

Chairman Randy Vance called the Monday August 17, 2020 meeting of the Hughes County Board of Commissioners to order at 5:30 PM with members Roger Inman, Norm Weaver, Connie Hohn, and Bill Abernathy. County Manager Kevin Hipple, Planning Director/Building Official Eric Booth and Sheriff Darin Johnson were also present. The meeting began with a prayer by Pastor John Fette and the Pledge of Allegiance.

AGENDA: Moved by Abernathy and seconded by Inman to approve the agenda. All voted aye. Motion passed.

MINUTES: Moved by Weaver and seconded by Hohn to approve the minutes of the August 3, 2020 Commission meeting. All voted aye. Motion passed.

EXECUTIVE SESSION: Moved by Weaver and seconded by Inman to go into executive session to consult with counsel SDCL 1-25-2(3). All voted aye. Motion passed. Chairman Vance declared the board to be out of executive session.

LAWSUIT SETTLEMENT: Moved by Inman and seconded by Abernathy to accept the settlement of \$250,000 on the RQE lawsuit. All voted aye. Motion passed.

5:30 PM PUBLIC HEARING: PLAT OF LEESMAN TRACTS 1, 2, & 3 A SUBDIVISION OF GOV'T LOTS 1, 2, 7 & 8 IN SECTION 5 112-75 AND REZONE TRACTS 1 AND 2 TO PUD ZONING. Moved by Abernathy and seconded by Hohn to approve Resolution 2020- 23 a plat of Leesman Tracts 1, 2, & 3 Sec 5 112-75 and Ordinance 2020-6 to rezone Tracts 1 & 2 from Ag-B to PUD to create a 5 acre residential parcel. Nobody appeared to testify. All voted aye. Motion passed.

5:35 PM PUBLIC HEARING: APPROACH VARIANCE: Sharon Pruess, Planner for the City of Pierre explained the proposal. Moved by Abernathy and seconded by Hohn to approve the variance to relocate an existing approach on the north side of Range Road, finding proof of hardship due to lack of access to proposed Lot 1 Lindbergh Acres in SW Sec 16 111-79. Casey Kebach spoke in support of the variance, there was no other public comment. All voted aye. Motion passed.

5:40 PUBLIC HEARING: TO CONSIDER CHANGES TO ARTICLE 2-117 WIND ENERGY CONVERSION SYSTEMS: Time set for a public hearing to consider changes to Ordinance 1997-03 Article 2 Section 2-117 on wind energy conversion systems. The ordinance as presented amends the public roads section to require a haul road agreement to be in place, to include bonding to financially ensure repair of any road damage as a result of a wind energy project before a Conditional Use permit may be heard by the Board of Adjustment. Approximately 50 people attended the public hearing. Those speaking against increasing the setback distance were: Ryan Webb, Jan Krull, Tonja Jessen, Katherine Porter, Jerry Webb, Lowell RoløSmith, Rosie Webb Carroll, Jill Baird(via phone) and Connie Carroll. Also testifying were Brett Koneche, attorney for Engie Energy North America and on the phone Casey Willis, Engie Energy North America. Those speaking in favor of increasing the setback were: Terry Barber, Harlan Smith, Michael Bollweg, Austin Gross, Barb Leesman, Kurt Korzan, Andrea Goebel, SD Aviation Association, and Perry Hofer, aerial applicator.

The chair closed public testimony and brought the discussion back to the commission.

Moved by Inman and seconded by Abernathy to amend the proposed ordinance to change the existing setback from a residence to 2,640 feet or 4.9 times the tower height, whichever is greater, with the option for a reduced setback to 1,400 feet with a signed and recorded waiver and to drop the noise level to 45 decibels. All voted aye. Motion passed.

Moved by Inman and seconded by Abernathy to approve the amended Ordinance 2020-05. All voted aye and the motion passed.

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG): The South Dakota State Office of Emergency Management is awarding Hughes County funding to be used for salary costs related to the operation of the emergency management organization during 2021. Moved by Abernathy and seconded by Inman to accept and authorize the Chairman to sign this agreement. All voted aye. Motion passed.

EMERGENCY MANAGEMENT PAY REIMBURSEMENT: Moved by Hohn and seconded by Abernathy to approve Resolution 2020-24 amending the paperwork to request zero dollars from the LEMPG for April through December, so the Emergency Management payroll and benefits can be submitted to the Cares Act Reimbursement Fund. All voted aye. Motion passed.

PERSONNEL: Moved by Weaver and seconded by Abernathy to approve hiring, Gary Nickerson, Deputy Sheriff at Pay Grade 16 Step 4 at \$23.62 per hour beginning September 1, 2020 and hiring Dan Eilers, Deputy Sheriff at Pay Grade 16 Step 1 at \$21.94 per hour with no definite start date at this time. All voted aye. Motion passed.

Moved by Weaver and seconded by Hohn to approve hiring Paula Tronvold, Corrections Sergeant at the Jail at Pay Grade 15 Step 4 \$21.87 per hour beginning on September 14, 2020. All voted aye. Motion passed.

CONTINGENCY TRANSFER: Moved by Hohn and seconded by Abernathy to approve the contingency transfer of \$33,874.03 from the Contingency Fund to Court Appointed Attorney Fund and \$8,143.58 to Coroner Fund. All voted aye. Motion passed.

VOTING CENTER RESOLUTION: Moved by Hohn and seconded by Abernathy to approve and authorize the chairman to sign the Voting Center resolution 2020-22. All voted aye. Motion passed.

WHEREAS, as per SDCL 12-14-17, the Hughes County Board of County Commissioners may authorize the use of vote centers in lieu of precinct polling places, provided that the election is conducted in conformance with all applicable election laws and rules.

WHEREAS, Hughes County, in its entirety, will be considered one precinct while utilizing five vote centers for the November 3, 2020 General Election.

WHEREAS, the use of vote centers will make voting more accessible for registered voters in Hughes County as they will be able to vote at any one of the vote center locations throughout the county.

WHEREAS, due to COVID-19 and the increase in absentee voting by mail, availability of election workers, and the vote center's entrance and exits, Hughes County will use five vote centers for the 2020 General Election.

NOW, THEREFORE BE IT RESOLVED that the Hughes County Commission declares all of Hughes County to be one voting precinct for the November 3, 2020 General Election and designates the following locations as vote centers within the precinct:

1. Faith Lutheran Church, Pierre
2. New Life Assembly of God Church, Pierre
3. Capitol Lake Visitors Center, Pierre
4. Blunt Community Center, Blunt, SD
5. Harrold City Auditorium, Harrold, SD

BE IT FURTHER RESOLVED that the County Finance Office will be used as an absentee vote center to process absentee ballots on Election Day.

COURTHOUSE BASEMENT STAIR TREADS: Moved by Abernathy and seconded by Hohn to replace the treads on the stairs going to the basement of the courthouse with rubber treads for a cost of \$2,786.25 from Country Carpet and Flooring, Inc. All voted aye. Motion passed.

BUDGET DISCUSSION: Moved by Hohn seconded by Inman to increase the Equalization Budget by \$120,420 for a new full time employee and all associated supplies, training, and additional contracts and supplies. All voted aye. Motion passed.

CLAIMS: Moved by Inman and seconded by Abernathy to approve the following verified claims. All voted aye. Motion passed.

A-OX WELDING 20.05 CYLINDER RENTAL, ADVANCED AUTO PARTS 333.02 SUPPLIES, ANDERSON NILL & ASSOC INC 1181.25 INV 8887 BILLING SERVICE, ANIMAL CLINIC OF PIERRE 90.00 INV 136052 ANIMAL CONTROL, AVERA MCKENNAN HOSPITAL 132.10 INMATE HOSPITAL T.K., AVERA MEDICAL ASSOC CLINIC 123.00 TESTING, AVERA ST MARYS HOSPITAL 425.33 SERVICES, AVERA ST MARYS HOSPITAL 1294.60 SERVICES, BARTLETT & WEST 391.88 SANITARY SYSTEM / LAGOON, BOB BARKER CO INC 2214.40 JAIL SUPPLIES, BUREAU OF ADMINISTRATION 275.18 TL107004, TL107056, BUTLER MACHINERY CO 4617.96 REPAIRS / FILTERS, CAPITAL AREA COUNSELING 990.38 MI QMHP EVALS X4, CAPITAL AREA COUNSELING 6445.00 MOBILE CRISIS REPOSE, CAPITAL JOURNAL 1019.08 PUBLISHING, CDW GOVERNMENT INC 335.74 ZPH8763 BATTERY, CENTRAL CULVERT 2898.00 CULVERT INV 921, CENTURY BUSINESS PRODUCTS INC 412.38 CONTRACTS, CENTURYLINK 184.49 PHONE, CENTURYLINK 823.31 PHONE, CERTIFIED LABS 1158.00 INV 7026131 OIL/LUBE, DENISE CODY 15.00 MI - M.S., COLE PAPERS INC 3381.67 SUPPLIES, COMM TECH INC 2264.80 SUPPLIES, CONCORDANCE 379.22 INV 19026403 SUPPLIES, CONNECTING POINT 5115.00 CONTRACTS, COOK IMPLEMENT 717.09 INV 7813 REPAIRS, DAKOTA DATA SHRED 220.17 INV 3155957, DAKOTA SUPPLY GROUP 3.07 S100311245.001 JAIL MAINT, DEN HERDER LAW OFFICE 468.80 MI - RG, JI, TS, DEPARTMENT OF CORRECTIONS 5246.45 C18D0445, 0458, 1005, 1013, DEPT OF HEALTH 30.00 SPRING CREEK WATER TEST, DEPT OF REVENUE 92.95 SALES &

USE TAX, DIAMOND DRUGS INC 1297.62 JAIL MEDICATIONS, DONS SINCLAIR 56.55 ACCT 1386 GAS/CAR WASHES, DUSTBUSTERS ENTERPRISES 3369.65 INV 63787 MAG WATER, ERTZ, DEWEY J ED D 3271.50 ACCT 6745 Q.D.H., ERTZ, DEWEY J ED D 3500.00 ACCT 6617 D.B. (CAP), FARNAMS GENUINE PARTS 52.71 INV 419270 SUPPLIES, FISCHER LAW OFFICE PROF LLC 6512.84 COURT APPOINTED ATTORNEY, FLOYDS TRUCK CENTER 2163.28 ACCT 20538 REPAIRS, FRIMAN OIL & GAS CO INC 160.00 YEARLY TANK RENTAL, FT PIERRE CITY 715.17 EXPO UTILITIES, GOLDEN WEST TECHNOLOGIES 475.00 INV 371143 BACKUP, GROSSENBURG IMPLEMENT 972.09 REPAIRS, H & H REPAIR 538.22 REPAIRS, HAMMOND, ROXANNE 119.43 COVID / SUPPLIES REIMBURSE, HIPPLE, KEVIN 1597.50 ARC GIS DESKTOP LICENSE, INGRAM PEST SERVICE 63.90 INV 37553 EXPO, INLAND TRUCK PARTS 193.26 REPAIRS, INMANS WATER TECHNOLOGIES 433.21 SUPPLIES, INTOXIMETERS 1250.00 INV 660806 24/7 FUND, JC OFFICE SUPPLIES 286.67 SUPPLIES, MARK KATTERHAGEN 27.00 MI - MS, JI, KIMBALL MIDWEST 486.68 SUPPLIES INV 8114768, KONE INC 310.68 INV 959627609 ELEVATOR, KONRAD LAW PROF LLC 701.40 COURT APPOINTED ATTORNEY, LAWSON PRODUCTS INC 355.00 SUPPLIES, LEWIS & CLARK BHS 368.00 MI QMHP EVALS X2, LUCILLE M LEWNO 323.00 MI - MS, JI, LINCOLN COUNTY 419.30 MI - X2, DARCY LOCKWOOD 12.00 MI - JI, MAY ADAM GERDES & THOMPSON 9417.83 COURT APPOINTED ATTORNEY, MEDICAL WASTE TRANSPORT INC 337.30 INV 76495 MEDICAL CONTRACT, MEDICINE CREEK 212.12 FUEL, MENARDS 132.61 ACCT 33210252, MENARDS 38.30 ACCT 33210258, MID DAKOTA RURAL WATER SYSTEM 4566.60 UTILITIES, MIDCO 225.00 UTILITIES, MIDWEST ALARM CO 695.00 INV 255920 INSPECTION, MONTANA DAKOTA UTILITIES 123.65 UTILITIES, MURPHY LAW 1351.10 COURT APPOINTED ATTORNEY, OAHE ELECTRIC COOP INC 559.78 UTILITIES, OLINGER LOVALD MCCAAREN 7834.75 COURT APPOINTED ATTORNEY, PANKRATZ LAW PROF LLC 8750.00 PUBLIC DEFENDER CONTRACT, PEITZ HEATING & COOLING 2430.00 MAINTENANCE AGREEMENT, PENNINGTON COUNTY JAIL 1987.93 JULY 2020 PRISONER TRANSPORT, PHEASANTLAND INDUSTRIES 132.01 INV 107876 WORK CLOTHES, PIERRE CITY 8282.85 911 SURCHARGE, PIERRE CITY 793.82 TRAINING SUBSCRIPTION, PIERRE CITY 11061.58 UTILITIES, PIERRE SOLID WASTE 6.00 STATEMENT 28097, DOUG RIPLEY 1903.79 CONTRACT WORK, RITER ROGERS LLP 407.40 COURT APPOINTED ATTORNEY, RIVER CITIES TRANSIT 2916.66 MONTHLY ALLOCATION, ROBINS WATER CONDITIONING INC 115.50 SUPPLIES, RON OR KATHLEEN NAGLE 52.40 NON COMM REFUND, RUNNINGS SUPPLY 303.46 SUPPLIES, RUNNINGS SUPPLY 949.46 ACCT 2610423 SUPPLIES, SANFORD HEALTH 2484.00 INV 308893840 A.O.B., SCHREIBER LAW FIRM PROF LLC 877.75 COURT APPOINTED ATTORNEY, JOAN BOOS SCHUELLER 171.00 COURT APPOINTED ATTORNEY, SD ACHIEVE 60.00 INV 37753 MI - JULY, SD POLICE CHIEFS ASSOC 165.00 INV 1597 TEST FORMS, SD SHERIFFS ASSOC 880.00 INV 19-000232 SAVIN MAINT FEES, SERVALL UNIFORM & LINEN CO 467.19 SUPPLIES, DAVID W SIEBRASSE 11649.55 PUBLIC DEFENDER CONTRACT, SOUTH DAKOTA ONE CALL 17.92 SD20-2181, SULLY CO AUDITOR 231.71 CSCSS ELECTION PUBS/LTRS, SUMMIT FOOD SERVICES 6705.94 INV 86587 MEALS, SWANSON, MICHAELA 60.07 WITNESS, TESSIERS INC 1412.07 INV TES048084 REPAIR, KATIE THOMPSON, ATTY 8750.00 PUBLIC DEFENDER CONTRACT, TMA 59.31 INV 68964 SERVICE, W W TIRE 40.00 ACCT 3964 TIRE REPAIR, MONA WEIGER 378.00 COURT REPORTING, WENDELL LAW OFFICE PC 933.30 COURT APPOINTED ATTORNEY, WHEELHOUSE PLUMBING 135.00 INV 48425 DRAIN CLEANING, YANKTON CO SHERIFF 50.00 MI - J.I., YANKTON COUNTY 235.30 MI - X2, ZANDER AUTO PARTS 209.70 REPAIRS.

PUBLIC COMMENT: None

County Convention is September 14 & 15, 2020 in Sioux Falls.

Moved by Abernathy and seconded by Inman to adjourn the meeting until **5:30 PM on Tuesday, September 1, 2020**. All voted aye. Motion passed.

ATTEST:

Randy Vance, Chairman
Hughes County Commission

Jane Naylor, Finance Officer
Hughes County, South Dakota