

SUPPLIES: ACE 68.57, Agwrx Coop 30.00, American Solutions for Business 59.49, Butler Machinery 559.05, Cole Papers, Inc 91.68, CWD Distributing 1,649.13, Intoximeters 380.00, Jensen Feed & Grain 2,406.80, L.G. Everist Inc 611.31, Mike's Jack and Jill 520.75, Opitz Gravel 21,686.48, Valley Office Products 332.51,

UTILITIES: Dependable Sanitation 87.88, ITC 525.99, James Valley Telecommunication 139.40, Northwestern Energy 523.61, Ottertail Power Co. 33.71, RC Technologies 50.00, Venture Communication Inc. 264.69,

INSURANCE DEDUCTIBLE: Barbra Block 1,439.59,

PER DIEM: Amanda Bartelt 260.31,

SUBSCRIPTION: Civil Air Patrol Magazine 195.00,

DUES: SD Assoc. of County Commissioners 1,767.00, SD Assoc. of County Officials 928.67,

REPAIR: Webster Tire 40.00,

MANUAL CHECKS: SD Department of Revenue 123,383.22, Dakota Electronics 18,242.50, Minnkota Communications 14,570.91, Day County Treasurer 5.89.

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 November 1, 2022. Total amount of deposits in bank \$1,084,946.53. Total amount of actual cash \$3,465.64. Total amount of deposits and drafts in Treasurer's possession not exceeding three days \$643,009.94. 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 \$9,998,565.22; Postage \$633.86; Register of Deeds petty cash \$200.00; Sheriff \$501.00; Credit cards \$2,163.33 for a total of \$12,323,485.52. Cash Balances: General Fund

\$4,306,838.68; Highway \$4,220,795.08; E911 \$13,156.34; OEM \$12,513.63; Domestic Abuse \$214.00; 24/7 Fund \$35,607.92; M & P Fund \$57,071.95; Highway Rural Access \$136,601.24; 700 Accounts \$3,540,476.68; equals \$12,323,275.52.

In compliance with the law, I, Jodi Berger hereby report the fees of the Office of Register of Deeds for the month of October 2022. Births (11) \$165.00; Deaths (39) \$585.00; Marriages (0) \$0.00; Transfer fees \$15,451.00; Recordings \$4,470.00; Copies \$506.70; Sales Tax \$0.38 for a total of \$21,178.08.

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 October 2022: Accident Reports \$0.00; Phone cards \$18.78; Phone Commission \$530.88; Remote Breath Tests \$32.00; Remote Breath Act/Deact \$0.00; Sheriff's Fees \$839.21; Fingerprints \$9.39; Juvenile Care \$8,600.00; Dispatch Services \$0.00; PBT's \$320.00; Pistol Permits \$0.00; Prisoners-Out of Co. \$8,435.00; UA Fees \$60.00; Work Release \$1,650.00; Sales Tax \$1.83 for a total of \$20,497.09.

NORTHWESTERN ENERGY RENEWAL APPLICATION FOR NATURAL GAS FRANCHISE: Northwestern Energy submitted a renewal application for natural gas franchise. Robert Gehm appeared on behalf of Northwestern Energy to answer any questions. Moved by Sinner, seconded by Walter to approve the renewal application with Northwestern Energy. Motion carried.

RESOLUTION #2022-14
RESOLUTION AND 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 SDCL Section 7-8-23 on November 22, 2022, seeking the right to construct, lay, maintain and operate natural gas pipelines and mains 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.

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

1. That the application of **Northwestern** dated November 2, 2022, for permission to construct, lay, maintain and operate natural gas pipelines and mains on and along Day County Roads is granted subject to the conditions set forth herein.
2. That this grant is for a period of twenty (20) years from and after November 22, 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, laying, operating, inspecting, repairing, maintaining, replacing and removing of pipes, mains, valves and all other devices used in connection with the operation of its natural gas pipeline 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 county road should be rebuilt or construction and maintenance of the county road requires the removal or relocation of the pipeline, 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 are prescribed by the State of South Dakota relating to the construction, operation and maintenance of gas pipelines and mains.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by **NorthWestern**.

Dated this 22nd day of November, 2022.

