

**Perkins County Commission
Regular Meeting**

Date: May 12, 2020

Present: Commissioners Carmichael, Foster, Hopfinger, Schweitzer (via Zoom), and Henderson and Finance Officer Chapman

Others present Shane Penfield, Lincoln Shuck, Cody Green, Corina Molnar, Kelly Serr, Beth Hulm, press

Call to Order

Chairman Carmichael called the regular meeting to order at 10:03 am.

Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

Declaration of Conflict of Interest

There was no conflict of interest declared.

Approval of Agenda

Foster moved, Hopfinger seconded to approve the agenda as presented, motion carried.

Minutes

- Foster moved, Hopfinger seconded to approve the minutes of the April 7, 2020 Commission Meeting, motion carried.
- Hopfinger moved, Foster seconded to approve the minutes of the April 14, 2020 Equalization Meeting, motion carried.
- Hopfinger moved, Henderson seconded to approve the minutes of the April 28, 2020 Equalization Meeting, motion carried.

Monthly Reports

- Finance Officer's Account with the Deputy Finance Officer - To the Honorable Board of County Commissioners Perkins County: I hereby submit the following report of my examination of the cash and cash items in the hands of the Deputy Finance Officer of this County as of April 30, 2020, Sylvia Chapman, Finance Officer, Perkins County. Total amount of deposits in banks \$3,107,355.66, Total amount of actual cash \$200.00; Dakota Plains Federal Credit Union: \$102,534.83; Certificates of Deposit \$400,000.00; Total \$3,610,125.82. The total represents state, county, schools, cities and township funds, which will be transferred to each entity of government after being apportioned.
- Sheriff's Fees in the amount of \$219.26 were reviewed.
- Motor Vehicle fees for the month of April 2020 were reviewed.
- Register of Deed's fees in the amount of \$2,930.00 were reviewed.
- Longevity Increases of .10 per hour were realized by D Aukland 5-26; M Butsavege 5-26.

Highway Superintendent

- The highway crew is continuing to pull shoulders on county roads.
- The Theatre Road Tree Project will hopefully be completed this week.
- A new cell tower will be located on Day's property just off the Foster Road. Superintendent Shuck has been in contact with the contractor concerning the project.
- Preparation is being made for gravel crushing at the Storm Pit and Fero Pit.
- Superintendent Shuck requested a motion to remove load limits on county roads. Hopfinger moved, Foster seconded to remove load limits on county roads effective May 14, 2020, motion carried.
- Patsy Crow has announced her intention to retire. Her last day will be July 31, 2020.

Resolution 2020-02

Highway Superintendent Shuck presented a Federal Aid Bridge Replacement Program Resolution for the Commission to consider concerning the bridge over Thunder Butte Creek on Foster Road. Hopfinger moved, Foster seconded to approve Resolution 2020-02 Federal Aid Bridge Replacement Program Resolution For County and Urban Projects, roll call vote: Foster aye, Hopfinger aye, Schweitzer aye, Henderson aye, Carmichael aye, motion carried.

Resolution 2020-02
FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION
FOR COUNTY AND URBAN PROJECTS

WHEREAS, Perkins County desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 53-399-414

15.9 E & 12.4 S of Bison, SD on Foster Rd over Thunder Butte Creek

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

Jed Seim, 19512 Foster Rd, Meadow, SD 57644

AND WHEREAS, Perkins County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Perkins County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is Substructure - 3.
2. The bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route _____, a school bus route _____, a mail route X, a field to farm to market route X, a lake or recreation access route _____, or other (please specify) _____.
4. The load carrying capacity of the existing bridge can X or cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 1,000,940

Federal Share (81.95%): \$ 820,270

Local Share (18.05%): \$ 180,670

Resolution 2020-03

Highway Superintendent Shuck presented a Federal Aid Bridge Replacement Program Resolution for the Commission to consider concerning the bridge over Mud Creek on Cedar Canyon Road. Foster moved, seconded to approve Resolution 2020-03 Federal Aid Bridge Replacement Program Resolution For County and Urban Projects, roll call vote: Foster aye, Hopfinger aye, Schweitzer aye, Henderson aye, Carmichael aye, motion carried.

