

SULLY COUNTY BOARD OF COMMISSIONERS
MARCH 1, 2022

The Board of Sully County Commissioners held their regular scheduled mtg on Tues, March 1, 2022. Chmn Yackley called the mtg to order at 7:30 am. Other members present: William Floyd, Jerry Richards, Caleb Shepherd & Joe Fanger. Also, present were Susan Lamb, Sheila Ring, Janet Schmahl, JJ Schall, Emily Sovell, Danielle Rausch, Patty McGee, Dan Lederman, Grant Terry, Walt Wendland, Rick Hofer, Kevin Hofer, Scott Schweitzer, Harold Doer (phone), Dwane Russell, Neal Konda, Stacy Hegge, Vic Utech, Andrew Utech, & Cody Miller (phone).

ADOPT AGENDA: Motion by Floyd, second by Richards to adopt the agenda with the addition of new Hwy Dept hire. Unanimous vote aye.

PUBLIC COMMENT: No one was present for public comment.

ROD PURCHASE REQUEST: Motion by Richards, second by Yackley to approve ROD Murphy's request to purchase a plat cabinet from McLeods in the amount of \$4,379. Unanimous vote aye.

SUMMIT CARBON SOLUTIONS: Dan Lederman & Grant Terry were present to share information & answer questions on the proposed pipeline. A public meeting will be held with the PUC on March 22nd in Onida.

ARPA FINAL RULE: David Reiss from CSDED discussed the ARPA Final Rule which allows counties to use up to \$10 million for revenue loss. This rule goes into effect on April 1st.

PRE-DISASTER MITIGATION PLAN UPDATE: David Reiss from CSDED updated Bd on plan. Draft will be sent out mid-March with a mtg held the last week of March.

GRAVEL TRAILER BIDS: Bids were received from Diesel Machinery Inc Air Ride Trailer \$56,335; Butler Air Ride Trailer \$65,174.41, Spring Ride Trailer \$62,221.82; Jim Hawk Truck Trailer Air Ride Trailer \$50,653, Spring Ride Trailer \$46,468; Siouxland Trailer Sales Air Ride Trailer \$56,500, Spring Ride Trailer \$56,250. Motion by Richards, second by Shepherd to accept the low bid of \$46,468 plus shipping for the Spring Ride Trailer from Jim Hawk Truck Trailer. Unanimous vote aye.

GRAVEL HAULING BID: Bid was received from B&B Equipment for \$.21 per loaded ton mile with a minimum of 6 trucks available anytime. Motion by Shepherd, second by Floyd to accept B&B bid. Unanimous vote aye.

HOT/COLD MIX BID: Bids received from Jensen Rock & Sand for Cold Mix at \$140 & Hot Mix at \$80 at plant location in Mobridge & from Morris Inc Cold Mix \$160 & Hot Mix \$95 at plant location in Pierre. Motion by Floyd, second by Richards to accept low bid from Jensen. Unanimous vote aye.

CULVERT BIDS: Central Culvert Supply & TrueNorth Steel submitted bids. Motion by Richards, second by Floyd to accept the low bid from Central Culvert Supply. Unanimous vote aye. Central Culvert Supply's bid is as follows & TrueNorth Steel is on file for public inspection at the Auditor's Office.

| 10 Gauge | 54" | 60" | 72" |
|---------------|----------|----------|----------|
| Riveted Round | \$254.00 | \$285.00 | \$340.00 |
| Riveted Arch | \$280.00 | \$313.00 | \$357.00 |
| Bands | | | |

| 12 Gauge | 36" | 42" | 48" | 54" | 60" | 72" |
|---------------|----------|----------|----------|----------|----------|-----------|
| Riveted Round | \$135.00 | \$158.00 | \$180.00 | \$201.00 | \$224.00 | \$ 231.00 |
| Riveted Arch | \$149.00 | \$173.00 | \$198.00 | \$222.00 | \$232.00 | \$ 272.00 |
| Bands | | | | | | |

| 14 Gauge | 30" | 36" | 42" | 48" |
|---------------|----------|----------|----------|----------|
| Riveted Round | \$ 83.00 | \$ 99.00 | \$116.00 | \$133.00 |
| Riveted Arch | \$ 91.00 | \$109.00 | \$127.00 | \$139.00 |
| Bands | | | | |

| 16 Gauge | 12" | 15" | 18" | 24" | 30" |
|---------------|----------|----------|----------|----------|----------|
| Riveted Round | \$ 27.00 | \$ 33.00 | \$ 42.00 | \$ 53.00 | \$ 66.00 |
| Riveted Arch | N/A | \$ 36.00 | \$ 45.00 | \$ 57.00 | \$ 73.00 |
| Bands | | | | | |

