

UNAPPROVED MINUTES OF
March 5, 2024

The Moody County Commissioners met in regular session in the Farmers Room of the Courthouse on Tuesday, March 5, 2024 at 9:00 AM, with the following members present: Chair Carla Bruning, Dave Reker, Dan Miles, and Randy Hemmer, with Tawny Heinemann, Auditor as Clerk of the Board. Also present Paul Lewis, States Attorney, Marty Skroch, Commission Assistant, Alicia Deschepper, Zoning Administrator, Brandon Lane, Sioux Valley Electric, Gene Johnson and Dusty Schoeberl, Clare Township and Gwen Reker, County Resident. Jerry Doyle, Commissioner joined by phone.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners, Moody County:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County as of February 29, 2024, which includes money collected for schools, cities, townships and state:

Total amount of deposits in bank:	\$11,923.56
Total amount of actual cash:	\$2,089.50
Register of Deeds Cash:	\$ 247.00
Total amount of checks and drafts in Treasurer's possession not exceeding 3 days:	\$33,870.93
Itemized list of all items, checks and drafts which have been in the treasurer's possession over 3 days:	\$0.00
Outstanding Credit Card Deposits:	\$2,375.97
First National Bank Flandreau Savings	\$2,605,843.67
Flandreau First Savings Bank CD	\$4,725,000.00
TOTAL	\$7,381,350.63

Dated this 7th day of March, 2024

Tawny Heinemann

Moody County Auditor

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

Minutes: February 20, 2024

Travel Request:

Andy Muller, Highway Superintendent Superintendent Short Course March 19-21, 2024 Deadwood, SD

Motion by Reker, seconded by Hemmer to conduct business as Joint Board of Planning and Commissioners at 9:01 AM. All voted "aye". Alicia Deschepper, Zoning Administrator met with the Board. Motion by Miles, seconded by Reker to approve minutes from February 6, 2024. All voted "aye". Deschepper presented one plat to the Board. Motion by Miles, seconded by Hemmer to approve the following plat Resolution with all voting "aye":

COUNTY COMMISSION

"BE IT RESOLVED by the County Commission of Moody County, South Dakota, that LOT 1 OF EAST TOWER ADDITION IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 105 NORTH, RANGE 48 WEST OF THE 5TH PRINCIPAL MERIDIAN, MOODY COUNTY, SOUTH DAKOTA.

I hereby certify that the above is a correct copy of the resolution duly passed by the County Commission, at a meeting held on the date adopted.

Adopted this 5th day of March, 2024.

Tawny Heinemann

Auditor

Moody County, South Dakota

Motion by Reker, seconded by Hemmer to adjourn and resume regular session at 9:04 AM. All voted "aye".

Zoning Administrator Deschepper provided an update on the FEMA Flood Insurance Rate Map update appeal process. More discussion will be held at an upcoming meeting. Discussion was held on the zoning violation on fencing and road right of way for Bernie Opland's property located at N-908' E-743' in the Southeast Quarter of Section 34, Township 107 North, Range 49 West of the 5th Principal Meridian in Moody County, South Dakota. Motion by Miles, seconded by Doyle to authorize the Moody County State's Attorney to resume civil proceedings against Bernie Opland for violation of the County's zoning ordinances. All voted "aye".

Troy Wellman, Sheriff met with the Board to discuss Dispatch and Law Contracts. Motion by Miles, seconded by

Reker to approve the renewal of the City of Flandreau Dispatch Contract at \$73,501.80 and the FSST Dispatch Contract at \$18,415.84 for 2025. All voted "aye". Motion by Hemmer, seconded by Reker to approve the renewal of the 2025 law enforcement contracts with a 3% increase at a rate of \$47.78/hour. All voted "aye". Motion by Hemmer, seconded by Miles to hire Carl Brakke, part time Deputy Sheriff at Grade 21 Step H \$25.58/hour effective March 5, 2024. All voted "aye".

Tawny Heinemann, Auditor presented the 2023 Annual Report. Motion by Doyle, seconded by Miles to authorize advertisement of Annual Report on March 13, 2024. All voted "aye".

Andy Muller, Highway Superintendent met with the board. Muller notified the Board that the Highway Department will be switching to summer hours effective March 11, 2024. Motion by Hemmer, seconded by Miles to approve the following resolution with all voting "aye":

RESOLUTION NUMBER 2024030502

A RESOLUTION AUTHORIZING THE PURCHASE OF CORRUGATED METAL PIPE, BRIDGE MATERIALS AND GRADER BLADES BASED UPON THE PRICE ESTABLISHED THROUGH THE COUNTY OF BEADLE, SOUTH DAKOTA, BID PROCESS

WHEREAS, the Moody County Highway Department will need new materials including corrugated metal pipe, bridge material, and grader blades in 2024.

