

**COMMISSIONER PROCEEDINGS
HUGHES COUNTY, SOUTH DAKOTA**

MARCH 20, 2023

Chairman Connie Hohn called the Monday March 20, 2023 meeting of the Hughes County Board of Commissioners to order at 5:30 PM with members Bill M. Abernathy, Tom Rounds, Randy Brown, and Rob Fines present. County Manager Lori Jacobson, Sheriff Patrick Callahan, States Attorney Jessica LaMie, Highway Superintendent Trent Arbach, Director of Equalization /Planning Director/ Building Official Eric Booth, and Veterans Service Officer Janet Beck were also present. The meeting began with a prayer by Pastor John Fette and the Pledge of Allegiance.

CONFLICT OF INTEREST: No conflicts declared.

PUBLIC COMMENT: None

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

MINUTES: Moved by Abernathy and seconded by Brown to approve the minutes of the March 6, 2023 Commission meeting. All voted Aye. Motion passed.

CLAIMS: Moved by Abernathy and seconded by Brown to approve the following verified claims. All voted Aye. Motion passed. PIERRE SCHOOL DISTRICT #32-2 309687.84 FEBRUARY 2023 APPORTIONME, AGAR/BLUNT/ONIDA SCHOOLS #58-3 19986.32 FEBRUARY 2023 APPORTIONME, HIGHMORE-HARROLD SCHOOLS #34-2 4839.44 FEBRUARY 2023 APPORTIONME, PIERRE CITY FINANCE OFFICER 17091.45 FEBRUARY 2023 TAX APPORTION, PIERRE CITY FINANCE OFFICER 84569.99 FEBRUARY 2023 APPORTIONME, BLUNT CITY 7782.96 FEBRUARY 2023 APPORTIONME, HARROLD TOWN 1471.47 FEBRUARY 2023 APPORTIONME, CENTRAL PLAINS WATER DEV. 614.52 FEBRUARY 2023 APPORTIONME, MISSOURI SHORES D.V.C. 27.00 FEBRUARY 2023 TAX APPORTION, ADVANCE CORRECTIONAL HEALTH 33859.49 JAIL MEDICAL CONTRACT SERVICES, AMERICAN MEDICAL RESPONSE 12450.00 FEB 2023 SUBSIDY, AMG MATERNAL FETAL MEDICINE 40.23 JAIL DOCTOR, AVERA MEDICAL ASSOC CLINIC 302.00 DRUG TESTING, AVERA ST MARYS HOSPITAL 70.61 JAIL DOCTOR, AVERA ST MARYS HOSPITAL 452.00 JAIL DOCTOR, AVERA ST MARYS HOSPITAL 161.71 JAIL DOCTOR, AVERA ST MARYS HOSPITAL 2565.52 JAIL DOCTOR, BECK MOTORS 267.96 VEHICLE SUPPLIES, BIRMINGHAM & CWACH 456.05 MENTAL ILLNESS, BLACKBURN & STEVENS PROF LLC 192.60 MENTAL ILLNESS, BOA 91.53 FLAG, BOB BARKER CO INC 487.88 JAIL INMATE SUPPLIES, BROSZ ENGINEERING 19175.00 HUSTEAD BRIDGE SN33-440-102, BUREAU OF ADMINISTRATION 19.26 MICROGRAPHIC SUPPLIES, BUREAU OF ADMINISTRATION 1065.37 POSTAGE, BUREAU OF ADMINISTRATION 144.01 SO SUPPLY POSTAGE, BUREAU OF ADMINISTRATION 50.77 TELEPHONE, BUTLER MACHINERY CO 1097.05 HWY REPAIR/SUPPLIES, CAPITAL AREA REFUSE 554.61 , CAPITAL AREA COUNSELING 16180.20 QMHP/MOBILE CRISIS, CAPITAL JOURNAL 495.24 PUBLICATIONS, CAPITAL JOURNAL 39.25 PUBLISHING, CENTURY BUSINESS PRODUCTS INC 711.66 LEASE/SUPPLIES, CENTURLINK 63.56 EXPO CENTER, CHANDLERS 315.00 WINDSHIELD #24, CHARM-TEX 497.70 JAIL REPAIR/MAINTENANCE, COLE PAPERS INC 788.91 GOVT BLDG SUPPLIES, COLE PAPERS INC 1006.04 JAIL SUPPLIES, COLE PAPERS INC 1718.86 JAIL SUPPLIES, COMM TECH INC 345.97 , DAKOTA FOOD SERVICE 16765.44 JAIL/JSC FOOD SERVICES, DAKOTA LANDING RD DIST 700.00 FEBRUARY 2023 TAX APPORTION, DAKOTA RADIO GROUP 319.38 JAIL OFFICE SUPPLY, DEPARTMENT OF CORRECTIONS 1410.58 SO

