

Commissioner Connie Hohn called the Tuesday, February 21, 2023 meeting of the Hughes County Board of Commissioners to order at 5:30 PM with members Bill M. Abernathy, and Randy Brown present. Tom Rounds & Rob Fines were available via telephone. County Manager Lori Jacobson, Director of Equalization/Planning Director/Building Official Eric Booth, Highway Superintendent Trent Arbach, Emergency Manager Cathy Strudel, Sheriff Patrick Callahan, States Attorney Jessica LaMie, and Veterans Service Officer Janet Beck were also present. The meeting began with a prayer by Pastor Jeff Lathrop and the Pledge of Allegiance.

CONFLICTS: No conflicts were declared.

PUBLIC COMMENT: None.

AGENDA: Moved by Abernathy and seconded by Brown to approve the agenda with the removal of the Central South Dakota Enhancement District. All voted Aye. Motion passed.

MINUTES: Moved by Brown and seconded Abernathy by to approve the minutes of the February 06, 2023 Commission meeting. All voted Aye. Motion passed.

CLAIMS: Moved by Brown and seconded by Abernathy to approve the following claims. All voted Aye. Motion passed. 605 THERAPY 7700.00 COURT ORDERED EVAL, A-OX WELDING 37.57 WS ACET CYL, ADA POWELL PHD 750.00 COURT ORDERED COMPT EVAL, ADVANCE CORRECTIONAL HEALTH 33990.03 JAIL MEDICAL CONTRACT SERVICES, ALEXANDRIA REIFEL 20.00 WITNESS FEES, ALL AROUND GRAPHIC 141.80 EMBROIDERY/SCREEN PRINT, AMERICAN BANK & TRUST 1614.59 STATE ATTORNEY CARD, AMERICAN MEDICAL RESPONSE 12450.00 JAN 2023 MONTHLY SUBSIDY, AUTOMATIC BUILDING CONTROLS 481.63 EXPO CENTER FIRE ALARM SERVICE, AVERA MCKENNAN HOSPITAL 790.00 MENTAL HEALTH HOLD M.H.C., AVERA MEDICAL ASSOC CLINIC 603.64 JAIL DOCTOR/HOSPITAL, AVERA MEDICAL ASSOC CLINIC 269.67 JAIL/DOCTOR/HOSPITAL, AVERA ST MARYS HOSPITAL 37.21 JAIL/DOCTOR/HOSPITAL, AVERA ST MARYS HOSPITAL 70.61 JAIL/DOCTOR, AVERA ST MARYS HOSPITAL 302.00 DRUG/ALCOHOL TESTING, BARON WEATHER INC 900.00 BARON THREAT NET ANNUAL, BECK MOTORS 62.74 , BLACKSTRAP INC 2049.99 ROAD SALT, BOB BARKER CO INC 2683.24 JAIL INMATE/S.O. SUPPLIES, BOTTOM LINE WELDING 192.33 HWY SHOP 103 SUPPLIES, BUREAU OF ADMINISTRATION 119.78 PHONES, BUREAU OF ADMINISTRATION 5201.52 POSTAGE, CAPITAL AREA COUNSELING 2343.96 MENTAL ILLNESS, CAPITAL AREA COUNSELING 12730.00 M.I MOBILE CRISIS RESPONSE, CAPITAL AREA COUNSELING 120.00 JAIL DOCTOR, CAPITAL JOURNAL 531.45 PUBLISHING, CAPITAL JOURNAL 41.45 CLIENT #404287, CAPITAL JOURNAL 255.00 52 WK SUBSCRIPTION, CAPITAL ONE - WALMART 115.41 WALMART CARD, CDW GOVERNMENT INC 1695.45 IT HARDWARE, CELERITY BROADBAND 802.78 BUSINESS INTERNET ANNUAL, CENTURY BUSINESS PRODUCTS INC 749.34 , CENTURYLINK 717.86 PHONE LINES, CHANDLERS 337.00 WINDOW INSTAL #500, CHOLIK SIGN CO 150.00 DECALS FOR EQUIPMENT, COLE PAPERS INC 344.19 SUPPLIES, COLE PAPERS INC 1508.40 JAIL OFFICE/LAUNDRY/IMATE SPLY, COLE PAPERS INC 1059.10 COURT HOUSE SUPPLIES, COMM TECH INC 45.00 MOVED FAX LINE TO NEW LOCATION, COMM TECH INC 58.25 SHOULDER RESTS, DAKOTA FOOD SERVICE 15909.25 FOOD

