REGULAR MEETING OF BRULE COUNTY COMMISSIONERS

September 19, 2024

# The Board of Brule County Commissioners met in regular session at 9:30 a.m. at the Brule County Courthouse. Members present: Carson, Mairose, Dozark, DeBoer and Swanson. Also present: Deputy States Attorney Dedrich Koch and Attorney Steven Meyer, Mike Schlaffman, Highway Superintendent and Janet Petrak, Central Dakota Times. No public comments or conflicts of interest were noted.

## **APPROVE MINUTES**

 Commissioner Swanson moved and Commissioner Carson seconded to approve the minutes of 9-3-2024 with the following changes: The truck that is being overhauled is at Al’s Diesel not A & R as stated in the minutes. Also Commissioner Carson wanted to add to the rezoning correction in the minutes last meeting that the re-zone was approved based upon the recommendation of the Planning & Zoning Board. All members voted aye. Motion carried.

**HIGHWAY DEPARTMENT**

 Highway Superintendent Mike Schlaffman discussed more repairs that needed to be done to some culverts along 362nd Avenue south of Kimball – having a company out to look at lining the two culverts there that are rusted out (18” and a 30”). Schlaffman also advised that the contract has been signed with Summit Contracting to repair the washed out culverts on 370th Avenue.

**PERSONNEL**

 Commissioner Swanson moved and Commissioner Dozark seconded to accept Chase Olney and Beandri Olney’s resignation from the Highway Department effective September 19, 2024. All members voted aye. Motion carried.

 Commissioner Swanson moved and Commissioner Mairose seconded to accept the resignation of Deputy Sheriff Scott Powers from the Sheriff’s Office effective 9-26-2024. All members voted aye. Motion carried.

 Commissioner Swanson moved and Commissioner Dozark seconded to accept the resignation of Pam Cushing from the Register of Deeds Office effective 9-4-24. All members voted aye. Motion carried.

 Commissioner Swanson moved and Commissioner Mairose seconded to hire Matthew Galpin at the Highway Department at $19.57/hour effective October 15, 2024. All members voted aye. Motion carried.

 Commissioner Carson moved and Commissioner Mairose seconded authorized Register of Deeds Glenda Andera to be able to offer a job to an individual. All members voted aye. Motion carried.

 Commissioner Mairose moved and Commissioner Dozark seconded to hire Cody Cosgrove as a temporary custodian at $15.00/hour effective 9-14-2024 as Robert Graves is on medical leave (workmen’s compensation). All members voted aye. Motion carried.

**PETITIONS**

 Two petitions were presented to the Auditor one had 5 bullet points: 1) all elections be conducted by paper ballot only; 2) tabulation of votes shall be by hand count after polls are closed in accordance with SDCL 12-20; 3) electronic voting devices, of any kind, are prohibited except for devices for those with disabilities; 4) electronic tabulation devices, of any kind, are prohibited; 5) absentee ballots properly obtained and marked by the individual voter in accordance with SDCL 12-29 shall be tabulated by hand after polls close. Ballots received after 7 pm on election day shall be disqualified. This petition did not have enough signatures to be considered. Petition was rejected.

 The second petition had 6 bullet points: 1) requesting that all elections be conducted by paper ballot only; 2) tabulation of votes shall be by hand count after polls are closed in accordance with SDCL 12-20; 3) electronic voting devices, of any kind, are prohibited; 4) electronic tabulation devices, of any kind, are prohibited; 5) absentee ballots properly obtained and marked by the individual voter in accordance with SDCL 12-29 shall be tabulated by hand after polls close. Ballots received after 7 pm on election day shall be disqualified. 6) The establishment of vote centers, or the like, in Brule County, is prohibited. The petition had enough signatures, however, the wording of the bullet points violate State and Federal (Help America Vote Act) Laws.

 Commissioner Swanson moved and Commissioner Carson seconded to reject the petition due to the proposed initiated ordinance being outside of the power of the county commission to adopt, as its content conflicts with state and federal law. All members voted aye. Motion carried.

