

DAY COUNTY COMMISSION
WEBSTER, SOUTH DAKOTA
May 20, 2025

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday, May 20, 2025, in the Commissioners Chambers in the Day County Courthouse. Meeting called to order by Chairman Sinner. Members present: Commissioners Kjos, McGregor-Okroi, Aldrich & Torrence, Others: State's Attorney Knight, Auditor Kading, Treasurer Zubke, Hwy Supt. Larson, Nick Hofland, Paul Dulitz, Andy Dale, Mike Dale, Berdette Zastrow, Jim Walter, Reuben Parks, Jerry Mork, Scott Anderson, Micheal Herr, Lauren Johnson, David Olson, Joel Shoemaker, Mark Brandlee, David Dulitz, Amanda Dulitz-R&F & Annie Witt-R&F.

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

CORRESPONDENCE: None.

PUBLIC COMMENTS: Rueben Parks spoke on behalf of Day County Action Alliance on the topic of the County Initiative Petition that was turned in on May 6, 2025.

Michael Herr commented that he understood that the wind towers were not to be discussed for one year after the November 5, 2024 election and therefore has never spoke on the topic for people that are for the wind towers because the Commission voted in accordance with the state law not to discuss for 365 day from the election.

MINUTES: Moved by McGregor-Okroi, seconded by Kjos to approve the minutes from May 6, 2025, regular commissioner meeting. Motion carried.

PAYROLL: Moved by Torrence, seconded by Aldrich to approve and authorize the chairman to sign the payroll period ending May 3, 2025. Motion carried.

Auditor's Office 5,768.20; Treasurer's Office 6,278.82; Register of Deeds 5,419.08; State's Attorney 2,952.80; Sheriff's Office 12,006.51; Jailors 11,037.95; Assessor's Office 4,176.95; Commissioners 2,706.92; Home Health 824.13; Veteran's Service 2,658.75; Ambulance 8,362.08; Maintenance 1,984.50; Extension 1,330.00; Welfare 475.00; Drainage 337.88; Planning & Zoning 504.13; OEM 901.25; 911 515.00; Weed 766.14; Highway 19,693.59; Social Security 5,407.51; Medicare 1,264.63; Dental Insurance 445.98; Life Insurance 239.98; SD Retirement 4,849.45 for a total of 100,907.23.

CLAIMS: Moved by McGregor-Okroi, seconded by Kjos to approve and authorize the chairman to sign the following audited claims. Motion carried.

SERVICES: A&B Business Solutions 167.67, Bituminous Paving Inc 129,885.92, Century Business Products 145.00, City of Watertown 7,744.51, Communications Management Group 2,000.00, Kwasniewski Enterprises Inc 84.50, Fiksdal Funeral Service 2,000.00, IMEG Corp 1,830.86, Kelli Lardy 115.00, Marlin Leasing Corp 115.05, Medtox Laboratories Inc 77.80, Richardson, Supercom Inc 74.75, Webster Auto Care Inc 168.83, SDACO M&P Fund 276.00, XEROX Corporation 304.49, Sanford Health 340.09, Tyler Technologies Inc 898.00, Dacotah Bank 1,715.52, Vestis 473.04, WEX 70.00,

REPAIRS: House of Glass Inc 64.25, Snaza Implement LLC 90.56, Transource Trucking Equipment 929.78,

DEDUCTIBLE: Garret Premus 2,000.00,

FEE: Dept. of Agriculture 100.00, SDACC-Clerp 4,563.00,

SUPPLIES: Ace Hardware 130.12, Cash-Way Distributing 2,077.55, Dakota Electronic 43.00, Mereen-Johnson LLC 57.37, Mid-American Research 503.47, Mike's Jack & Jill 312.65,

Newman Traffic Signs 29.60, Phoenix Supply 1,763.88, Ryan's Candy 58.95, Valley Office Products 1,128.40,

UTILITY: Otter Tail Power Co 32.58, Northwestern Energy 4,358.80, Sioux Valley Cooperative 20,158.40, James Valley Telecommunications 341.40, Venture Communication Inc 197.90, Verizon Wireless 200.05, Dependable Sanitation 126.75, Tri State Water Inc 29.05.

PER DIEM: Jeff Nelson 202.34,

MANUAL CHECKS: SD Department of Revenue 165,561.21, SDRS Special Pay Plan 2,257.28, SD Dept. of Public Safety 1,470.67.

REPORTS: The Board noted the following reports:

In compliance with the law, I, Kelsey Kading, 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, 2025. Total amount of deposits in bank \$1,047,218.91. Total amount of actual cash \$4,586.34. Total amount of deposits and drafts in Treasurer's possession not exceeding three days \$552,062.49. Itemized list of all items, checks and drafts, which have been in the Treasurer's possession over three days: CD'S \$1,850,000.00; IMMA \$11,569,958.25; Postage \$421.18; Register of Deeds petty cash \$200.00; Sheriff fund \$1,660.00.00; Credit cards \$9,047.74 for a total of \$15,035,154.91. Cash Balances: General Fund \$5,733,949.30; Highway \$4,612,149.49; E911 \$18,424.19; OEM -\$105,245.14; Domestic Abuse \$174.00; 24/7 Fund \$44,891.69; M & P Fund \$61,806.48; Highway Rural Access \$160,730.96; 700 Accounts \$4,507,635.94; equals \$15,034,516.91.