SERVICES, DAKOTA RADIO GROUP 319.38 JAIL JOB ADS, DAKOTA SUPPLY GROUP 322.74 JAIL REPAIR/MAINTENANCE, DAMON LAW 842.00 COURT APPOINTED ATTORNEY, DAN FOX 62.10 MENTAL ILLNESS BOARD, DAKOTA DATA SHRED 46.07 SHREDDING, WANTOCH LAW 10823.51 COURT APPOINTED ATTORNEY, DEPARTMENT OF CORRECTIONS 2090.72 UTILITIES/CLEAN SUPPLIES, DESEREE CORRALES 50.00 INTERPRETION SERVICES, DONS SINCLAIR 15.08 S.O VHCLE WASHES, FACTOR 360 50.00 WEB SUPPORT/MAINTENANCE, FAIR MANUFACTURING INC 90.90 TEMP SENDER FOR SNOW CRETE, FISCHER LAW OFFICE PROF LLC 6966.20 COURT APPOINTED ATTORNEY, FLORA BRAVE 20.00 WITNESS FEE, FLOYDS TRUCK CENTER 225.64 HWY SHOP SUPPLIES, GARCIA CLINICAL LAB 49.00 LAB SERVICES, GARY NICKERSON 120.00 REIMBURSEMENT, GOLDEN WEST TECHNOLOGIES 950.00 OFF SITE BACKUP, GRAHAM TIRE 78.84 SO GAS AND OIL, GUNDERSON PALMER NELSON & 2434.10 MENTAL ILLNESS, GUNDERSON PALMER NELSON & 666.60 COURT APPOINTED ATTORNEY, HILL TOP 145.00 FUEL ACCT 0002, HOGENS HARDWARE HANK 17.32 JAIL REPAIR/MAINTENANCE, INMANS WATER TECHNOLOGIES 733.00 WATER SERVICES, JC OFFICE SUPPLIES 1047.10 OFFICE SUPPLIES, JENNIFER SCHREMPP 20.00 WITNESS FEE, JOHNSON POCHOP & BARTLING 1912.70 COURT APPOINTED ATTORNEY, JULIE VOLMER 83.07 REIMBURSEMENT FOR SUPPLIES, KONRAD LAW PROF LLC 4536.18 COURT APPOINTED ATTORNEY, LEWIS & CLARK BHS 184.00 BMI INVOICE, LUCILLE M LEWNO 90.75 MH BOARD HEARING, LUCILLE M LEWNO 166.57 MH BOARD HEARING, DARCY LOCKWOOD 27.00 MH BOARD HEARING, M & R SIGNS INC 72.00 PARKING LOT SIGNS, MAHER LAW 1282.85 COURT APPOINTED ATTORNEY, MANLOVE BRAIN & BODY 10375.00 MH COURT ORDERED EVAL, MAY ADAM GERDES & THOMPSON 12605.30 COURT APPOINTED ATTORNEY, MEDICAL WASTE TRANSPORT INC 143.10 JAN JAIL SERVICES, MENARDS 689.76 JAIL EQUIPMENT, MENARDS 119.99 SHOP 103 TRANSFER PUMP, MENARDS 143.37 JAIL REPAIRS/ MAINTENANCE, MENARDS 117.97 BTU PROPANE TOCRCH, MID DAKOTA RURAL WATER SYSTEM 161.15 WATER/SEWER, MIDCO 336.17 JAIL/EMS/COURT HOUSE, MONTANA DAKOTA UTILITIES 919.43 NATURAL GAS SERVICES, MONTGOMERY TECHNOLOGY 4154.30 JAIL EQUIP/REPAIRS/MAINTENANCE, NAPA CENTRAL 270.87 PARTS FOR HWY, OAHE ELECTRIC COOP INC 1128.66 ELECTRICAL SERVICES, OFFICE DEPOT 101.96 S.A OFFICE SUPPLIES, PANKRATZ & ASSOCIATES 400.00 COURT APPOINTED PI, PENNINGTON COUNTY JAIL 1391.69 TRANSPORT BILLING, PIERRE CITY 8057.17 ELECTRIC/WATER/SEWER, PLUMBZILLA 2207.66 JAIL REPAIR/MAINTENANCE, POWER PLAN OIB 1782.52 HWY PARTS/SUPPLIES, RICH DOYLE 30.00 REIMBURSEMENT, RITER ROGERS LLP 959.50 COURT APPOINTED ATTORNEY, RUNNINGS SUPPLY 284.33 HWY SUPPLIES, RUNNINGS SUPPLY 10.99 FUEL STABILIZER, SANFORD HEALTH 2354.00 AUTOSPY AND TOX FOR SK, SCHREIBER LAW FIRM PROF LLC 2059.29 COURT APPOINTED ATTORNEY, JOAN BOOS SCHUELLER 3282.16 COURT APPOINTED ATTORNEY, SD ACHIEVE DBA LIFESCAPE 60.00 MENTAL ILLNESS FOR C.M, SDACC 50.00 WELFARE OFFICAL REGISTRATION, SDACHS 350.00 NACE/SDACHS DUES, SERVALL UNIFORM & LINEN CO 295.13 , DAVID W SIEBRASSE 15989.58 COURT APPOINTED ATTORNEY, THE PAINT STORE TOO LLC 252.00 PAINT/SUPPLIES, K THOMPSON LAW PROF LLC 13729.25 COURT APPOINTED ATTORNEY, THOMSOM REUTERS WEST PAYMENT 304.16 ONLINE/SOFTWARE SUBSCRIPTION, TIESZEN LAW OFFICE PROF LLC 7241.45 COURT APPOINTED ATTORNEY, TIMECLOCK PLUS LLC 1441.35 HARDWARE SUPPORT/MAINTENANCE, TODD'S ELECTRIC 260.10 JAIL

REPAIR/MAINTENANCE, VAL LARSON 12.00 MH BOARD HEARING, VAL LARSON 15.00 MH ILLNESS BOARD HEARING, VENTURE COMMUNICATIONS 48.40 PHONE 605 875 3497, MONA WEIGER 392.00 TRANSCRIPTS, WHISTLESTOP 25.27 JAIL OFFICE - POSTAGE, YANKTON COUNTY 50.00 MH CIVIL PAPER SERVED, YANKTON COUNTY 135.00 MH BOARD HEARING, YANKTON COUNTY 137.60 MH BOARD HEARING, YANKTON COUNTY 382.50 MH BOARD HEARING, YANKTON COUNTY 244.90 MH BOARD HEARING, YOUNGBERG LAW 193.01 MENTAL ILLNESS COURT APPOINTED, ZANDER AUTO PARTS 244.68 HWY PARTS/SUPPLIES, ZANDER AUTO PARTS 103.28 HWY PARTS/SUPPLIES

PERSONNEL: Moved by Brown and seconded by Abernathy to approve the hire of Clayton Green as a Deputy at the Sheriff's Office effective March 1, 2023 at Pay Grade 18 Step 1 \$27.97 per hour. All voted Aye. Motion passed.

SD DOT US HWY 14 PROJECT & COUNTY LAND PURCHASE REQUEST: Cheri Barlett with SD DOT appeared before the Commission to discuss Project No. 0014 (185) 229, PCN No. 026Z the purchase of Lot H1 in Lot 26 Block 4 First Railway Addition to the City of Pierre, containing 165 square feet, more or less from Hughes County in the amount of \$1,980.00. As well as a temporary easement agreement in Lot 1 Block 4 First Railway Addition to the City of Pierre in the amount of \$472.00. Moved by Rounds and seconded by Abernathy to authorize and allow the Chairman to execute the agreements on behalf of the Commission with South Dakota Department of Transportation for the sale of Lot H1 in Lot 26 Block 4 First Railway Addition in the amount of \$1,980.00, and the temporary easement agreement in Lot 1 Block 4 First Railway Addition. All voted Aye. Motion passed.

COMMISSIONER COMPUTER QUOTES: Moved by Fines and seconded by Abernathy to approve the purchase of seven Lenovo ThinkBook computers for the Commission office in the amount of \$6,070.61. All voted Aye. Motion passed.

PUBLIC HEARING:

FRANCHISE AGREEMENT RENEWAL NORTH WESTERN ENERGY: Time set for 5:30 PM to consider the renewal of NorthWestern Energy's grant of permission to erect and maintain power lines along public highways in Hughes County. Robert Gehm from NorthWestern Energy presented the renewal agreement to the Commission. Moved by Abernathy and seconded by Brown to approve Resolution No. 2023-3 and grant permission to NorthWestern Energy to erect and maintain power lines along public highways in Hughes County for a period of twenty (20) years. All voted Aye. Motion passed.

RESOLUTION NO. 2023-03

WHEREAS, NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy (NorthWestern), has filed an application with the Hughes County Board of Commissioners pursuant to Chapter 31-26 of the South Dakota Codified Laws, seeking the right to erect and maintain poles, wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes (Power Lines) on and along the county highways located in Hughes County, South Dakota.

WHEREAS, the Hughes County Board of Commissioners has the jurisdiction and authority to grant the application of NorthWestern as set forth in paragraph I above, subject to such conditions as it may desire to impose.

NOW, THEREFORE, BE IT RESOLVED by the Hughes County Board of Commissioners as follows:

1. That the application of Northwestern dated February 21, 2023, for permission to erect and maintain Power Lines on and along Hughes County public highways is granted subject to the conditions set forth herein.
2. That this grant is for a period twenty (20) years from and after February 21, 2023, or as may be extended by the Hughes County Board of Commissioners in writing at a subsequent date.
3. That as consideration for this grant, NorthWestern agrees to indemnify and hold harmless Hughes County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, operating, inspecting, repairing, maintaining, replacing or removal of the Power Lines along with all appurtenances thereto located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, NorthWestern agrees to restore, at its expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the public highways in the county should be rebuilt or construction and maintenance of the county highways requires the removal or relocation of the Power Lines, it shall be solely at the expense of NorthWestern.
5. That the rights and conditions by this grant shall be binding upon the successors and assigns of NorthWestern.
6. This grant shall further be subject to all rules and regulations as specified in the current edition of the National Electrical Safety Code.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by NorthWestern.

MAHER APPROACH VARIANCE S ½ SW ¼ E OF COUNTY ROAD SECTION 24 111-79:

Time set for 5:35 PM to consider a request from Tom Maher to expand the Shamrock Commercial Addition with the platting of Lots 16 & 17. The proposed parcels are located along the north side of 206th St. and the plan includes using two existing agricultural approaches as access. The approaches have been in place for many years and were part of a future plat proposal of Shamrock Commercial Addition recommended by the joint planning commission in 2000. The future plat did not come to fruition and the area has changed in the 23 years since the future plat was first considered. The two agriculture approaches have been at the present locations for more than 25 years. In the time since the initial plat of Shamrock Commercial was presented the curve between 293rd Ave and 206th St has been vacated by Hughes County and commercial development has grown in the immediate area. There are presently 4 approaches off the north side in the half mile segment of 206th St. that abuts the SW1/4 of Section 24 111-79. The two currently in use access construction/contractor shops. The two approaches for this request will access a construction shop/truck repair business and an agronomy business. Mr. Maher proposes to leave the existing approaches as-is and build a new approach to access Lot 17. This will allow individual approach access to the two proposed lots and the remaining un-platted parcel. This

area is zoned commercial and the proposed business will have large truck and ag traffic in and out of the locations. Tom Maher, Clay Solberg, & Brayden Espeland were available for questions. Moved by Abernathy and seconded by Brown to approve the plat and give the approval for a third approach to access Lot 17. All voted Aye. Motion passed.

CENTRAL SOUTH DAKOTA ENHANCEMENT DISTRICT: No action taken.

PLANNING & ZONING ANNUAL REPORT 2022: Director of Equalization/Planning Director/Building Official Eric Booth reviewed the report with the Commission.

EQUALIZATION: Director of Equalization/Planning Director/Building Official Eric Booth gave an update to the Commission about the Equalization Office.