Resolution 2020-03
FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION
FOR COUNTY AND URBAN PROJECTS

WHEREAS, Perkins County desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 53-120-537

12.0 W & 25.7 S of Bison, SD on Cedar Canyon Road over Mud Creek

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

Richard Johnson, 15454 Cedar Canyon Rd, Faith, SD 57626

LuVerne Anders, 16767 Moreau River Rd, Faith, SD 57626

AND WHEREAS, Perkins County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Perkins County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is Substructure - 3.
2. The bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route _____, a school bus route _____, a mail route X, a field to farm to market route X, a lake or recreation access route _____, or other (please specify) _____.
4. The load carrying capacity of the existing bridge can X or cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 455,000

Federal Share (81.95%): \$ 372,872

Local Share (18.05%): \$ 82,128

Executive Session

Foster moved, Carmichael seconded to declare Executive Session at 10:23 am, motion carried. Chairman Carmichael declared the Commission back in Open Session at 10:55 am.

DOE Corina Molnar

- DOE Corina Molnar requested an Executive Session to discuss personnel. Henderson moved, Foster seconded to declare Executive Session at 10:57 am. Chairman Carmichael declared the Commission back in Open Session at 11:26 am.
- Foster moved, Hopfinger seconded to authorize Corina Molnar to advertise for up to two positions in the Director of Equalization Office, motion carried.
- Discussion was held concerning the Physical Review by the DOE personnel for the Summer of 2020. Exterior reviews are possible but interior reviews could present a problem with the need to follow the SD DOH recommendations on social distancing. The possibility of obtaining information by phone was discussed. DOE Molnar offered to obtain pricing from an appraisal company due to lack of personnel and the restrictions due to COVID-19 restrictions.

Liquor License Motion Amended

Finance Officer Chapman relayed that the Liquor License motion from the April 7th meeting should have been for the Bison Country Club, rather than the Lemmon Country Club. Henderson moved, Foster seconded to amend the motion to read: Foster moved, Schweitzer seconded to approve the renewal of the ~~Lemmon~~ Bison Country Club Retail On-Sale Liquor License RL-5825, roll call vote: all ayes, motion carried.

LemmonMade Abatement

LemmonMade submitted an abatement form for the abatement on his 2019 payable 2020 taxes. The valuation failed to reflect his discretionary amount. Foster moved, Henderson seconded to approve the abatement on The Ginther Addition Lot 1 Located in the ENE S30-T23-R16 in the amount of \$2,967.20, all ayes, motion carried.

Resolution 2020-04

Discussion was held on the motion passed at the April meeting to implement two polling locations for the June 2, 2020 Primary Election and the need to establish an Absentee Precinct at the Perkins County Courthouse. Foster moved, Schweitzer seconded to introduce and approve Resolution 2020-04 “A Resolution Designating Precincts and Polling Places for the June 2, 2020 Primary Election”, roll call vote: Schweitzer aye, Henderson aye, Foster aye, Hopfinger aye, Carmichael aye, motion carried.

PERKINS COUNTY RESOLUTION 2020-04
A RESOLUTION DESIGNATING PRECINCTS AND POLLING PLACES FOR THE
JUNE 2, 2020 PRIMARY ELECTION

WHEREAS South Dakota Codified Law §12-14-1 provides that a board of county commissioners shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts; and

WHEREAS, Perkins County, South Dakota, presently has the following precincts and polling places:

<u>Precinct</u>	<u>Towns/Townships</u>	<u>Polling Place</u>
1	All within the city limits of the City of Lemmon North of Fourth Street and East of Main Street	Beeler Community Center 203 Main Avenue Lemmon, SD 57638
2	Horse Creek, Viking, Grand River, Wilson, Duck Creek, Lodgepole, Glendo, Sidney & Fredlund Townships	Lodgepole Hall 11006 SD Hwy 75 Lodgepole, SD 57640
3	Within the city limits of the City of Lemmon, South of Fourth Street and West of Main Street, Trail & Flat Creek Townships	Beeler Community Center 203 Main Avenue Lemmon, SD 57638
4	Castle Butte, White Butte, Liberty, Barrett, Burdick, Pleasant Valley & Rockford Townships	Beeler Community Center 203 Main Avenue Lemmon, SD 57638
5	Seim, DeWitt, Anderson, Hudgins, & Lincoln Townships	Beeler Community Building 203 Main Avenue Lemmon, SD 57638
6	Independence, Clark, Whitney, Meadow, Grand Central, Chance, Easter & Foster Townships	Indian Creek Church 13506 SD Hwy 73 Meadow, SD 57644
7	White Hill, Vail, Cash, Plateau, Strool, Jones, Maltby, Wells, Antelope & Duell Townships	Beckman Memorial Church 303 1 st St E Prairie City, SD 57649
8	Moreau, Englewood, Arrowhead, Flint Rock & Deep Creek Townships	Faith Community Center 204 N Main St Faith, SD 57626
9	Wyandotte, Beck-Highland, Sheffield, Dillon, Bixby, Martin, Mildrew & Vrooman Townships	Zeona Church 15263 Zeona Rd Zeona, SD 57795
12	Marshfield, Scotch Cap, Bison, Rainbow, Richland, Vickers, Lone Tree, Hall, Ada, Brushy & Chaudoin Townships & Town of Bison	Bentley Memorial Building 400 W Carr St Bison, SD 57620

WHEREAS, South Dakota Codified Law §12-14-9 provides that polling places shall be selected with reference to the convenience of the voters in the various election precincts, and should be as near the center of the election precincts as practicable, but if in the judgment of the board of county

commissioners the convenience of the voters will be served thereby or if communication can be thereby made available, the polling place may be located outside the boundaries of the precinct; and

WHEREAS, *South Dakota Codified Law §12-19-37 provides that a county may create by resolution a special precinct to be known as an absentee ballot precinct, and at said precinct all absentee ballots cast at any election shall be counted; and*

WHEREAS, *an outbreak of a severe respiratory disease, COVID-19, which is caused by and is transmitted by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected in more than 100 countries, including the United States; and*

WHEREAS, *the World Health Organization has designated COVID-19 a pandemic, and the United States Centers for Disease Control and Prevention (CDC) has declared a public health emergency; and*

WHEREAS, *Governor Kristi Noem, through Executive Order 2020-04, declared South Dakota to be in a State of Emergency due to the COVID-19 pandemic, and re-authorized said declaration and extended the State of Emergency through Executive Order 2020-15; and*

WHEREAS, *Governor Kristi Noem, through Executive Order 2020-12, ordered and directed certain precautionary actions to be undertaken by counties and municipalities to mitigate the spread of the COVID-19, including the implementation of CDC hygiene practices, restricting public gatherings of ten people or more, and protecting critical infrastructure; and*

WHEREAS, *Governor Kristi Noem anticipates that both the COVID-19 pandemic and State of Emergency will last for a period of four or more months, during which time a statewide primary election has been scheduled for June 2, 2020; and*

WHEREAS, *in an effort reduce the potential for transmitting COVID-19 throughout the state during the election primary, the Perkins County Finance Office has contacted all eligible voters in Perkins County about considering the use of absentee balloting rather than in-person voting on June 2, 2020; and*

WHEREAS, *it is reasonably anticipated that the actions taken by the South Dakota Secretary of State will result in more eligible voters using absentee balloting than has otherwise previously occurred throughout the state to date, including an anticipated increase in absentee voting by eligible Perkins County voters; and*

WHEREAS, *while the Perkins County Board of Commissioners support the executive orders of Governor Noem, and the actions taken by the South Dakota Secretary of State, the Perkins County Commission also acknowledges the need to protect the suffrage rights of all eligible Perkins County voters to participate in the June 2, 2020, primary election through in-person voting at established precinct polling locations; and*

WHEREAS, *the Perkins County Board of Commissioners believe that CDC hygiene practices, public gathering restrictions, and such other orders and commands contained within Governors Noem's Executive Orders necessitate that the polling places made available for in-person voting in Perkins County on June 2, 2020, be appropriately staffed, carefully monitored, thoroughly sanitized, meet the handicap accessibility requirements of the Help America Vote Act, and meet such other accessibility requirements as established by state and federal law; and*

WHEREAS, *it is the belief of the Perkins County Board of Commissioners, following a review of all of the above-indicated requirements, the assessment of county resources, and the investigation of suitable public gathering sites, that all of the Precincts in Perkins County should be assigned to two in-person voting polling places during the June 2, 2020, primary election; and*

WHEREAS, *it is the opinion of the Perkins County Board of Commissioners that the Beeler Community Center, 203 Main Ave, Lemmon, SD and the Bentley Memorial Building, 400 West Carr Street, Bison, SD are the most suitable polling locations for Perkins County Precincts for in-person voting during the June 2, 2020, primary election.*

NOW, THEREFORE BE IT RESOLVED *by the Perkins County Board of Commissioners that the polling location for Precinct #1, Precinct #3, Precinct #4 and Precinct #5 be held at the Beeler Community Center, 203 Main Ave, Lemmon, SD, and Precinct #2, Precinct #6, Precinct #7, Precinct #8, Precinct #9 and Precinct #12 as described above, be moved to the Bentley Memorial Building, 400 West Carr Street, Bison, SD for the June 2, 2020, primary election; and*

BE IT FURTHER RESOLVED that an Absentee Ballot Precinct, be created as a special precinct for the receipt, processing, and counting of all absentee ballots cast in Perkins County during the June 2, 2020, primary election, and that such Precinct be assigned a polling place identified as the Perkins County Courthouse, 100 E. Main Street, Bison, South Dakota, 57620.

Cell Phone Reimbursement

Finance Officer Chapman requested cell phone reimbursement per Perkins County Employee Policy. Foster moved, Hopfinger seconded to approve cell phone reimbursement to the Finance Officer retroactive to January 1, 2020, all ayes, motion carried.

Delinquent Tax Agreement

Finance Officer Chapman received a Delinquent Tax Agreement from Tonya Luna for NW Townsite Co 2nd Addn Blk 4 Lots 7,8,9 & 10, NW Townsite Co 2nd Addn W 70' of Lot 11 & W 100' of Lot 12 and NW Townsite Co 2nd Addn E 70' of Lot 11 & E 40' of Lot 12. Henderson moved, Foster seconded to approve the Delinquent Tax Agreement with Tonya Luna for NW Townsite Co 2nd Addn Blk 4 Lots 7,8,9 & 10, NW Townsite Co 2nd Addn W 70' of Lot 11 & W 100' of Lot 12 and NW Townsite Co 2nd Addn E 70' of Lot 11 & E 40' of Lot 12, motion carried.

Entity Authorization

- Finance Officer Chapman requested a motion to update the Entity Authorization for Perkins County and also the Perkins County Register of Deeds. Foster moved, Carmichael seconded to update the Entity Authorization for Perkins County listing Sylvia Chapman, Sara Stadler and Wendi McCall as signatories for the Perkins County Bank Accounts, motion carried.
- Carmichael moved, Hopfinger seconded to update the Entity Authorization for the Perkins County Register of Deeds listing Heidi Stevens and Amanda Larson as signatories for the Perkins County Register of Deeds Bank Account, motion carried.

Resignation

Paula Kopren submitted her resignation effective April 29, 2020. Henderson moved, Foster seconded to accept her resignation and to pay out unused vacation with her final paycheck, motion carried.

Courthouse Reopening

Discussion was held on the COVID-19 situation as regards to the closure of the courthouse. Foster moved, Henderson seconded to open the courthouse to the public effective May 12th following the CDC guidelines of social distancing set by the SD Department of Health and the CDC, motion carried.

Employee Transfer

Foster moved, Carmichael seconded to approve Wendi McCall's transfer from the DOE office to the Finance Office and to set her wage at \$16.20 per hour, all ayes, motion carried.

Liquor License Renewals

- Hopfinger moved, Foster seconded to approve Wirehair Inc's application for renewal of License #RB-19071, Retail (on-off sale) Malt Beverage & SD Farm Wine License, motion carried.
- Foster moved, Henderson seconded to approve K-T 's application for renewal of License #RB-25238, Retail (on-off sale) Malt Beverage & SD Farm Wine License, motion carried.

Sheriff Kelly Serr

Sheriff Kelly Serr has requested authorization to apply for a federal grant opportunity from the South Dakota Office of Highway Safety. Foster moved, Hopfinger seconded to authorize Sheriff Serr to apply for the federal grant opportunity from the South Dakota Office of Highway Safety grant for radar equipment and speed enforcement, all ayes, motion carried.

Resolution 2020-06

Hopfinger moved, Foster seconded to introduce and approve Resolution 2020-06 "Wildland Fire Resolution", roll call vote: Henderson aye, Foster aye, Hopfinger aye, Schweitzer aye, Carmichael aye, motion carried.

Resolution 2020-06

WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State, and

WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20-8.1;

NOW THEREFORE BE IT RESOLVED, that the Perkins County Commissioners do hereby designate the following persons with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

Douglas Jerde, Wade Henderson, Arlen Hatle, Joshua Beckman, David Kopren, Allen Palmer, Brent Dirk and Chad Baumgarten.

Road Grader

Discussion was held on the purchase of a new road grader utilizing a \$45,000 USDA Rural Development Grant. The grant funding is available for three years. Carmichael moved, Foster seconded to exercise the option to wait until next year to purchase a road grader using the USDA Rural Development Grant funds, all ayes, motion carried.

Claims

The following claims were presented and approved for payment, April payroll: 78,507.51 IRS, fica, 7,819.37; SD Retirement, retirement, 6,265.85; Delta Dental, insurance, 1,429.96; Medico Life, insurance, 115.80; Wellmark, insurance, 21,604.53; SDPEF, insurance, 102.00; HRA Reimbursements, 917.23; A&B Business, maint 37.12, A+ Repair, maint/repair 2,557.60, American Stamp, election 369.19, American Solutions, supplies 418.88, Avera Queen, fees 96.55, Badlands Distillery, supplies 300.00, Berge's machine maint. 50.00, BH Family Practice, jail meds 8.00, Bison Courier, publishing 642.60, Bison Grain supplies/repairs 11,861.17, Bison Implement, repairs/supplies 3,012.94, BL Contracting, repairs 3,375.52, Bob's Repair, repair 25.00, Border States Paving, repairs 15,468.00, Boss Cowman subsidy 2,000.00, Butler Machinery, repairs 502.10, Chapman's Electronics, supplies 2,973.14, Correct Rx, jail meds 43.09, County Drug, jail meds 498.41, Current Connection, supplies/repairs 1,378.45, Dakota Auto, maint. 60.49, Dakota Herald, publishing 34.70, Dale's Tire, repairs 1,011.60, Eagle Nest Truck Repair, repair 3,189.26, ElectionSource, election 360.31, Executive Mgmt. supplies 28.05, G&O Supplies, supplies 244.45, Grand Electric, utilities 1,347.57, Gregorian, repairs 40.19, Joshua Hilpert, Crt Appt Atty 957.52, Karen Hunt, Crt Appt Atty 617.25, Intab, election 119.65, John Deere, repairs 1,085.97, Mark Katterhagen, MH Board 12.00, KBJM, advertising 62.40, Kinney Law, Crt Appt Atty 5,401.85, KNDC, Advertising 62.40, Lemmon EMT, travel reimb. 714.44, Lemmon IGA, supplies 8.95, Lewis & Clark, MH Board 356.00, Lucy Lewno, MH Board 156.50, Light & Siren, supplies 218.90, LIVE Inc, subsidy 3,000.00, Darcy Lockwood, MH Board 12.00, Lodgepole Propane, utilities 2,109.10, McLeod's Printing, election 1,012.96, Newman Signs, supplies 3,674.78, Shane Penfield, rent 400.00, Pennington County Jail, jail meds 43.75, Pennington County Sheriff, transp. 60.00, Print Shop, supplies/election 909.75, Runnings, supplies 71.13, RZ Motors, repairs 162.74, SD Dept. of Health, CHN quart.1,602.64, SD Dept. of Revenue, fees 280.15, SD Human Services Center, patient care 1,203.53, SD Public Health Lab, blood testing 40.00, Servall, supplies 165.53, Simon North Region, supplies 275.31, Stateline Designs, supplies 256.84, David Stockert, maint 900.00, Town of Bison, utilities 213.86, Trail King Industries, repairs 202.23, Trans Source, rental 5,800.00, TrueNorth Steel, supplies 11,094.85, Jackie VanVactor, supplies 84.83, Verizon, utilities 280.52, VISA, supplies 111.94, VISA, fees/supplies/utilities 461.65, West Group, law books 964.61, Western Communications, maint 153.50, WRCTC, utilities 1,446.82, Yankton County Sheriff, fees 100.00, Yankton County Treasurer, MH Board 122.50.

Adjournment

There being no further business to come before the Commission, Chairman Carmichael declared the meeting adjourned at 1:25 pm. The next regular meeting of the Perkins County Commission will be held on June 4, 2020 at 10:00 am at the Perkins County Courthouse.

ATTEST:

APPROVED:

Sylvia Chapman, Finance Officer

Kyle Carmichael, Chairman