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GRAVEL BIDS: Motion by Shepherd, second by Fanger to accept all bids. Unanimous vote aye.

| Bidder Name | Pit Run Royalties | 3/4" | 1" | 2" | Pea Rock | Rock 1"-3" | Rock 6" | Over Sized | Clay | Other |
|---------------------|-------------------|---------|---------|---------|----------|------------|----------|------------|---------|--------------------------|
| Paul Brandt | | | | | | | | \$ 1.00 | \$ 3.00 | |
| B & B Equipment | | \$ 5.50 | \$ 5.50 | \$ 5.50 | | \$ 12.00 | \$ 14.00 | \$ 14.00 | \$ 2.00 | |
| H Bar Lazy H | \$ 1.50 | | | | | | | | | |
| Morris Inc | | \$ 5.50 | | | \$ 15.50 | \$ 20.50 | \$ 25.50 | \$ 25.50 | | |
| Jim Schumacher | \$ 1.80 | | | | | | | | | |
| Thomas Ranch | \$ 1.50 | | | | | | | | | Crushed Rd Gravel \$5.50 |
| Yackley Partnership | \$ 3.00 | | | | | \$ 13.00 | \$ 13.00 | \$ 13.00 | \$ 3.00 | Landscape 2" \$23.00 |

RESOLUTION 2022-6 R&B LEVY HEARING: Chmn Yackley opened hearing on Resolution 2022-6. Patty McGee asked questions about the levy & voiced concerns about added financial stress to fellow taxpayers. McGee requested that Bd table this resolution for 1 yr. Yackley closed hearing. Bd read & discussed resolution. Motion by Floyd, second by Fanger to table resolution for 1 yr. Roll Call Vote: Floyd-aye, Shepherd-nay, Fanger-aye, Yackley-nay, Richards-nay. Motion failed 2-3. Motion by Shepherd, second by Yackley to approve resolution. Roll Call Vote: Shepherd-aye, Fanger-nay, Yackley-aye, Richards-aye, Floyd-nay. Motion carried 3-2.

RESOLUTION TO IMPOSE TAX FOR COUNTY ROAD & BRIDGE RESERVE LEVY
RESOLUTION 2022-6

WHEREAS, PER SDCL 10-12-13, the Sully County Board of Commissioners may levy an annual tax as a reserve fund to be accumulated and used for the purpose of maintaining, repairing, constructing, and reconstructing roads and bridges as follows:

- (1) A levy not to exceed one dollar and twenty cents per thousand dollars of taxable valuation, if the total taxable valuation of the county is one billion dollars or less; or
- (2) A levy not to exceed ninety cents per thousand dollars of taxable valuation, if the total taxable valuation of the county is more than one billion dollars but less than two billion dollars; or
- (3) A levy not to exceed sixty cents per thousand dollars of taxable valuation, if the total taxable valuation of the county is two billion dollars or more.

Moneys in the fund may be expended in the laying out, marking, maintaining, constructing and reconstructing of roads and maintaining, constructing, and reconstructing of bridges, under the jurisdiction of the Sully County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Sully County Board of County Commissioners chooses to implement the tax levy allowed by SDCL 10-12-13 for Road & Bridge improvements. A County Road & Bridge Reserve levy of \$.90 per thousand with 90% retained at County level and 10% of the money raised by the levy made pursuant to SDCL 10-12-13 within said municipality per SDCL 10-12-14, will be applied to 2022 taxes payable in 2023. This action has been taken by the Sully County Board of Commissioners and approved by at least a two-thirds vote of the Board. This decision may be referred to a vote of the people upon a petition signed by at least 5% of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision.

FURTHER BE IT RESOLVED, unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread a \$.90 per thousand Road & Bridge Reserve Levy to raise tax dollars allowing for percentage increases from inflation and new construction in subsequent years as allowed by SDCL 10-12-13.

Moved by Commissioner Shepherd and seconded by Commissioner Yackley, that the above resolution be adopted.

VOTING AYE

Jerry Richards
Greg Yackley
Caleb Shepherd

VOTING NAY

William Floyd
Joe Fanger

ABSENT AND NOT VOTING

None

Motion passed and resolution adopted this 1st day of March, 2022.

s:/Greg Yackley, Chairman

Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan B. Lamb

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Sully County Auditor

BRIDGE DESIGN EXCEPTION: Scott Schweitzer from Brosz Engineering presented a Request for Design Exception to Bd. Motion by Fanger, second by Richards to accept Request & authorize Chmn Yackley to sign Request. Unanimous vote aye. Schweitzer also provide an estimate of \$324,135 for a detour on bridge 60-358040 4 miles east of Agar & a replacement estimate of \$863,586.40. Bd requested that he provide add'l options at the April mtg.