ADD PROPERTY TO TAX ROLLS: Moved by Brown and seconded by Abernathy to approve adding the property at Centennial Acre Outlot and NE1/4 NE1/4 and N1/2 SE1/4 NE1/4 less USA take Section 17 111-79. Record # 450- N1/2 SE NE & S1/2 NE NE S100' of N1/2 NE NE Section 17 111-79 with a total value of \$33,325.00. Taxes for 8 ½ months in the amount of \$172.04 for tax year 2022 payable 2023. Record # 12817- N1/2 NE NE less S100' of Section 17 111-79 with a total value of \$12,818.00. Taxes for 8 ½ months in the amount of \$66.22 for tax year 2022 payable 2023. Darrell & Deb Beck/ B&B Equipment purchased the parcels from the City of Pierre, an exempt entity, April 22, 2022. All voted Aye. Motion passed.

2023 HIGHWAY FEE & PERMIT SCHEDULE: Moved by Abernathy and seconded by Brown to approve the fees and permit amounts for the Hughes County Highway Department as follows: Approach Permits- \$50.00, Moving Permits- \$50.00, and Overweight Permits- \$50.00. All voted Aye. Motion passed.

Hughes County Resolution No. 2023-05

HUGHES COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION

WHEREAS, seasonal climatic changes can be detrimental to our highways, and

WHEREAS, the Hughes County Board of County Commissioners, desires to protect existing Hughes County Highways, ultimately saving tax dollars and,

WHEREAS, the Hughes County Board of County Commissioners, desire the enforcement of weight limitations on Hughes County Roads as set forth and posted by the Hughes County Highway Superintendent.

NOW THEREFORE BE IT RESOLVED;

WHEREAS the limits on Hughes County highways shall be set as seven (7) ton per axle, on all asphalt surface roads, and six (6) ton per axle on all blotter and gravel roads during spring thaw period and when limit signs are in place.

That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Hughes County roads.

BE IT FURTHER RESOLVED that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55.

Moved by Brown and seconded by Abernathy to approve Resolution Number 2023-05. All voted Aye. Motion passed.

ADVERTISE FOR HIGHWAY DEPT BIDS: Moved by Brown and seconded by Abernathy to authorize advertising for bids for furnishing the season's supply of Magnesium Water for the Hughes County Highway Department to be received by 11:00 AM on April 01, 2023 at which time the bids will be publicly opened and read aloud. All voted Aye. Motion passed.

Moved by Brown and seconded by Abernathy to authorize advertising for bids for supplying and installing culverts for the Hughes County Highway Department to be received by 11:00 AM on April 01, 2023 at which time the bids will be publicly opened and read aloud. All voted Aye. Motion passed.

Moved by Brown and seconded by Abernathy to authorize advertising for bids for supplying chip seal for the Hughes County Highway Department to be received by 11:00 AM on April 01, 2023 at which time the bids will be publicly opened and read aloud. All voted Aye. Motion passed.

OPIOID SETTLEMENT MEMORANDUM OF AGREEMENT: Moved by Brown and seconded by Abernathy to authorize and allow the Chairman to sign the Opioid Settlement Agreement with the State of South Dakota Department of Social Services for participation in the Teva, Allergan, CVS, Walgreens, & Walmart settlements. All voted Aye. Motion passed.

JAIL CONTRACTS: Moved by Brown and seconded by Abernathy to approve the agreement between Dakota Foods and the Hughes County Jail for full meal service for prisoners at the Hughes County Jail and Juvenile Services Center effective April 1, 2023 through March 31, 2024. Prices are as follows: Hot Lunch/Hot Dinner- \$2.91 per meal, Hot Kosher Meal- \$7.55 per meal, Cold Sack/Cold Breakfast Sack- \$1.95 per sack. All voted Aye. Motion passed.

Moved by and seconded by to approve the agreement with Advanced Correctional Healthcare, Inc. for behavioral health services at the Hughes County Jail & Juvenile Services Center for the period of January 1, 2023 through December 31, 2023 in the amount of \$379,999.00. All voted Aye. Motion passed.

EXECUTIVE SESSION: Moved by Brown and seconded by Abernathy to go into executive session per SDCL 1-25-2 (6(h)). All voted Aye. Motion passed. Chairman Hohn declared the Commission out of Executive Session.

Moved by Brown and seconded by Abernathy to adjourn the meeting until **Monday March 06, 2023 at 5:30 PM.** All voted Aye. Motion passed.

ATTEST:

Connie Hohn, Chairman
Hughes County Commission

Thomas J. Oliva, Finance Officer
Hughes County, South Dakota