In compliance with the law, I, Jodi Berger, hereby report the fees of the Office of Register of Deeds for the month of April 2025. Births (14) \$210.00; Deaths (85) \$1,275.00; Marriages (0) \$0.00; Transfer fees \$6,487.00; Recordings \$4,263.00; Copies \$536.40; Sales Tax \$0.52 for a total of \$12,771.92.

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 April 2025: Phone cards \$56.34; Phone Commission \$531.54; Remote Breath Tests \$169.00; Sheriff's Fees \$792.94; PBT's \$213.00; Prisoners-Out of Co. \$6,725.00; UA Fees \$425.00; Work Release \$800.00; GPS Monitoring \$180.00; State Grant \$2,788.36; Roslyn Contract Hours \$500.00; Pierpont Contract Hours \$500.00; Waubay Contract Hours \$2,000.00 Sales Tax \$3.66 for a total of \$15,684.84.

ENGINEER: Nick Hofland representing Hofland Engineering presented the Commission with the correct information on the on County Road #1. Hofland feels the information that has been put out to the public has been misleading and false. The commission continued with conversation on understanding the information given and discussed the direction to keep the project moving forward.

PLANNING & ZONING: Moved by McGregor-Okroi, seconded by Torrence to recess the regular session at 9:35 AM, to convene as Planning, Zoning and Drainage Board. Motion carried. Chairman Sinner reconvened the regular session at 9:42 AM.

PLAT: Upon recommendation of the Planning & Zoning Board, moved by Kjos, seconded by Aldrich to table the following plat: Richard B Addition in S 1/2 NW, N 1/2 SW & SESE of 24-123-53. Motion carried.

DEPUTY RESIGNATION: Moved by Torrence, seconded by McGregor-Okroi, to accept with regret the resignation of Garret Premus effective May 31, 2025. Motion carried.

R.O.W.: Moved by Torrence, seconded by Aldrich to approve application for occupancy in R.O.W. for Robert Duerre on County Road 31, south of Buttler for boring under road. Motion carried.

PAY INCREASE: Moved by Aldrich, seconded by Kjos to approve 6-month wage increase from \$22.23 to \$23.73 for Day County Highway employee, Ethan Lemmon effective June 15, 2025. Motion carried.

EXECUTIVE SESSION: Moved by Kjos, seconded by Torrence to enter into Executive Session at 9:46 AM for personnel as per SDCL 1-25-2. Motion carried. Chairman Sinner reconvened the regular session at 10:20 AM.

MALT BEVERAGE LICENSE: Moved by Aldrich, seconded by Torrence to approve renewing and authorizing the chairman to sign the Retail On-Off Malt Beverage Licenses for Back Forty Beef and Pickerel Lake Lodge. Motion carried.

TRANSFER: Moved by Torrence, seconded by McGregor-Okroi to approve cash funds transfer of \$115,000.00 from general Fund 101-4-911-911 to OEM Fund 226-371. Motion carried.

PETITION: Auditor Kading presented the Commission with a County Initiative Petition that was turned into the Auditors office by Day County Action Alliance on May 6, 2025. States Attorney Knight, recommended to the Commission to reject the petition as it is improper to attempt to change or amend a county zoning ordinance by initiative petition pursuant to SDCL Chapter 7-18 and that changes or amendments to a zoning ordinance must follow the procedure set forth in SDCL 11-2-28. Knight stated that because the proper procedure was not done here, the petition is improper and under the South Dakota law, the Day County commission is not able to act on it or put the matter to a public vote. The new ordinance that was adopted by the Planning Commission and the Board of Commissioners during the summer of 2024 was referred to a public vote and the Commission is now prohibited from voting on any changes to the zoning ordinance for the one year from the date of the election. On recommendation of States Attorney Knight, a vote was held on whether to reject the Initiative Petition. Moved by Torrence, seconded by McGregor-Okroi to reject the County Initiative Petition. Roll call, McGregor-Okroi-Yes, Torrence-Yes, Kjos-Yes, Aldrich-Yes & Sinner-Yes. 5-0 to reject the Initiative petition. Motion carried.

CLOSURE: The Courthouse and Highway Department will be closed May 26th, 2025 in observance of Memorial Day.

ADJOURNMENT: Moved by McGregor-Okroi, seconded by Kjos to adjourn until 9:00 AM, Tuesday, June 3, 2025, to convene in the Commissioners Chambers in the Day County Courthouse. Motion carried.

Derek Sinner,
Chairman

ATTEST:

Kelsey Kading,
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.