

UNAPPROVED MINUTES OF  
March 16, 2021

The Moody County Commissioners met in regular session on Tuesday, March 16, 2021 in the Courtroom in the Courthouse at 9:00 AM, with the following members present: Carla Bruning, Rick Veldkamp, John Schiefelbein, Randy Hemmer, and Dan Miles, with Kristina Krull, Auditor as Clerk of the Board. Also present Tawny Heinemann, Commission Assistant, Brenda Wade Schmidt, Moody County Enterprise, Paul Lewis, States Attorney and David Reker, County Resident.

Chair Bruning called the meeting to order. Motion by Hemmer, seconded by Miles, to approve the agenda. All voted "aye". Motion by Veldkamp, seconded by Miles to approve the following consent agenda with all voting "aye":

Travel:

DeAnna Berke, DOE	SDAAO Conference Hot Springs, SD	May 25-28, 2021
Kendra Eng, Deputy DOE	SDAAO Conference Hot Springs SD	May 25-28, 2021

Upgrade request:  
 Jesse Frey, Heavy Equipment Op CDL Certification Increase Grade 14/Step B \$17.17/hr effective March 15, 2021

Invoices over \$1000:

Mobile Electronic Service	\$ 3,573.57	Console Sheriff 2021 Dodge Ram
Applied Concepts	\$ 3,080.00	Radar Sheriff 2021 Dodge Ram
Coreline	\$ 20,204.12	Sewer Repair Courthouse
Dave's Small Engine Repair	\$ 6,999.99	Mower Weed Department

Poor Relief:  
 Case #20210201 Deny-no response from patient  
 Case #20210202 Deny-no response from patient  
 Case #20210301 Approve- County Burial \$250.00

Bob Pesall, Pesall Law and Jason Unger, Unger Law met with the Board to discuss the Indigent Defense Contract. Motion by Miles, seconded by Veldkamp to authorize Chair Bruning to sign the Contract between Moody County, Pesall Law Firm, and Unger Law Office for Representation of Indigent Persons and Other Individuals Requiring Court Appointed Counsel, effective July 1, 2021 through June 30, 2023. All voted "aye".

Motion by Hemmer, seconded by Schiefelbein to adjourn to conduct business as Board of Adjustment at 9:12 AM. All voted "aye". Motion by Hemmer, seconded by Schiefelbein to adjourn to conduct business as the Joint Board of Commissioners and Planning at 9:13 AM. All voted "aye". Motion by Miles, seconded by Schiefelbein to approve the minutes from February 2, 2021. All voted "aye". Discussion was held on concentrated animal feeding operations and shallow aquifers. Kendra Eng, Zoning Administrator, Jay Gilbertson, East Dakota Water Development District, Todd Kays, First District, Harvey Shafer, Soil Conservation, Jody Johanson, Big Sioux Community Water, Brian Fett and Jesse Rave County Residents were present.

Motion by Schiefelbein, seconded by Hemmer to adjourn and resume regular session at 10:28 AM. All voted "aye".

Discussion was held on the Riverbend Road haul agreement. Present Paul Kosboth, Riverbend Dairy, Todd Kays, First District, Paul Schmidt and Jeff Brian, Blinsmon Township.

Marc Blum, Highway Superintendent met with the Board to present bids that were received and opened at an advertised bid opening March 12, 2021. The following bids were received for crushed/screened gravel:

3/4" CRUSHED GRAVEL (CR) / 1" SCREENED GRAVEL (SC)

	Delivered FOB	Picked Up	Pit Location
Bowes Construction – Brookings, SD		\$6.50/ton (CR)	Egan Pit
Bowes Construction – Brookings, SD		\$6.50/ton (CR)	Bushnell
Bowes Construction – Brookings, SD		\$6.50/ton (CR)	White
B&H Construction – Elkton, SD	\$9.50/ton (CR)	\$5.50/ton (CR)	Knotty Pine
B&H Construction – Rutland, SD		\$4.60/ton (CR)	Rutland
Johnson Bros – Rutland, SD		\$5.00/ton (SC)	Rutland
Eng's Service's – Flandreau, SD		\$3.75/ton (SC)	Flandreau

Motion by Schiefelbein, seconded by Hemmer to accept all bids for the 3/4" crushed gravel, with use depending on location. All voted "aye". The following bids were received for 3/8" pea rock and crushed quartzite:

3/8" PEA ROCK (PR) / 3/8" CRUSHED QUARZITE (CQ)

Delivered	Picked Up	Location
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Johnson Bros – Sioux Falls, SD	\$15.00/ton	\$8.00/ton (PR)	Rutland, SD
Johnson Bros – Sioux Falls, SD	\$21.00/ton	\$14.00/ton (CQ)	Rutland, SD

Motion by Miles, seconded by Veldkamp to accept all bids on the 3/8" pea rock or crushed quartzite, with use depending on location. All voted "aye". The following bids were received for asphalt mix (hot and cold):

ASPHALT MIX (HOT & COLD)

	Hot Mix	Cold Mix	UPM
Bowes Construction – Brookings, SD	\$57.00/ton		
Concrete Materials-Sioux Falls, SD	\$58.00/ton	\$115.50/ton	\$173.25/ton
Duininck - Watertown, SD	\$67.50/ton	\$155.00/ton	

Motion by Schiefelbein, seconded by Hemmer to accept all bids for the asphalt mix, with use depending on location. All voted "aye". The following bids were received for road oil:

ROAD OIL

	Product	Delivered	Location
Jebro – Sioux City, IA	MC-3000	\$581.71/ton	Corson, SD
Jebro – Sioux City, IA	MC-800	\$631.71/ton	Corson, SD

Motion by Hemmer, seconded by Miles to accept all bids for the crushed quartzite rip-rap, with use depending on location. The following bids were received for County Road #4 (Ward Road) Overlay:

Double H	\$83.75/Ton	\$1,675,000.00
Bowe's Construction	\$67.75/ton	\$1,365,000.00
Duininck, Inc	\$69.80/ton	\$1,396,000.00

Motion by Veldkamp, seconded by Hemmer to accept the bid from Bowes Construction for 10 miles overlay of County Road #4 for \$1,365,000.00 total price. All voted "aye". Motion by Miles, seconded by Veldkamp to approve the following resolution voting "aye" 4 voting Nay 1:

BRIDGE REINSPECTION PROGRAM  
RESOLUTION  
FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, 23 CFR 650, Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Moody County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire IMEG (Clark Engineering) (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 16th day of March 2021, at Flandreau, South Dakota.

Carla Bruning  
Chair, Moody County Commissioners

ATTEST: Kristina Krull  
Moody County Auditor

Motion by Miles, seconded by Hemmer to approve the following resolution with all voting "aye":

FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS

WHEREAS, MOODY COUNTY desires the X replacement or \_\_\_ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 51-150-159 5.9 MILES South of Flandreau

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES AND ADDRESSES):

David Hove etux 231714 481 <sup>st</sup> Ave Flandreau, SD 57028	JoAnn Dietrich  Flandreau, SD 57028
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AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to provide proper maintenance as required the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or

cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure for the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route   X  , a school bus route   X  , a mail route   X  , a field to farm to market route   X  , a lake or recreation access route     , or other (please specify)                     .
5. The load carrying capacity of the existing bridge can      or cannot   X   be improved to carry legal loads by rehabilitation of existing bridge.

NOW THEREFORE BE IT RESOLVED:

The South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$ 517,200
Federal Share (81.95%)	\$ 423,845
Local Share (18.05%)	\$ 93,355

Vote of Commissioners/ Council:           Yes   5   No   0  .

Dated at Flandreau, SD this 16<sup>th</sup> day of March, 2021.

Carla Bruning  
Chair, Moody County Commissioners

ATTEST:           Kristina Krull  
Moody County Auditor

Motion by Hemmer, seconded by Veldkamp to approve the following resolution with all voting "aye":

FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS  
WHEREAS, MOODY COUNTY desires the   X   replacement or      removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 51-150-232 13.2 MILES South of Flandreau

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES AND ADDRESSES):

LeRoy Anderson 47880 244 <sup>th</sup> St. Dell Rapids, SD 57022	Gerald Haak 48149 243 <sup>rd</sup> St. Dell Rapids, SD 57022
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AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to provide proper maintenance as required the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure for the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route     , a school bus route   X  , a mail route   X  , a field to farm to market route   X  , a lake or recreation access route     , or other (please specify)                     .
5. The load carrying capacity of the existing bridge can      or cannot   X   be improved to carry legal loads by rehabilitation of existing bridge.

