AURORA COUNTY COMMISSIONER PROCEEDINGS

March 7, 2024

The meeting was called to order at 9:00 AM by Chairman Clyde Dethlefsen, with Randy Niles, Roger Hanten, John Paul Studeny and Travis Clark present.

The Pledge of Allegiance was recited.

There was no public input.

The agenda was amended by adding internet upgrade and burn ban. A motion was made by Studeny, seconded by Clark to approve the agenda as amended. Motion carried all voting aye.

Commissioner Studeny introduced Curtis Nelson, who is the new manager of National Food NW. The Board welcomed him to Aurora County.

A motion was made by Clark, seconded by Hanten to approve the minutes from the special meeting on February 12th and the regular meeting on February 15th. Motion carried all voting aye.

The Commission discussed a burn ban due to the red-flag warning that was issued for our area. Chairman Dethlefsen said he felt it is too soon to implement one now, but stated we need to monitor and keep an eye on things.

A motion was made by Clark, seconded by Studeny to give the employees Good Friday, March 29th off as a paid holiday. Motion carried all voting aye. The Commission asked what the highway department does when a holiday falls on Friday when they are on their 10-hour days and typically don't work on Fridays. Auditor Urban said their holiday would be observed on Thursday. Concerns were raised on not having any blades out on Thursday as well as Friday. It was noted that in the past, when the State DOT was working 10-hour days and there was a holiday during the week, they would go to 8-hour days for the week and take the holiday off. A motion was made by Clark, seconded by Studeny to have the highway department work five 8-hour days the week of March 25-29th and give Friday, March 29th off as a paid holiday. Motion carried all voting aye.

Auditor Urban noted that SB 188 sets the deadline of December 31, 2029 to obligate or spend Rural Access Funds.

Treasurer Andrea Pryor requested Deputy Sue Faulhaber to be full-time from March 11th to the end of the month to cover the office in her absence due to family medical reasons. A motion was made by Clark, seconded by Studeny to approve the temporary full-time status for Deputy Faulhaber. Motion carried all voting aye. Pryor also noted that during the busy tax time at the end of April and October she has had her deputy work full time, but flexed her hours when she did this. Since the Commission does not allow flexing of hours, Andrea asked if it was ok to have Deputy Faulhaber work 5 days at the end of those months when they are busy collecting taxes. A motion was made by Studeny, seconded by Clark to allow Deputy Treasurer Faulhaber to work 5- days a week at the end of April and October during tax season. Motion carried all voting aye.

Highway Superintendent Doug Vissia and Secretary Nancy Beckman were present for the highway report.

A motion was made by Studeny, seconded by Hanten to release haul road agreement number 04K0-2 dated December 18, 2021 with the SD DOT for Project PH0044(184)330. Motion carried all voting aye.

Highway Superintendent Vissia reported the grader that blew an engine has been fixed and it was covered by warranty.

A motion was made by Clark, seconded by Hanten to approve an approach permit for Robert Mohnen on county road #44 located in SW 1/4 SW 1/4 34-103-66 for yard access at the land owner's expense. Motion carried all voting aye.

A motion was made by Clark, seconded by Niles to accept the culvert bids from TrueNorth Steel off the Beadle County bid. Motion carried all voting aye.

A motion was made by Studeny, seconded by Clark to remove highway employee Jesse Thuringer off his probationary status effective March 18, 2024 and increase his wage by .50/hour from \$18.71 to \$19.21. Motion carried all voting aye.

BID LETTING: Pursuant to notice of bids the following bids were opened:

ONE YEAR SUPPLY OF PATCH MIX AND HOT MIX: Bids were received from the following: Commercial Asphalt: Patch Mix @ \$120.00/ton; Hot Mix @ \$70.00/ton and Omega Mix @ \$160.00/ton; Asphalt Paving: Hot Mix (Class E-I Virgin) @ \$90/ton. A motion was made by Studeny, seconded by Hanten to accept the bids from Commercial Asphalt. Motion carried all voting aye.