WHEREAS, the COUNTY OF BEADLE, has recently gone through a competitive bidding process for corrugated metal pipe, bridge material, and grader blades, such bidding process culminating in the bids opened on January 9th, 2024.

WHEREAS, TRUE NORTHSTEEL COMPANY, was the lowest responsible bidder under such COUNTY OF BEADLE, SOUTH DAKOTA, bid process and TRUENORTH STEEL COMPANY is willing to sell corrugated metal pipe, bridge materials, and grader blades to MOODY COUNTY under the same terms and options as available to the COUNTY OF BEADLE, a copy of such bid specifications and bid having been filed at the Moody County Auditor's Office; and

WHEREAS, pursuant to SSDCL 5-18A-22, MOODY COUNTY is authorized to purchase materials from any active contract that has been awarded by any governmental entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months;

NOW THEREFORE BE IT RESOLVED that the Moody County Highway Department is hereby authorized and directed to purchase on an as needed basis corrugated metal pipe, bridge materials, and grader blades from TRUENORTH STEEL COMPANY based upon the bid prices, or less, as established through the competitive bidding process of the COUNTY OF BEADLE, SOUTH DAKOTA. A copy of the County of Beadle, South Dakota, bid specifications and prices are available in the Moody County Auditor's Office.

Adopted this 5th day of March, 2024

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners

Muller presented the bids that were received and opened at an advertised bid opening March 1, 2024. The following bids were received for crushed/screened gravel:

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

BIDDER	PIT LOCATION	PICKED UP	DELIVERED FOB
BOWES CONST	EGAN PIT	\$7.75 SC	\$10.20
JOHNSON BROS	RUTLAND	\$7.35 SC	
LG EVERIST	EAST SIOUX	\$9.60 CR	\$11.40
B&H CONST	KNOTTY PINE	\$6.15 CR	\$11.65
BOWES CONST	EAST PIT	\$7.00 SC	
BOWES CONST	EAST PIT	\$6.00 CR	

Motion by Hemmer, seconded by Miles to accept all bids for crushed/screened 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 QUARTZITE (CQ) (SPECIFY)

BIDDER	LOCATION	PICKED UP	DELIVERED FOB
KNIFE RIVER	SIOUX FALLS		
LG EVERIST	BROOKINGS	\$8.90 PR	\$13.90
LG EVERIST	DELL RAPIDS	\$8.05 QZ	\$22.65
JOHNSON BROS	RUTLAND	\$15.75 PR	

Motion by Miles, seconded by Reker 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 CONCRETE (HOT & COLD)

BIDDER	LOCATION	HOT MIX	COLD MIX	UPM
BOWES CONST	BROOKINGS	\$85.00		
KNIFE RIVER	SIOUX FALLS	\$72.00		\$175.00

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

ROAD OIL

BIDDER	LOCATION	DELIVERED	
JEBRO	CORSON, SD	\$876.07	MC-3000
JEBRO	CORSON, SD	\$911.07	MC-800

Motion by Doyle, seconded by Hemmer to accept all bids for road oil. All voted "aye". The following bids were received for chip sealing:

CHIP SEAL

BIDDER		PER MILE	TOTAL BID
TOPKOTE	YANKTON	\$3,771.31	\$98,054.06
THE ROAD GUY	YANKTON	\$4,078.03	\$106,028.78

Motion by Miles, seconded by Reker to accept the bid from TopKote for chip sealing. All voted "aye". The following bids were received for asphalt patching:

ASPHALT PATCHING

BIDDER		GROSS BID
DOUBLE H PAVING	\$133.95/TON	\$308,085.00
BOWES CONSTRUTION	\$137.50/TON	\$316,250.00

Motion by Miles, seconded by Hemmer to accept the bid from Double H Paving for asphalt patching in the amount of \$308,085.00. All voted "aye". The following bids were received for Rip Rap:

RIP RAP

BIDDER	LOCATION	PICKED UP	DELIVERED
LG EVERIST	DELL RAPIDS	\$8.05	\$29.10

Motion by Reker, seconded by Hemmer to accept all bids for rip rap. All voted "aye". The following bids were received for an advertised bid opening on February 21, 2024.

MICROSURFACE

BIDDER	GROSS BID
ASTECH CORP	\$555,704.86
ASPHALT SURFACING COMPANY	\$559,850.00
MISSOURI PETROLEUM PRODUCTS COMPANY LLC	\$591,471.50

Motion by Miles, seconded by Doyle to accept the bid from Aztec for the microsurfacing project in the amount of \$591,471.50. All voted "aye". Motion by Miles, seconded by Reker to pass the following resolution with all voting "aye":

**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.

The County requests SDDOT to hire IMEG (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.