DAY COUNTY
BOARD OF COMMISSIONERS

By Linda M. Walters
Chairman, Board of County Commissioners

ATTEST:

Karli Zimmerman, Auditor

PLANNING/ZONING: Moved by Walter, seconded by Sinner to recess the regular session at 9:09 AM, to convene as Planning, Zoning and Drainage Board. Motion carried. Chairman Linda Walters reconvened the regular session at 9:25 AM.

PLAT: Upon recommendation of the Planning & Zoning Board, moved by Sinner, seconded by Tompkins to approve the following plat: 1) Gardner Second Addn in NE in 33-122-56; 2) Patton SubDivision in the N ½ NE & E ½ NW 32-123-58; 3) Drake Farms 4th Addn in Gov't Lots 6 & 7 of 12-123-53; 4) Lot 33B Highview SubDiv in NE of 24-123-53; 5) Harrs Pickerel Lake SubDivisions replat of Lot 2 Beals Second Pickerel Lake SubDivisions of Government Lot 1 of 15-124-53. Motion carried.

4-H/EXTENSION UPDATE: Jennifer Ringkob Program Advisor for Extension gave a year end recap for the extension office.

ADVERTISE FOR BIDS FOR FUEL AND TIRES: Moved by Sinner, seconded by Walter to authorize Highway Supt. Braaten to obtain bids for fuel and tires. Motion carried. Bid opening will be December 29th at 10:00 A.M.

RECESS: Chairman Linda Walters declared a recess at 9:43 AM. Chairman Linda Walters reconvened the regular session at 9:51 AM.

EMPLOYEE PAY INCREASE: Moved by Sinner, seconded by Walter, to approve employee pay increases for Deputy Garret Premus (\$23.00- \$23.50) \$0.50 raise effective November 20th, 2022 upon six months of employment. Deputy Samuel Ackerman (\$22.00-\$23.00) \$1.00 raise effective December 4th, 2022 upon one year of employment. Motion carried.

BADGES AND RIFLES: Moved by Walter, seconded by Tompkins for Sheriff Schreur to purchase new badges out of the 2023 budget. Schreur will also be purchasing two new rifles out of the 2023 budget. Motion carried.

PIERPONT CITY CONTRACT: Sheriff Schreur informed the board that the Town of Pierpont would like to enter into a contract for 5 hours of enforcement services at \$100.00/hr. The city will decide at their December meeting. Sheriff Schreur will report back at the next meeting.

VSO UPDATE: VSO Officer Nelson will be hosting the 1st Annual Day County Veterans' Banquet Saturday December 17th, 2022. If you have any questions, please contact the VSO Office.

LEPC FUNDS: Moved by Sinner, seconded by Tompkins to transfer LEPC grant money for PAPR Kit for ambulance in the amount of \$185.00 from Restricted Fund Balance for LEPC (226-274.01 to Fund Balance Assigned for Emergency Management (226-276.05). Motion carried.

CONTINGENCY TRANSFER: Auditor Zimmerman will wait until closer to the end of the year to do contingency transfers.

FORMAL SUPPLEMENT: Moved by Walter, seconded by Tompkins to approve Auditor Zimmerman to advertise for a formal supplement budget hearing to be held December 20th at 9:05 A.M. for \$315,000.00 for the purchase of the ambulance equipment and supplies. Motion carried.

FAIR BOARD LEASE AGREEMENT: Moved by Sinner, seconded by Tompkins to approve and authorize the chairman to sign the 2023 Annual Fair Board Lease Agreement. Motion carried.

PUBLIC DEFENDER CONTRACT: Moved by Sinner, seconded by Walter to authorize the chairman to sign the 2023 Public Defender Contract for \$69,000 with Delaney, Nielsen & Sannes. Motion carried.

EXECUTIVE SESSION: Moved by Sinner, seconded by Tompkins to enter into Executive Session at 10:12 AM for personnel matters as per SDCL 1-25-2. Motion carried. Chairman Linda Walters reconvened the regular session at 11:19AM.

ADJOURNMENT: Moved by Sinner, seconded by Tompkins to adjourn until 9:00 AM, Tuesday, December 6, 2022 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.