NOW THEREFORE BE IT RESOLVED:

The South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 655,600  
Federal Share (81.95%) \$ 537,264  
Local Share (18.05%) \$ 118,336

Vote of Commissioners/ Council: Yes 5 No 0.

Dated at Flandreau, SD this 16<sup>th</sup> day of March, 2021.

Carla Bruning  
Chair, Moody County Commissioners

ATTEST: Kristina Krull  
Moody County Auditor

Motion by Veldkamp, seconded by Schiefelbein to approve the following resolution with all voting "aye":

FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS  
WHEREAS, MOODY COUNTY desires the X replacement or \_\_\_ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 51-210-083 1.7 Miles N and 6 Miles E of Flandreau

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES AND ADDRESSES):

Pleasant Valley Colony  
22941 489<sup>th</sup> Ave  
Flandreau SD 57028

AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to provide proper maintenance as required the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge in need of replacement for the following reasons:

1. The condition rating is 37.0.
2. For Replacement project bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure for the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route \_\_, a school bus route X, a mail route X, a field to farm to market route X, a lake or recreation access route \_\_, or other (please specify)\_\_\_\_\_.
5. The load carrying capacity of the existing bridge can \_\_\_ or cannot X be improved to carry legal loads by rehabilitation of existing bridge.

NOW THEREFORE BE IT RESOLVED:

The South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 902,000  
Federal Share (81.95%) \$ 739,189  
Local Share (18.05%) \$ 162,811

Vote of Commissioners/ Council: Yes 5 No 0.

Dated at Flandreau, SD this 16<sup>th</sup> day of March, 2021.

Carla Bruning  
Chair, Moody County Commissioners

ATTEST: Kristina Krull  
Moody County Auditor

Motion by Schiefelbein, seconded by Miles to approve the following resolution with all voting "aye":

FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS  
WHEREAS, MOODY COUNTY desires the X replacement or \_\_\_ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 51-152-230 5.9 MILES South of Flandreau

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES AND ADDRESSES):

Clarence Rave etux

Gerald Haak  
48149 243<sup>rd</sup> St.  
Dell Rapids, SD 57022

AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to provide proper maintenance as required the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure for the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route \_\_, a school bus route X, a mail route X, a field to farm to market route X, a lake or recreation access route \_\_, or other (please specify)\_\_\_\_\_.
5. The load carrying capacity of the existing bridge can \_\_ or cannot X be improved to carry legal loads by rehabilitation of existing bridge.

NOW THEREFORE BE IT RESOLVED:

The South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$ 602,600
Federal Share (81.95%)	\$ 493,830
Local Share (18.05%)	\$ 108,770

Vote of Commissioners/ Council:           Yes 5 No 0.

Dated at Flandreau, SD this 16<sup>th</sup> day of March, 2021.

Carla Bruning  
Chair, Moody County Commissioners

ATTEST:           Kristina Krull  
Moody County Auditor

Motion by Miles, seconded by Hemmer to approve the following resolution with all voting "aye":

FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS  
WHEREAS, MOODY COUNTY desires the X replacement or \_\_ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 51-158-040 15 & 5.2 W of Ward

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES AND ADDRESSES):

Brian Manzey 48168 224 <sup>th</sup> St. Flandreau, SD 57028	Jean Kientz
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AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to provide proper maintenance as required the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, MOODY COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure for the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route X, a school bus route X, a mail route X, a field to farm to market route X, a lake or recreation access route \_\_, or other (please specify)\_\_\_\_\_.
5. The load carrying capacity of the existing bridge can \_\_ or cannot X be improved to carry legal loads by rehabilitation of existing bridge.

NOW THEREFORE BE IT RESOLVED:

The South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the

bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$ 902,000
Federal Share (81.95%)	\$ 739,189
Local Share (18.05%)	\$ 162,811

Vote of Commissioners/ Council: Yes 5 No 0.

Dated at Flandreau, SD this 16<sup>th</sup> day of March, 2021.

Carla Bruning  
Chair, Moody County Commissioners

ATTEST: Kristina Krull  
Moody County Auditor

Blum will be implementing the Highway Department summer hours 7:00 AM to 5:30 PM, Monday through Thursday, effective March 22, 2021.