UTILITIES, DEPARTMENT OF CORRECTIONS 612.00 JAIL CLEANING SUPPLIES,
DEPARTMENT OF TRANSPORTATION 1049.77 BRIDGE INSPECTIONS, DONS SINCLAIR
51.51 , FALCON RIDGE ROAD DISTRICT 1067.43 FEBRUARY 2023 TAX APPORTION, FARM
& HOME PUBLISHERS LTD 375.00 , FLOYDS TRUCK CENTER 177.60 SNOW BLOWER,
FLYWAY ACRES ROAD DIST 225.00 FEBRUARY 2023 TAX APPORTION, FRIMAN OIL & GAS
CO INC 1384.75 LP GAS, GALLS 106.25 SO UNIFORM, GARCIA CLINICAL LAB 26.00 JAIL
LABORATORY, GOLDEN WEST TECHNOLOGIES 950.00 OFFSITE BACKUP, GOODHUE
OUNTY SHERIFFS OFFICE 75.00 CASE 202300000174, GOVENORS INN 251.28
TRAVEL/CONFERENCE, GROUP RESOURCES OF IOWA LLC 602.00 MARCH ADMIN FEES,
GUARDIAN RFID 4729.80 JAIL EQUIPMENT, GUNDERSON PALMER NELSON & 232.30
COURT APPOINTED ATTORNEY, GUNDERSON PALMER NELSON & 151.50 MENTAL
ILLNESS, HOFFMAN OIL 1582.96 FUEL, HOGENS HARDWARE HANK 53.36 ACT 11440,
INLAND TRUCK PARTS 204.96 REPAIRS, INMANS WATER TECHNOLOGIES 613.00 WATERS,
JC OFFICE SUPPLIES 245.53 SUPPLIES, JENNIFER DEYO 110.57 SUPPLIES, KARL'S 549.99 JSC
SUPPLIES, LANGUAGE LINE SERVICE 97.50 INTERPRETATION SERVICES, LEWIS & CLARK
BHS 736.00 BMI INVOICE, MAHER LAW OFFICE LLP 502.90 COURT APPOINTED
ATTORNEY, MAY ADAM GERDES & THOMPSON 5017.06 COURT APPOINTED ATTORNEY,
MENARDS 15.98 JAIL OFFICE SUPPLIES, MENARDS 23.80 SUPPLIES, MENARDS 4.93 SPARK
PLUG, MENARDS 199.99 , MENARDS 129.90 ICE MELT, MENARDS 26.95 , MID STATES
ORGANIZED CRIME 100.00 SO DUES, MIDCO 336.17 , MIDWEST OIL COMPANY 162.66
SUPPLIES, MONTANA DAKOTA UTILITIES 1067.79 UTILITIES, MOTOROLA SOLUTIONS
14513.74 INSURANCE CLAIM LIGHTNING, NORTH 40 ACRES ROAD DIST 1200.00
FEBRUARY 2023 TAX APPORTION, NORTHWEST PIPE FITTING, INC 137.14 JSC REPAIRS,
OAHE ELECTRIC COOP INC 974.63 UTILITIES, PENNINGTON COUNTY JAIL 1205.70
PRISONER TRANSPORT, PHOENIX INVESTIGATION 824.25 COURT ORDERED PI, PIERRE
SOILD WASTE 49.00 JAIL REPAIR/MAINTENANCE, PRAIRIE ROSE ROAD DISTRICT 75.00
FEBRUARY 2023 TAX APPORTION, PRORATE SERVICES LLC 45.00 DRUG/ALCOHOL TEST,
QUALIFIED RESORT SERVIES 4398.90 2023 ASSESSMENT NOTICES, QUALITY QUICK
PRINT 220.00 SO SUPPLY, RABER CIVIL TOWNSHIP TRES. 1633.09 FEBRUARY 2023 TAX
APPORTION, REDWOOD TOXICOLOGY LAB 1032.00 24/7 FUND, ROBINS WATER
CONDITIONING INC 10.00 JSC FOOD, ROWE LAW & MEDIATION CTR 8815.00 LEAGAL
SERVICES, ROYAL RIDGE ROAD DIST 250.00 FEBRUARY 2023 TAX APPORTION,
RUNNINGS SUPPLY 180.84 , RUNNINGS SUPPLY 622.66 SUPPLIES, SANDY STEFFEN 2980.05
COURT APPOINTED ATTORNEY, SCHREIBER LAW FIRM PROF LLC 4536.25 COURT
APPOINTED ATTORNEY, JOAN BOOS SCHUELLER 3066.90 COURT APPOINTED
ATTORNEY, SD ACHIEVE DBA LIFESCAPE 60.00 CM FEB 2023 INV 41052, SD DEPT OF
PUBLIC SAFETY 2322.00 SO TELEPHONE, SOUTH DAKOTA DEPART OF HEALTH 70.00 24/7
TESTING, SDACC 50.00 WELFARE OFFICIAL, SDACC 440.00 2023 COMMISSIONERS SPRING
WKSH, SDACO 204.00 FEBRUARY 2023 TAX APPORTION, SERVALL UNIFORM & LINEN CO
583.31 , SHAMROCK ROAD DISTRICT 300.00 FEBRUARY 2023 TAX APPORTION, SHARPE
RENTALS INC 25.00 SNAKE RENTAL, DAVID W SIEBRASSE 7764.17 COURT APPOINTED
ATTORNEY, SMALL ENGINE HOUSE 166.86 ACETYLENE/OXYGEN, SPRING CREEK ROAD
DISTRICT 600.00 FEBRUARY 2023 TAX APPORTION, SUNSET RIDGE & MEADOWS RD DIST
600.00 FEBRUARY 2023 TAX APPORTION, THE HILL TOP 377.00 FUEOL, K THOMPSON LAW
PROF LLC 4536.40 COURT APPOINTED ATTORNEY, THOMSOM REUTERS WEST PAYMENT
304.16 SUBSCRIPTION, TIESZEN LAW OFFICE PROF LLC 1309.31 COURT APPOINTED
ATTORNEY, VENTURE COMMUNICATIONS 49.54 UTILITIES, MONA WEIGER 314.80