Board of County Commissioners of Moody County

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners

Marty Skroch, Commission Assistant met with the Board. Motion by Miles, seconded by Hemmer to retroactively hire Robin Rohrer, part time EMT at \$10.00/hour on call effective February 6, 2024. All voted "aye". Motion by Hemmer, seconded by Reker to hire Whitney Sams, 4H Advisor/Extension Office Manager at Grade 13 Step D \$20.31/hour effective March 19, 2024. All voted "aye". Motion by Miles, seconded by Hemmer to approve 2024 Dues for SDACO in the amount of \$1450 and

NACO in the amount of \$450. All voted "aye". Motion by Reker, seconded by Hemmer to allow use of the Courthouse Grounds by the Holiday Committee for an Easter Egg Hunt. All voted "aye". Motion by Reker, seconded by Hemmer to close County offices with the exception of Emergency Services on Friday, March 29, 2024 and Monday, April 1, 2024 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". Motion by Miles, seconded by Doyle to declare Veteran Services Office desk surplus to be sold, and two Director of Equalization desk surplus to be disposed. All voted "aye". Motion by Reker, seconded by Hemmer to authorize Chair Bruning to sign the following proclamation with all voting "aye":

Proclamation

WHEREAS, in Moody County, Flag Day is celebrated on June 14th. On June 14, 1777, the first Flag Day was observed by a resolution passed by the Second Continental Congress on June 14, 1777; and

WHEREAS, the flag is a symbol of unity, bravery, and freedom; and

WHEREAS, the Frederick C. Schroeder American Legion Family #97 of Egan, South Dakota celebrates Flag Day 2024 with a dedication of "Avenue of Flags; and

WHEREAS, these flags will be the guardians of the streets of Egan; and

WHEREAS, Old Glory will proudly fly high on Memorial Day, Flag Day, Independence Day, Labor Day and Veterans Day.

NOW, THEREFORE, I, Carla Bruning, Moody County Commissioner, do hereby recognize Flag Day 2024 and the American Legion Family of Egan, South Dakota, with the dedication of the "Avenue of Flags."

Carla Bruning, Chair
Moody County Board of Commissioners

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

MOODY COUNTY RESOLUTION 2024030501

A RESOLUTION ESTABLISHING A COUNTY PROPERTY TAX LEVY FOR MAINTENANCE, REPAIR, AND CONSTRUCTION OF ROADS AND BRIDGES IN MOODY COUNTY, SOUTH DAKOTA

WHEREAS, Moody County, South Dakota, encompasses a geographic area of 521 square miles, and the Moody County Highway Department is responsible for maintaining 122 miles of gravel roadway, maintaining 166 miles of paved roadway, and maintains 52 bridges, with 10 of those bridges crossing the Big Sioux River; and

WHEREAS, in the last 10 years the County of Moody replaced two Big Sioux River bridges at a total cost exceeding \$4.5 million dollars; and

WHEREAS, the County of Moody continues to experience high rates of inflation in the cost of purchasing road construction materials, repairing and purchasing road maintenance equipment, and engineering expenses; and

WHEREAS, the County of Moody, in order to cover costs of its entire operation, has been forced to reduce the funds provided to the Moody County Highway Department, which in turn has reduced the ability of the Highway Department to meet its obligations; and

WHEREAS, the network of roads and bridges maintained by the Moody County Highway Department are vitally important for the farms, agricultural operations, and 6,300 residents of the county, with road usage increasing each year; and

WHEREAS, South Dakota Codified Law §10-12-13 authorizes county commissioners to levy an annual tax as a reserve fund to be accumulated and used for the purpose of maintaining, repairing, constructing, and reconstructing roads and bridges, with said monies deposited into a special fund to be known as the county highway and bridge reserve fund; and

WHEREAS, The Moody County Commission desires to establish an annual road and bridge property tax levy of Five Hundred and No/100 Thousand Dollars (\$500,000.00) distributed proportionally across all properties county-wide, payable in the calendar year 2025.

NOW, THEREFORE BE IT RESOLVED, by a vote of two-thirds (2/3rd) of its members, the Moody County Board of Commissioners does hereby:

1. Establish a county-wide property tax levy of Five Hundred and no/100 Thousand Dollars (\$500,000.00) distributed proportionally across all property in Moody County, South Dakota, for the maintenance, repair, constructing, and reconstructing of roads and bridges as overseen by the Moody County Highway Department, with said sum payable in the calendar year 2025;
2. Establish a special fund into which the proceeds of the levy shall be deposited, with such fund being known as the Moody County Highway and Bridge Reserve Fund.