STEP INCREASES: Aud Lamb informed Bd that she received an 8th yr \$.15/hr step increase & Bryan Murphy will receive a 3rd yr \$.10/hr step increase on March 9th.

EXECUTIVE SESSION: Motion by Fanger, second by Richards to go into Executive Session SDCL 1-25-2(1)(3).

Unanimous vote aye. Motion by Shepherd, second by Richards to come out of Executive Session SDCL 1-25-2(1)(3). Unanimous vote aye.

RESOLUTION OF SPRING CREEK COW CREEK SANITARY DISTRICT: Discussion was held on proposed resolution to exclude real property from current sanitary district. Motion by Fanger, second by Shepherd to approve the resolution. Unanimous vote aye.

P&Z BOARD 2ND ALTERNATE: P&Z Chairwomen Rausch requested that Bd appoint Dale Schuett as 2nd Alternate to P&Z Bd. Motion by Shepherd, second by Yackley to approve appointment. Motion carried 4-1 with Fanger voting nay.

PIPELINE REGULATIONS AND/OR MORATORIUM: P&Z Chairwomen Rausch requested that Bd direct P&Z Bd to work on regulation or moratorium on pipelines. Motion by Floyd, second by Fanger to make no recommendation to P&Z concerning pipelines. Unanimous vote aye.

MINUTES: Motion by Shepherd, second by Floyd to approve minutes from the Bd of Commission mtg held on February 1st.

PLAT OF LOT 3R WEISCHEDEL ADDITION: Motion by Shepherd, second by Richards to approve resolution. Unanimous vote aye.

RESOLUTION 2022-7

A RESOLUTION APPROVING THE PLAT OF LOT 3R, WEISCHEDEL ADDITION, A REPLAT OF A PORTION OF LOT 2 AND ALL OF LOT 3, WEISCHEDEL ADDITION AND A PORTION OF HOFER'S OUTLOT 4A, ALL IN THE S1/2SE1/4 OF SECTION 11, TOWNSHIP 114 NORTH, RANGE 77 WEST OF THE 5TH P.M., SULLY COUNTY, SOUTH DAKOTA.

WHEREAS, the plat of the above described property has been executed according to statute, now therefore:

BE IT RESOLVED that the County Commission, in and for Sully County, does hereby approve the said plat of LOT 3R, WEISCHEDEL ADDITION.

Dated this 1st day of March, 2022.

s:/Greg A. Yackley

Chairperson

ATTEST: (SEAL)

I, Auditor of Sully County, do hereby certify that at an official meeting on March 1, 2022, the County Commissioners did by resolution approve the plat of LOT 3R, WEISCHEDEL ADDITION.

s:/Susan B. Lamb

Auditor of Sully County

RESOLUTION 2022-10 SERVICE ANIMALS: Motion by Richards, second by Fanger to approve resolution.

Unanimous vote aye.

RESOLUTION 2022-10

SERVICE ANIMALS

WHEREAS, the Sully County Commission is empowered to make resolutions to protect the wellbeing of its employees and the public; and

WHEREAS, the Sully County Commission believes County business is impeded, the health and safety of employees and the public may be at risk, and the County may be subjected to increased liability if animals are on or in County owned property, other than those animals that are service animals for individuals pertaining to the Americans with Disabilities Act, and amendments thereto, and any related state disability laws;

NOW THEREFORE BE IT RESOLVED, that animals and pets, including but not limited to therapy and emotional support animals, are not allowed in or on any Sully County property except as follows:

1. Where permitted as to an animal that is service animal authorized under the ADA (as defined by 28 CFR 36.104 as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability) and/or South Dakota related disability laws for a qualified individual with a disability;
2. Where permitted related to a County program such as the 4H or County fair;
3. Where confined to a personal vehicle on County property in a County parking lot;

Commissioner Richards moved to adopt the resolution and Commissioner Fanger that the above resolution be adopted.

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VOTING AYE

Greg Yackley
Joe Fanger
Caleb Shepherd
William Floyd
Jerry Richards

VOTING NAY

None

ABSENT AND NOT VOTING

None

s:/Greg Yackley
Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan B. Lamb
Sully County Auditor

HB1257: Comr Floyd informed Bd of HB1257 An act to establish a fund to assist counties with paying infrastructure expenditures. This would be a one-time appropriation of about \$200,000. It has passed the House & will be heard in Senate Committee this week.