**2025 BUDGETS**

 Commissioner Mairose moved and Commissioner Dozark seconded to adopt the provisional budget as the annual budget for 2025. All members voted aye. Motion carried.

**JAIL BUILDING**

 A Microsoft Teams meeting was held with Steven Davis, Architect and Planning Consultant regarding updating or maintaining our current jail. Davis sent a proposal for the Commissioners to accept if they wanted to proceed with the evaluation. The proposal was for $2500.00 for the evaluation plus expenses for him to travel here and conduct the evaluation. Commissioner Swanson moved and Commissioner Carson seconded to approve the contract. All members voted aye. Motion carried.

**ABATEMENT**

 Bill Toupal applied for an abatement for 2022 taxes payable in 2023 on the property located on the W ½ of Lot 4, All of Lots 5 & 20, W 25’ of Lot 21 Blk 38 3rd Addition of Chamberlain. Toupal purchased the property in February, 2022, however, assessments notices had already been sent out and the valuation set for the 2022 pay 2023 taxes. The valuation was reduced for the future year as the structure on the property was not in liveable condition. Commissioner Swanson moved and Commissioner Dozark seconded to deny the abatement due to the taxes being already paid and apportioned out to the other entities and the appeal process was not utilized during the assessment period of the 2022 pay 2023 taxation. All members voted aye. Motion carried.

**SIGN REMOVAL**

 There have been several complaints regarding the signs in the County Right of Way by C & S Trucking. The owner has been asked to remove the signs, however, they are not being removed. Commissioner Swanson moved and Commissioner Carson seconded to authorize the Highway Superintendent to remove the signs if they are not removed by the owner by September 25, 2024. All members voted aye. Motion carried.

**TRAVEL REQUEST**

 Commissioner Swanson moved and Commissioner Carson seconded to approve States Attorney Theresa Maule, to attend a States Attorney Conference, Sioux Falls, SD, Oct 30 & 31, 2024. Meals & mileage approved. All members voted aye. Motion carried.

**CAMPGROUND REGULATIONS**

 A public hearing was held on the revised campground regulations with Bob Deelstra from SD Auto Dealers present for the hearing. Deelstra discussed some changes that he thought should be changed/considered before being adopted. Discussion was held and the changes will be considered and a new hearing/1st hearing will be held at the October 17th meeting.

**EXECUTIVE SESSION**

 Commissioner Mairose moved and Commissioner Carson seconded to go into executive session for possible legal and personnel issues at 9:50 am. Executive session over at 10:05 am. No action taken.

 Commissioner Carson moved and Commissioner Swanson seconded to enter executive session for personnel issues at 11:35 am. Executive session over at 11:50 am.

### AUDITOR’S ACCOUNT WITH THE TREASUER

 The Auditor’s Account with the Treasurer showed as of 8-31-2024 a balance of $7,448,913.34 in all state, county, civil, school & trust funds.

### REGISTER OF DEEDS STATEMENT OF FEES

 The Register of Deeds Statement of Fees showed a collection of $5,603.77 for August, 2024.

**REPORTS & CORRESPONDENCE**

 The following reports were received and placed on file in the County Auditor’s office: Auditors Account with the Treasurer, Register of Deeds Statement of Fees, Trial Balance Sheet, US Army Corps of Engineers, Dept of Agriculture and Natural Resources.

**APPROVE CLAIMS**

 Commissioner Mairose moved and Commissioner Dozark seconded to approve the following bills and payroll. All members voted aye. Motion carried.

# **GENERAL FUND**

***Salaries:*** Commissioners, 1747.70; Auditor, 3437.56; Treasurer, 3448.72; States Attorney, 7086.99; Assessor, 3780.76; Planning Commission, 420.09; Register of Deeds, 2748.92; Sheriff, 10,550.45; Jail, 12,400.91; Courthouse, 1488.00; Extension, 528.00; Veteran Service, 829.22; Victim Witness Coordinator, 226.80; Weed & Pest; 380.00. ***FICA & Medicare:*** First Dakota Bank, 3833.69. ***Retirement:*** SDRS, 2757.13. ***Insurance Reimbursement:*** 3492.42. ***Insurance:*** ABA 4839.29. Alexander, Laura, 410.00; Avera McKennan Hospital, 6,640.00; Ashley, Jeffrey 73.58; Bob Barker, 264.48; Bode, Julie, 69.65; Burke Oil Company, 2425.20; Byre Brothers Inc, 159.00; C R Landscaping & Design, 435.00; C & B Operations, 236.50; Cadwell, Christopher, 51.31; Central Dakota Times, 917.62; Central Electric Cooperative, 154.00; Chamberlain Ace Hardware, 31.16; City of Kimball, 15.08; Department of Public Safety, 2340.00; Election Systems & Software, 1030.96; Fink, Keith, 57.86; Hein Law Office, 1254.48; Hickey, Lane, 50.00; Johnson, Dari, 51.31; Johnson, Pochop Law Office, 388.59; King Street Garage, 910.68; Lewis Drug Inc, 282.73; Mairose & Steele, 1083.92; Mastercard, 1047.26; McManus, Chad, 56.55; Midstate Communications, 1250.33; Nationwide, 50.00; Office Products Center, 374.88; Petty Cash, 62.03; Powell, Bonnie, 51.31; Reliance Telephone, 250.00; Relx Inc, 649.27; Sanford Health Network, 784.00; Schumacher Elevator Company, 229.81; Secretary of State, 30.00; SD Department of Health, 6,550.50; SD Department of Revenue, 671.63; Smith, Garrett, 73.58; Team Laboratory Chemical, 150.58; Tech Solutions, 580.00; Thompson, Sheila, 55.24; TriTech Software Systems, 2813.00; United Laboratories, 428.26; Verizon Connect, 201.26; Verizon Wireless, 42.72; Wex Health, 25.00.

# **ROAD & BRIDGE FUND**

***Salaries:*** 13,870.55. ***FICA & Medicare:*** First Dakota Bank, 1056.74. ***Retirement:*** SDRS, 786.63. ***Insurance Reimbursement:*** 328.36. ***Insurance:*** ABA 2800.00. A & R Truck Equipment, 1384.26; Aurora Brule Rural Water, 35.00; Brooks Hardware, 23.48; Brule County Co-op Association, 935.00; Burke Oil Company, 777.00; C & B Operations, 926.57; C & S Truck Sales, 243.94; City of Kimball, 47.81; Central Electric Cooperative, 103.00; Chamberlain Ace Hardware, 129.14; Crossworx Soulutons LLC, 3240.60; Mastercard, 13.99; Michelle’s Market, 32.75; Midstate Communications, 168.37; Overweg Repair, 24.43; R & J Gravel, 445.99; RDO Equipment, 1352.40; Sioux Nation Of Kimball, 9.60; Tech Solutions, 10.00; Truenorth Steel, 39,053.85; Verizon Wireless, 42.72.

**911 FUND**

Midstate Communications, 330.02.

**24/7 FUND**

***Salaries:*** 201.37. ***FICA & Medicare:*** First Dakota Bank, 17.92. ***Retirement:*** SDRS, 16.11. ***Insurance Reimbursement:*** 26.85. ***Insurance:*** ABA 2.34. Attorney General’s Office, 381.00; Mastercard, 866.26; Tech Solutions, 20.00.

**EMERGENCY MANAGEMENT FUND**

***Salaries:*** 699.30. ***FICA & Medicare:*** First Dakota Bank, 78.61. ***Retirement:*** SDRS, 41.96. ***Insurance Reimbursement:*** 328.36. Mastercard, 155.00; Midstate Communications, 72.75; Tech Solutions, 30.00.

**LEPC FUND**

Mastercard, 371.69.

**REGISTER OF DEEDS STATEMENT OF FEES**

SD Association of County Commissioners, 182.00.

## **ADJOURNMENT**

 Commissioner Swanson moved and Commissioner Dozark seconded to adjourn at 12:26 pm with the next meeting being held on 9-19-2023 at 9:30 am. All members voted aye. Motion carried.

ATTEST:

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PAMELA PETRAK DONN DEBOER

BRULE COUNTY AUDITOR BOARD OF BRULE COUNTY COMMISSIONERS