TRANSCRIPTS, WENDELL LAW OFFICE PC 731.44 COURT APPOINTED ATTORNEY, WHISPERING PINES ROAD DIST 1250.00 FEBRUARY 2023 TAX APPORTION, YANKTON CO SHERIFF 100.00 CIVIL PAPERS/ALLEGED MI, YANKTON COUNTY 507.90 MENTAL ILLNESS HEARING, ZANDER AUTO PARTS 96.26 SUPPLIES.

SPECIAL BUSINESS:

PUBLIC HEARING: OAHE ELECTRIC RENEWAL APPLICATION- POWERLINES: Time set for 5:30 pm to consider the renewal application of Oahe Electric Cooperative, Inc. for County wide permission to erect poles, wires, and lines in Hughes County for the purpose of providing rural electrification. Moved by Abernathy and seconded by Brown to approve Resolution 2023-7. All voted Aye. Motion passed.

RESOLUTION-2023-7

The Board having held a hearing on the application of Oahe Electric Cooperative, Inc., for authority for county-wide permission to erect poles, wires, and lines in Hughes County for the purpose of providing rural electrification; and

WHEREAS, Oahe Electric Cooperative, Inc., a corporation organized and existing under and by the laws of the State of South Dakota, qualified and authorized to operate and transact business in the State of South Dakota, has filed application in the form required by law with the Auditor of Hughes County, South Dakota, for a right-of-way permit to operate, maintain, and construct whenever necessary its electric transmission and/or distribution lines in Hughes County for the purpose of providing rural electric service, and

WHEREAS the Board of Commissioners of said Hughes County have examined said application and found:

1. That said application is in the form and contains the information required by law.
2. That said application was filed with the County Auditor of Hughes County, and all persons, firms, or corporation owning or operating transmission, telegraph and telephone lines, and pipeline, within Hughes County were notified by registered or certified mail at least (10) days prior to the Board's hearing on said application, and that said notice stated the time and place, when and where such application should be heard.
3. That the Board has considered the complaints of all parties appearing, and has adjusted all differences between applicant and the owner or owners of any transmission, telegraph or telephone lines affected by the Board's decision upon said application.
4. That the operation, maintenance and construction (if and when found necessary by the applicant) of said electric lines will be to the public interest, and that said permit should be granted, subject to the conditions hereinafter set forth:

THEREFORE, be it RESOLVED, by the Board of County Commissioners of Hughes County, South Dakota, that Oahe Electric Cooperative, Inc., a corporation, organized and existing under and

authorized to operate and transact business in the State of South Dakota, its successors and assigns, hereinafter called the grantee, by and hereby are authorized and granted a right-of-way permit to construct, operate, and maintain same as and whenever necessary, electric transmission and distribution lines on, along, and under public highways in Hughes County, South Dakota. That this permit is granted pursuant to SDCL 31-26-12, authorizing a general grant as to all public highways for rural electrification purposes and it is found and resolved hereby that the grantee, Oahe Electric Cooperative, Inc., is operating its entire system primarily and principally for rural electrification purposes.

BE IT FURTHER RESOLVED, that this permit is subject to the following conditions, and such other reasonable regulations as the Legislature may hereinafter prescribe:

1. The grantee shall not in any way have the exclusive right to use such highway for the constructing of electric poles, electric wires, and fixtures.
2. The electric poles, electric wires, and fixtures shall be so constructed as not to prevent the public use of any road or the navigation of any stream.
3. When any highway along such line has been constructed shall be changed, grantee shall upon ninety (90) days' notice in writing remove such line to the highway as changed, unless an agreement shall be made to allow the same to remain pursuant to law.
4. The grantee shall construct and maintain said poles, wires, and line in accordance with the national electrical safety code adopted by the Bureau or Standards of the United States Department of Commerce.
5. This right-of-way permit shall be effective and in full force for a period of twenty (20) years from date hereof.
6. That the grantee shall notify the County in writing at least thirty (30) days prior to the construction of any additional lines along and on all public highways in Hughes County.

Passed and approved at the regular meeting of the said Board, held on the 20th day of March, 2023.

OAHE ABATE RAFFLE REQUEST: Moved by Rounds and seconded by Fines to approve the raffle for the Oahe Abate Chapter Fun Run, the drawing will be held June 24, 2023 at the Nystrom Goose Camp. All voted aye. Motion passed.

NEW BUSINESS:

PLANNING & ZONING:

PLAT OF LOTS 16 & 17 SHAMROCK COMMERCIAL ADDITION A SUBDIVISION OF THE W1/2 SW1/4 & NW1/4 LYING SOUTH OF THE HIGHWAY SECTION 24 111-79: Tom Maher is requesting 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. Resolution 2023-06 was approved at the City Commission meeting March 14, 2023 approving the Plat of Lots 16 & 17 Shamrock Commercial Addition Section 24-111-79.

RESTRICTIVE COVENANT LOTS 1A & 1B LIGHTHOUSE ADDITION 4-112-80: April Oedekoven & Kelly Halter are requesting to combine Lots 1A & 1B into a single zoning lot via this restrictive covenant to allow construction of a detached garage. Moved by Rounds and seconded by Abernathy to approve the request and combine Lots 1A & 1B Lighthouse Addition Section 4-112-80 into a single zoning lot via restrictive covenant. All voted Aye. Motion passed.

HSCO JAIL/JSC CONTRACT: Moved by Rounds and seconded by Brown to table for further discussion. All voted Aye. Motion passed.

CIVIL CASE NUMBER 32CIV23-000009 HUGHES COUNTY: Moved by Fines and seconded by Rounds to allow Paul Bachand to move forward with Case Number 32CIV23-000009. All voted Aye. Motion passed.

GOOD FRIDAY/EASTER HOLIDAY: Moved by Fines and seconded by Rounds to grant full time County employees 8 hours of administrative pay for Good Friday. All voted Aye. Motion passed.

PERSONNEL: Moved by Brown and seconded by Abernathy to approve the hire of Art Flaaen Highway Maintenance Worker effective March 14, 2023 Pay Grade 14 Step 1 \$20.56. All voted Aye. Motion passed.

Moved by Brown and seconded by Abernathy to approve the step increase for Joseph Boxley Highway Maintenance Worker from Pay Grade 14 Step 3 to Pay Grade 14 Step 4 \$22.14 effective March 25, 2023. All voted Aye. Motion passed.

Moved by Brown and seconded by Abernathy to approve the step increase for DaWayne Bellander Highway Maintenance Worker from Pay Grade 14 Step 1 to Pay Grade 14 Step 2 \$21.07 effective March 25, 2023. All voted Aye. Motion passed.

DETERMINE DATE FOR HUGHES COUNTY COMMISSION EXECUTIVE SESSION DISCUSSION/RETREAT SDCL 1-25-2 (1, 3, 4, 6): A date of April 21st at 08:00 AM has been set for the discussion/retreat to be held at River City Public Transit.

**COMMISSIONER PROCEEDINGS
HUGHES COUNTY, SOUTH DAKOTA**

MARCH 20, 2023

Moved by Fines and seconded by Rounds to adjourn the meeting until **5:30 PM on Monday April 3, 2023**. All voted Aye. Motion passed.

ATTEST:

Connie Hohn, Chairman
Hughes County Commission

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