BRIDGE REINSPECTION RESOLUTION: Motion by Richards, second by Shepherd to select Brosz Engineering as Consulting Engineers & to approve resolution. Unanimous vote aye.

BRIDGE REINSPECTION
PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS
RESOLUTION 2022-11

WHEREAS, 23 CFR 650 Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Sully County is desirous of participating in the Bridge Inspection Program.

The County requests SDDOT to hire Brosz Engineering (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 1st day of March, 2022, at Onida, South Dakota.

Board of County Commissioners of Sully County

s:/Greg Yackley
Chairman of the Board

ATTEST: (Seal)

s:/Susan B. Lamb
County Auditor

FEDERAL DOT RAISE GRANT RESOLUTION: Motion by Floyd, second by Yackley to approve resolution. Unanimous vote aye.

RESOLUTION 2022-8
FEDERAL DOT RAISE GRANT

WHEREAS, Sully County has identified the need to undertake reconstruction and repair of a portion of 185th Street from Highway 83 at Onida, South Dakota going 7 miles to the east. This also includes a portion of 176th Street from Highway 83 at Agar, South Dakota going 7 miles to the east. This also includes the repair of 1 bridge (60-358-040); and

WHEREAS, the Sully County Board of Commission recognizes that 185th Street and 176th Street are highly traveled roads that lead to multiple commercial locations;

WHEREAS, Sully County is eligible to apply for Federal DOT RAISE Grant funds for the proposed reconstruction to 185th Street and 176th Street because both are rural access roads to numerous commercial locations;

NOW THEREFORE BE IT RESOLVED, that the Sully County Board of Commission does hereby authorize the Chairman of the Sully County Board of Commission to sign and submit Federal DOT RAISE Grant applications, requesting 100% of the eligible costs for said project.

Commissioner Floyd moved to adopt the resolution and Commissioner Yackley seconded the motion.

Motion passed and resolution adopted this 1st day of March, 2022. This resolution is effective immediately upon passage.

s:/Greg Yackley, Chairman

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Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan B. Lamb

Sully County Auditor

SDDOT COMMUNITY ACCESS ROAD GRANT RESOLUTION: Motion by Fanger, second by Floyd to approve resolution. Unanimous vote aye.

RESOLUTION 2022-9

SDDOT COMMUNITY ACCESS ROAD GRANT

WHEREAS, Sully County has identified the need to undertake road improvements to 305th Ave between 185th and 186th St; and

WHEREAS, Sully County agrees to provide a 20% local match for road construction costs, plus pay all engineering and administrative costs associated with said project; and

WHEREAS, Sully County will secure the required right-of-way for the construction of the project; and

WHEREAS, Sully County agrees to maintain the road for its useful life;

NOW THEREFORE BE IT RESOLVED, that the Sully County Board of Commissioners does hereby authorize the County Commission Board Chairperson to sign and submit a SDDOT Community Access Road Grant application, requesting 80% of the eligible construction costs for said project up to \$600,000 of grant funds.

Commissioner Fanger moved to adopt the resolution and Commissioner Floyd seconded the motion.

Motion passed and resolution adopted this 1st day of March, 2022. This resolution is effective immediately upon passage.

s:/Greg Yackley, Chairman

Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan B. Lamb

Sully County Auditor

POOR RELIEF SETTLEMENT: Motion by Floyd, second by Shepherd to deny settlement offer on CIV18-11 & CIV18-12 as stated in the January 4, 2022, letter from Mr. Robert Nelson on behalf of Avera St. Mary's Hospital. Unanimous vote aye.

COUNTY LAND EASEMENT: Motion by Shepherd, second by Richards to release the existing County easement on Klingbeil land purchased by Rex Haskins. Unanimous vote aye.

PROPERTY TAX ADJUSTMENTS: Motion by Richards, second by Fanger to approve the adjustments on 2021 Taxes Payable in 2022 for 2 Disabled Veteran applications & 5 Senior Tax Freeze applications per SDCL 10-18. Unanimous vote aye.

HWY DEPT: Hwy Supt Schall discussed load limits, chip seal 11th St & 2 blocks on Ash Avenue & Asphalt Conference topics. Hwy Supt Schall will be attending mtgs in Deadwood March 22nd-24th.

HWY DEPT HIRE: Motion by Shepherd, second by Richards to approve hire of Edward Becker starting March 7th at an hourly pay rate of \$17.97. Unanimous vote aye.

MONTHLY DEPT REPORTS: Bd reviewed monthly dept reports.

FUEL QUOTES: The following is the fuel quote received for the month of March. Sovell Oil-unleaded \$3.49, diesel #1-3.27, diesel #2-3.09. A monthly inventory listing was also reviewed of fuel used by the Co in the month of February.

CLAIMS: Motion by Floyd, second by Richards to approve claims. Unanimous vote aye. A&B Business Solutions 296.79 Supl, American Solutions For Business 992.20 Supl, AT&T Mobility 267.78 Phone, Avera Queen of Peace Health 71.00 Prof Svc, B & B Equipment Inc 27558.39 Cont, BankWest 15508.36 Loan Pmt, Bierschbach Equip Supply 4737.00 Supl, BIT Resource Billing 36.25 Prof Svc, Butler Machine Co Inc 1321.66 Reprs, Capital One Bank 459.05 Supl, Cardmember Service 347.76 Supl, CHS Midwest Coop 289.59 Supl, Connecting Point 423.00 Prof Svc, D.A.V. Chapter 18 1000.00 Approp, Dakota Fluid Power Inc 441.91 Supl, Don's Sinclair Inc 25.00 Maint, Econo Signs LLC 297.93 Supl, First Dakota Enterprises 5000.00 Reprs, Fox Print 520.00 Prof Svc, Hollaway Bridge & Culvert 5000.00 Prof Svc, Hughes Co Finance Officer 12065.00 Jan & Feb Jail, Inland Truck Parts Co 128.97 Supl, Inmans Water Technologies 68.25 Rental, Kimball Midwest 948.78 Supl, Lamb Chevrolet & Implement Inc 5.49 Supl, Lamb Discount Supply 227.49 Supl, Lamb Motor Co Inc 521.13 Reprs, Lyle Signs Inc 2315.32 Supl, Marco 173.74 Reprs, Menards 75.27 Supl, Morris Inc 3523.49 Supl, Paxton Repair 100.00 Reprs, Pennington County Sheriff 172.46 Transport, City of Pierre 10751.19 Prof Serv, Powerplan 3713.06 Supl, Rockmount Research & Alloys 873.29 Supl, Runnings Farm & Fleet 287.95 Supl, Rural Health Care Inc 35.00 Prof Svc, SD Assoc of Co Commissioners 271.00 Ins, SD Assoc of Co Commissioners 505.00 CCPR, SD Dept of Public Safety 3090.00 Prof Serv, SD Peace Officers' Assn 100.00 T&C, Servall Uniform/Linen Co 283.14 Rental, Sovell Oil, Inc 6529.27 Fuel, Sovell Law Office 200.00 Util, State Treasurer 40.00 Testing, Titan Machinery 3.15 Supl, Transource 2902.73 Supl, Vanguard Appraisals, Inc 5350.00 Dues, Venture Communications 1130.56 Util, Verizon Wireless 103.80 Util, Zander Auto Parts Inc 464.28 Supl,

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FEBRUARY WAGES Salaries by Office: Comrs 6283.85; Aud 7879.22; Treas 6641.17; States Attny 8383.69; Cthse 3428.71; DOE 4192.38; Reg of Deeds 6633.26; GIS 4703.12; Sheriff 17,134.55; Weed & Pest 540.30; P&Z 723.25; Highway 58,454.65; Emg Mgt 1011.49.

ACCOUNT WITH THE TREASURER AS OF 01/31/22


| | |
|--|--------------|
| Cash on Hand | 1,360.00 |
| Checks | 36,594.28 |
| Checks on Hand | 0.00 |
| NSF Checks | 0.00 |
| Cash Items | 0.00 |
| ROD Cash Box | 50.00 |
| Sunrise Bank Now | 3,127,394.67 |
| Sunrise Bank MM | 209,909.51 |
| BankWest Checking | 3,726.24 |
| BankWest MM | 3,827.82 |
| INVESTMENTS | |
| Sunrise Bank Dakota | 1,187,678.76 |
| BankWest | |
| Sheriff Checking | 671.32 |
| Register of Deeds Checking | 3,540.00 |
| Total Cash Balance | 4,574,752.60 |
| Total Assets in Custody of County as of 01/31/22 | |
| County Amount | 4,041,186.60 |
| Amounts Held For Other Gov | 530,305.58 |
| Amounts Held For Others | 3,260.42 |
| Total Assets | 4,574,752.60 |

MTG DATES: Next regular meeting will be Tues, April 5th at 7:30 am. Oahe District meeting will be held on March 17th in Miller.


ADJOURNMENT: There being no further business, Chairman Yackley declared the mtg adjourned at 1:55 pm


Susan Lamb, Sully County Auditor

Approved


Greg Yackley, Chairman

Seal of the County Auditor
Sully County, South Dak
Susan Lamb, Auditor
No Commission


APPROVED SIGNATURE

MAR 1 1 2022