Tawny Heinemann, Commission Assistant met with the Board. Motion by Miles, seconded by Hemmer to approve the days of April 2 & 5, closing County offices with the exception of emergency services, as it is the County's policy that any days designated a holiday by the Governor of South Dakota shall be proclaimed a holiday by the County. All voted "aye".

Troy Wellman, Sheriff presented a travel request to the Board. Motion by Schiefelbein to deny any tax money used for travel for the Sheriff for national conferences. Motion died for lack of a second. Motion by Veldkamp, seconded by Miles to approve the travel request to Phoenix, AZ June 19-26 2021 for the National Sheriff's Association Conference, county paying for hotel and registration. Voting "aye": 4. Voting "nay": 1.

Motion by Miles, seconded by Veldkamp to approve the following claims and issue warrants, with all voting "aye":  
General: A&B Business, toner/paper 217.06, AT&T, utilities 339.04, Avera McKennan, poor relief 4211.99, Avera McKennan/Flandreau, supplies 1499.55, Barnes & Noble, publications 600.26, Booster, publications 112.00, Bound Tree Medical LLC, supplies 47.87, Broad Reach, publications 197.50, Bruning & Lewis, office expense 2913.84, Century Business Products, copier maintenance 67.06, Centurylink, telephone 517.78, Codington County, jail housing 2465.00, Coreline, LLC, sewer repair 20,204.12, Crossroads, fuel 78.96, Culligan, supplies 80.00, Dave's Small Engine Repair, mower 6,999.99, Ekern Home Equipment, repairs 120.88, Election Systems & Software, maintenance 94.80, Moody County Enterprise, supplies 376.48, Tyler Lumber, supplies 308.21, Gabriel Frias, interpreter 50.00, Hillyard, supplies 457.43, ICAP, March remit 737.42, Krulls Garage, repairs 1,169.04, Lake County Sheriff, jail housing 10,470.00, Lewis Drug, jail medical 227.49, Lincoln County, services 194.00, Madison Community Hospital, jail medical 204.40, Madison Family Dental, jail medical 361.41, Maynards, supplies 37.80, Mid-States Organized Crime, dues 100.00, MidAmerican, natural gas 1,757.43, Minnehaha County Jail, housing 5,159.02, Mobile Electronic Services, supplies 3,573.57, Moody County Historical Society, 2021 contribution 3,000.00, Motion Picture Licensing, supplies 129.64, Napa Auto Parts, supplies 7.19, Northern Hills Collections, professional services 72.48, Patricia Hartsel, transcripts 136.80, Powers-Dakota Stop, fuel 60.53, Redwood Toxicology, blood alcohols 910.00, Reserve Account, postage 3,525.00, River's Edge, gas 1,256.87, SD Achieve, services 180.00, SDAAO, travel 400.00, Skroch Funeral Chapel, county burial 250.00, Sparkle Car Wash, supplies 27.00, Stalker Radar, radar 3,080.00, State Treasurer's Office services 718.38, Sturdevant's Auto Supply, supplies 31.83, Sioux Falls Two Way Radio, service 346.92, Vast, utilities 492.17. Highway: C&B Operations, LLC, repairs 60.22, C & H Radiator, LLC, repairs 235.00, City of Colman, utilities, 183.92, Moody County Enterprise, publications 28.12, Tyler Lumber, supplies 74.24, Greg's Welding, repairs 385.00, MidAmerican, natural gas 620.57, Midland Tire, repairs 167.53, Powers Oil Company, gas 723.00, RDO Equipment, repairs 1,546.50, River's Edge, propane 257.44, SD Dept of Transportation, bridge projects 1,817.36, Transource, repairs 87.31. 911: Sioux Falls Two Way Radio, service 450.00. 24/7: Pharmchem, Inc., services 314.05. State Remittance: State Treasurer, motor vehicle 140,022.43. Water Conservation: EDWDD, monthly remit 1,026.04. State 24/7 Fund: SD Attorney General's Office, scam 744.00.

Motion by Hemmer, seconded by Veldkamp to adjourn the meeting at 12:03 PM. All voted "aye".

ATTEST: Kristina Krull  
Moody County Auditor

Carla Bruning, Chair  
Moody County Board of Commissioners