BE IT FURTHER RESOLVED that the dollar amount of the Moody County Road and Bridge Levy may be increased each subsequent year hereafter by the Moody County Commission in order to meet increasing construction and inflation costs, but the increase may not exceed the statutory limit established in South Dakota Codified Law §10-12-13.

BE IT FURTHER RESOLVED this Resolution may be referred to a public vote upon the filing of a referendum petition, signed by at least five percent (5%) of the registered voters in Moody County, with the Moody County Auditor within twenty (20) days of the first publication of the Resolution.

Dated this 5th day of March, 2024.

BOARD OF COUNTY COMMISSIONERS OF MOODY COUNTY, SOUTH DAKOTA

Carla Bruning, Commission Chair
Dan Miles, Commissioner
Dave Reker, Commissioner
Jerry Doyle, Commissioner
Randy Hemmer, Commissioner

ATTEST: Tawny Heinemann
Moody County Auditor

1st Publication Date: March 13, 2024
2nd Publication Date: March 20, 2024
Effective Date: April 2, 2024

The following reports were received and filed in the Auditor's Office: Register of Deeds fees \$13,157.00.

Motion by Reker, seconded by Hemmer to approve the following claims and issue warrants, with all members voting "aye": General: A&B Business supplies 129.52, Ashley Headrick, travel reimbursement 54.00, AT & T Mobility, utilities 379.08, Avera Flandreau Medical, county nurse March & jail blood alcohol 5837.75, Bluepeak, utilities 595.19, Booster & Advertising Agent, advertisement 370.00, Brookings County Sheriff, jail medical 480.94, Bruning & Lewis Law Firm, st atrny 4045.80, Century Business Product, copier 100.25, City of Flandreau, utilities 2328.75, Convergent Technologies, improvements 660.13, Dakota Data Shred, supplies 70.29, Daniel Feldhaus, ct system transcription 15.60, Demco Inc, supplies 36.72, Deya Thorin Spanish Judicial, interpreter 713.25, Division of Motor Vehicle, weed dept pickup plates 26.70, Dust- Tex, supplies 150.76, Moody County Enterprise, supplies 346.25, First Bank Card, supplies 3585.26, Tyler Lumber, supplies 100.81, Flandreau Flower Shoppe, funeral flowers 3436.00, Hillyard, supplies 872.14, Law Office of Jennifer R Nelson, ct apt atry 4812.80, Junior Library Guild, publications 223.97, Lammers Kleibacker & Dawson, ct apt atry Feb 4730.73, Maynards, supplies 78.09, McLeod Printing, supplies 4.13, MidAmerican Energy, utilities 1310.24, Minnehaha County Auditor, mental illness 204.21, NAPA Auto Parts, supplies 76.09, Office Peeps, supplies 100.91, Ribstein & Hogan Law Firm, ct apt atry 4556.00, SD Achieve, mental health 180.00, SD Dept of Public Safety, teletype 3090.00, SDACC. Clerp 2462.00, Steves Tire & Service, repairs 688.85, Tawny Heinemann, travel reimbursement 54.00, Tim Ullom, travel reimbursement 102.00, Wex Bank, gas 540.27, Yankton County Treasurer, mental illness 145.00. Highway: Bluepeak, utilities 207.40, City of Flandreau, utilities 778.79, Diesel Machinery, repairs 701.82, Dustex, supplies 202.51, Moody County Enterprise, publications 82.48, First Bank Card, supplies 168.41, Tyler Lumber Company, supplies 17.80, Knife River, supplies 2278.24, Krulls Garage, repairs 695.70, Master Blaster, supplies 89.99, MidAmerican, utilities 418.83, Napa Auto Parts, supplies 1088.88, RDO Equipment, supplies 1157.00, SD Dept of Transportation, supplies 1183.10. Emergency Management: City of Flandreau, 30.31. 24/7 Sobriety Fund: Precision Kiosk Technologies 1350.00 Township: Mcleods Printing, law books/pads 410.98, Law Library: LoopUp, 26.62. 24/7 Fund: SD Attorney Generals office, pbt 515.00. Modern & Press Flow Fund: SDACO, Mod and Press Feb 186.00.

February Payroll by Department: Commissioner 15,007.21, Auditor 11,962.55, Treasurer 17,088.90, States Attorney 17,183.81, General Government Building 5,515.06, Director of Equalization 9,604.46, Register of Deeds 10,201.64, VSO 2,049.18, Sheriff 41,615.27, Ambulance 21,240.01, Library 7293.52, Extension 7,804.65, Soil Conservation 5,892.49, Weed 1,383.79, Planning & Zoning 6,069.98, Highway 46,871.62, 911 26,614.58, Emergency Management 3,073.78.

Motion by Miles, seconded by Hemmer to adjourn the meeting at 11:43 AM. All voted "aye".

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners