

**Perkins County  
Commission Meeting**

**Date: May 11, 2021**

**Present: Commissioners Carmichael, Foster, Campbell, Schweitzer and Henderson and Finance Officer Chapman**

**Others Present: Shane Penfield, Cody Green, Arlen Hatle, Allen Palmer, Ross Kopren, Sam Marty, Faye Schalesky, TW Schalesky, Willis Kopren, Donald Palmer, Elaine Bingaman, Luke Wiechmann, Iver Heier, Tracy Buer, Rebecca Trouten, Tracy Collins, Kallie Kronberg, Corina Molnar, Christine Becker, Chris Goldsmith, Carrie Fisher, Tamara Buer, Roxie Seaman (Zoom) and Beth Hulm , press**

Call to Order

Chairman Carmichael called the May 2021 Perkins County Commission Meeting to order at 10:20 am. (There was a late start due to technical difficulties.)

Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

Conflict of Interest

There was no Conflict of Interest declared.

Approval of the Agenda

Foster moved, Campbell seconded to approve the agenda with the following additions: Bond Insurance for Officials and Employees, County Land Lease as advertised at 11:00 am, and Sheriff Serr discussion on advertising for a deputy sheriff, motion carried.

Approval of the Minutes

Schweitzer moved, Foster seconded to approve the minutes as presented, 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, 2021, Sylvia Chapman, Finance Officer, Perkins County. Total amount of deposits in banks \$3,760,753.81, Total amount of actual cash \$200.00; Dakota Plains Federal Credit Union: \$103,591.20; Certificates of Deposit \$400,000.00; Total \$4,264,580.34. 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 \$856.00 were reviewed.
- Motor Vehicle fees for the month of April 2021 were reviewed.
- Register of Deed's fees in the amount of \$3,109.00 were reviewed.
- Longevity increase of .10/hour will be realized for the following: D Aukland 5-26; M Butsavege 5-26.

Correspondence

A raffle request was received from Grand River Riders of Lemmon. The proceeds will benefit the upcoming bicycle/race event "Thunderhawk Wide Open".

Highway Superintendent

- Interim Highway Superintendent Green presented his May Highway Project and Maintenance Report. The motor grader that was at Western Dakota Vo-Tech for repairs was returned and broke down after two hours. The machine is now at RDO for further repairs.
- The crew continues to blade and mulch roads. They will begin hauling gravel on the Owen Lake Road and Chance Road when blading is complete.
- The traffic counters will be out in late May or early June. They will be put out on a Monday and picked up on a Friday.
- When the weather warms up, patching of asphalt roads will commence.
- Adams County will be chip sealing Railway Street this year. Perkins County will share the cost (23%) on the portion of roads belonging to Perkins County.

Summer Help New Hires

Superintendent Green has filled the two summer-help positions with Brett Peacock (Class A CDL) and Rawlin Smith. Foster moved, Schweitzer seconded to set Rawlin Smith's wage at \$14.41 per hour, motion carried. Foster moved, Henderson seconded to set Brett Peacock's wage at \$15.41 per hour, motion carried.

11:00 – County Land Lease

Chairman Carmichael announced it was the time and place for the County Land Lease Auction on SE ¼ S24-T17-R16E. Carmichael opened the floor for bidding. Arlen Hatle bid \$5.00 per acre. Foster moved, Henderson seconded to accept Arlen Hatle's \$5.00 per acre bid on a Five-Year County Lease of SE ¼ S24-T17-R16E, motion carried.

Prairie City Road Discussion

Several Perkins County residents were present to express their concern on the repairs to the Prairie City Road. They would like to see the road double chipped sealed and were concerned that the road was not going to be chip sealed. Superintendent Green stated that before chip sealing could be done, additional patching and preparation on the road was required, therefore patching would be completed this year. The consensus of the Commission was to have LTAP evaluate the road and give a recommendation on how to proceed.

Crack Sealing

Discussion was held on asphalt crack sealing county roads. Foster moved, Schweitzer seconded to piggy-back off of the State of South Dakota DOT Contract with Highway Improvement, Inc of Sioux Falls, SD on the following roads: Bixby Road, White Butte Road, Gregorian Road, and Airport Road for a total estimated cost of \$296,656.50, motion carried.

Mower Rent/Purchase

A brief discussion was held on renting versus purchasing mowing tractors. The lease contract does not expire until 2022, therefore a decision will be made at that time.

Bison Fire Department

Allen Palmer was present on behalf of Bison Fire Department. Palmer notified the Commission that the Fire Department will be holding a "Chase the Ace" fundraiser with proceeds going towards building a new fire hall.

Grand River Arts Council

Kallie Kronberg was in attendance representing Grand River Arts Council to request permission to use the Perkins County Courthouse lawn and electrical outlets for a Concert Series the second Thursday of June, July, and August of 2021. Foster moved, Schweitzer seconded to approve the request to use the Perkins County Courthouse lawn and electrical outlets for a Concert Series the second Thursday of June, July, and August of 2021, contingent upon liability insurance coverage, motion carried.

Astrolight Machine

Superintendent Green would like to purchase an Asphalt Patching Machine and 1000-gallon tank for asphalt patching. Discussion was held on different options for purchasing. The City of Williston recently accepted a bid for a DuraPatcher and DuraTank. There was uncertainty of the legality of piggy-backing off an out-of-state bid. Schweitzer moved, Campbell seconded to let bids on an Asphalt Patching Machine and Tank to be opened at the June 8<sup>th</sup> Commission Meeting, motion carried.

Executive Session

Foster moved, Campbell seconded to declare Executive Session for personnel pursuant to SDCL 1-25-2 (1) at 1:03 pm, motion carried. Chairman Carmichael declared the meeting out of Executive Session at 1:26 pm.

Appointment of Highway Superintendent

Foster moved, Campbell seconded to offer Cody Green the position as Highway Superintendent and to set his base salary at \$52,116.62 retroactive to May 1, 2021, motion carried. Cody Green is an appointed official, salaried, and will not accrue vacation or sick leave. Schweitzer moved, Henderson seconded to pay out Cody Green's vacation through the end of April at his current rate of \$21.44/hour, motion carried.

Liquor License

Schweitzer moved, Foster seconded to approve the renewal of Wirehair, Inc On-Off Sale Malt Beverage License #RB-19071, motion carried.

Highway Infrastructure Program

Discussion was held on HB 1259 which was passed in the South Dakota Legislature in 2021 and will be effective July 1, 2021. This bill is an act to make an appropriation for rural access infrastructure improvements. Funds will be made available for small structures meaning any small bridge or culvert with an opening of sixteen square feet or more located on a township road or county secondary road, excluding bridges as defined in §31-14-1. Additional information will be distributed as it is received.

Bond Insurance for Perkins County Employees

Quotes for Bond Insurance for Perkins County employees was received from EMC. Schweitzer moved, Henderson seconded to purchase Bond Insurance as follows: All employees - \$1,000; Sheriff - \$5,000 Finance Officer - \$25,000, and Register of Deeds \$25,000, motion carried.

Procurement Policy

Schweitzer moved, Foster seconded to adopt a County Procurement Policy which includes all South Dakota procurement laws applicable to local governments, specifically Counties. Additionally, the County will use the most recently updated South Dakota Local Government Guide For Acquisition, Disposals and Exchanges (commonly known as the Bid Booklet) in all procurement, motion carried.

American Rescue Plan Act

A brief discussion was held on the American Rescue Plan Act. Perkins County is eligible to receive fiscal recovery funds from the US Department of Treasury. Additional information will be forthcoming at a later date as to guidance for use of the funds.

Hazardous Mitigation Plan

BHCLG has requested from Lemmon, Bison and Perkins County information for the Hazard Profile, Risk Assessment, and Critical Facilities. A packet of worksheets has been provided to all entities participating in the mitigation plan update. BHCLG is waiting on engineering report from Bison for flood prone areas within city limits. Data collection has been finalized and BHCLG has completed the technical review of existing documents. A stakeholders meeting will be scheduled in the month of July to discuss mitigation strategies and to chart progress on mitigation efforts identified in the existing plan. Progress of the plan update is on schedule and BHCLG anticipates the plan will be finalized prior to expiration of the current plan.

Sheriff Serr

Sheriff Serr is advertising for a deputy sheriff position. He currently has a full staff, but is anticipating he will need a new hire in the near future.

Resolution 2021-05

A plat was presented from Blair Johnson. Henderson moved, Schweitzer seconded to approve Resolution 2021-5 "Plat of Lots 1-10 of the Johnsonville 2<sup>nd</sup> Addition", roll call vote: Campbell aye, Schweitzer aye, Henderson aye, Foster aye, Carmichael aye, motion carried.

**Resolution 2021-5  
Plat of Lots 1-10 of the Johnsonville 2<sup>nd</sup> Addition  
To Perkins County, South Dakota  
Located in the N1/2SE1/4 of Section 28  
Township 21 North, Range 15 East of the B.H.M.**

Be it resolved by the County Commission of Perkins County, South Dakota that the Plat of Lots 1-10 of the Johnsonville 2<sup>nd</sup> Addition to Perkins County, South Dakota, as located in the N1/2SE1/4 of Section 28, Township 21 North, Range 15 East of the B.H.M., Perkins County, South Dakota, having been examined, is hereby approved in accordance

with the provisions of South Dakota Compiled Law, Chapter 11-3, and any amendments thereof.

Resolution 2021-06

Foster moved, Campbell seconded to introduce and approve Resolution 2021-06 “Drought Disaster Resolution”, roll call vote: Schweitzer aye, Henderson aye, Foster aye, Campbell aye, Carmichael aye, motion carried.

**RESOLUTION 2021-06  
Drought Disaster Resolution**

**WHEREAS**, Perkins County is suffering from severe drought conditions due to significantly low moisture, extreme heat, strong winds, and wildland fire conditions that have increased to an extreme condition, and

**WHEREAS**, The Board of Perkins County Commissioners resolve that said conditions constitute a disaster of such severity and magnitude that effective response is beyond the capabilities of the County, or even the State of South Dakota, and that Federal assistance is necessary, and there are few emergency plans available to alleviate the damage and economic stress resulting from these drought conditions, and

**WHEREAS**, Perkins County does not have the financial resources to respond to this disaster, and

**WHEREAS**, The Board of Perkins County Commissioners is aware of the sparse pastures and lack of forage crops for the feeding of livestock and wildlife, and because of this situation, conditions have arisen that may necessitate the reduction or dispersal of livestock herds and depletion of wildlife, and

**WHEREAS**, stock dams, creeks and other water sources are drying up and are unable to provide the necessary water for livestock, wildlife and fire fighting resources, and

**WHEREAS**, The Board of County Commissioners of Perkins County is aware that fall and spring planted agricultural crops are incurring drought damage,

**WHEREAS**, numerous other acres of South Dakota and surrounding states are also experiencing drought conditions which has threatened the availability of alternate sources of hay and forage, and

**WHEREAS**, the farming, livestock, and wildlife industry is important to Perkins County, the State of South Dakota, and the Nation's economy and should be preserved, and

**NOW, THEREFORE, BE IT RESOLVED**, that Perkins County Board of Commissioners declares an emergency and a disaster and requests that the Governor of the State of South Dakota also declare an emergency and disaster for Perkins County, and

**BE IT FURTHER RESOLVED**, that the Board of Commissioner of Perkins County respectfully petition the Governor of the State of South Dakota and the President of the United States to provide with all dispatch any remedies and state and/or federal assistance, including assistance from the United States Department of Agriculture, available for this type of emergency.

Ordinance 2021-01

Henderson moved, Foster seconded to introduce and approve the first reading of Ordinance 2021-01 “A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or License” roll call: Henderson aye, Foster aye, Campbell aye, Schweitzer aye, Carmichael aye, motion carried.

**Ordinance 2021-01****A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.**

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Perkins County, South Dakota (“County”), makes a preliminary finding that the County’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Perkins County, South Dakota:

*Section 1. Temporary Ordinance – Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 7-18A-8.

Claims

The following claims were presented and approved for payment, Apr. payroll: 73,389.60; IRS, fica, 7,232.24; SD Retirement, retirement, 5,780.18; Delta Dental, insurance, 1,177.36; Medico Life,

insurance, 115.80; Wellmark, insurance, 20,981.21; SDPEF, insurance, 90.00; HRA Reimbursements, 6,103.88; A&B, copier, \$40.83; Agpro, supplies, 127.96; Agpro – Lemmon, 22.98; American Solutions, supplies, 45.74; Avera Queen, fees, 304.00; Bennett Transp. Repairs, 1,320.00; Bison Courier, publishing, 535.31; Bison Grain, supplies, 420.00; Bison Impl, supplies/repairs, 1,406.81; Black Strap, supplies, 5,102.22; Bootz & Tire, repairs, 550.00; Butler Machinery, repairs, 2,187.85; CCB, Crt. Appt Atty, 8.75; Corson Co, travel, 43.28; Current Connection, supplies/equip, 966.92; Dakota Fluid, supplies, 2.74; Dakota Herald, publishing, \$140.71; Dale's Tire, supplies, 5,335.59; EIDO, advertising, 168.00; ESRI Environmental Systems, GIS, 400.00; Evanson Jensen, indigent burial, 2,605.00; Five Counties, blood draw, 200.00; G&O, supplies, 314.30; Grand Electric, utilities/repairs, 2,879.25; Grimms Pump Service, supplies, 4,186.74; Karen Hunt, Crt. Appt Atty, 217.80; John Deere, repairs/labor, 2,060.53; Kalon's Auto, maint, 598.41; LED Outfitters, repairs, 420.64; Lemmon EMT, mileage, 402.95; Lemmon IGA, supplies, 7.99; Lodge at Deadwood, travel, 241.00; Matheson Tri-Gas, supplies, 45.85; Melling & Roseland, Crt, Appt, Atty, 1,435.53; My Place, travel, 308.00; Northern Fire, repairs, 724.50; NW Farm & Home, supplies, 89.98; Office of Child & Family, nurse quarterly, 3,269.50; S. Penfield, rent, 400.00; Pennington County, transport, 184.44; Pitney & Bowes, maint, 473.04; Rapid Fire Protection, maint, 142.86; Runnings, supplies, 892.32; SD Development, subsidy, 60.00; SD DOT, fees, 2,324.17; SD Public Health Lab, fees, 250.00; SD Federal Property, supplies, 847.75; SD Public Health, SA fees, 120.00; SDAAO, dues, 400.00; Servall, supplies, 112.64; Town of Bison, utilities, 204.45; Uline, supplies, 877.58; Verizon, utilities, 282.98; VISA, postage/utilities/supplies/repairs, 302.04; West Group, SA law books, 1,485.36; WRCTC, utilities, 1,444.91.

#### Adjournment

There being no further business to come before the Commission, Chairman Carmichael declared the meeting adjourned at 2:38 pm. The next regular meeting of the Perkins County Commission will be held on June 8, 2021 at 10:00 am at the Three Rivers Mental Health Center Conference Room in Lemmon, SD.

ATTEST:

APPROVED:

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Sylvia Chapman, Finance Officer

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Kyle Carmichael, Chairman