BRIDGE CONSTRUCTION & MAINTENANCE: No bids were received.

EQUIPMENT RENTAL RATE WITH OPERATOR: Bids were received from the following: David Bogenhagen – Pay Loader .50/ton in Bogenhagen Pit only (821 G Case); Tim Matlock – Excavator @ \$200.00/hr., Pay Loader \$200.00/hr., Track Skid Loader \$150.00/hr., Dozer @ \$200.00/hr.; Zach Scott Construction – Excavator \$350.00/hr., Pay Loader \$300.00/hr., Track Skid Loader \$250.00/hr., Dozer \$275.00/hr. A motion was made by Studeny, seconded by Clark to accept the bids from Tim Matlock and David Bogenhagen. Motion carried all voting aye.

CHIP & SEAL: Bids were received from the following: Road Guy Construction – MC3000 Oil @ \$2.10/sq. yd and CRS-2P Oil @ \$2.00/sq. yd; TopKote CRS-2P @ \$1.851/sq. yd. A motion was made by Clark, seconded by Niles to accept the bid from TopKote for chip & seal. Motion carried all voting aye.

STOCK PILED GRAVEL: Bids were received from the following: David Bogenhagen - \$6.00/ton for ³/₄" or 1" crushed gravel; Greg Kroupa - \$6.00/ton (1-10,000), \$5.50/ton (10,000-19,999), and \$5.00/ton (20,000+); Gerri Overweg - \$6.00/ton. A motion was made by Clark, seconded by Niles to accept all bids with the option to use any of the bids based on location, demand, and availability. Motion carried all voting aye.

A motion was made by Studeny, seconded by Niles to move \$318,001.11 out of the highway reserves for payment of the new maintainer. Motion carried all voting aye.

It was noted the new grader for the Aurora Center area is here.

No word has been received as to when the county will get the rest of the FEMA money.

Emergency Manager Skyler Kehn reported Aurora County will get approximately \$43,000 in Homeland Security Grants. He will be requesting 9 radios for the local fire departments in the amount of \$31,092.84 and an emergency response trailer for \$11,754.00. There will not be enough in the grant funds to pay for the email domain as originally planned. The cost to implement the new secure domain for emails is \$4,218. A motion was made by Studeny, seconded by Hanten to self-fund the secure domain for the 18 emails the county will switch over to. Motion carried all voting aye. Each email account will be charged \$72.00 per year (\$1,296.00 total).

A motion was made by Clark, seconded by Studeny to upgrade the internet in the courthouse from 250 megabytes to 1 gigabyte through Golden West. Motion carried all voting aye.

A motion was made by Studeny, seconded by Clark to authorize Emergency Manager Kehn to attend a severe weather training in Mitchell on March 27th at 7 PM. Motion carried all voting aye. The Commission suggested to have the sheriff's department attend the training as well.

State Health Nurse Lacey Wieczorek informed the Board the nurse's office has a nurse from Mitchell coming to the office on Mondays for pregnancy care and assist with walk-ins. A WIC nurse is here on the first and third Tuesdays of the month and Lacey is typically here on Wednesday's and Thursday's. Lacey reported she had an immunization clinic recently and 37 vaccinations were given during that time. It was also noted that she has had training on new curriculum with the Department of Health for the schools and the local school districts are seeking to increase her time at the schools.

States Attorney Rachel Mairose, MRC Attorney Zach Flood, Jack Dokken and Misty Siedschlew representing the State of SD, and Ryan Yanez from Ringneck & Western RR met with the Commission to discuss Aurora County's membership status with the MRC. Jack Dokken told the Commission he is not here to promote a loan for the MRC, he is here to inform Aurora County how much a rail authority means to a community and the producers. He noted there are 23 railroad authorities across the State of SD and without the MRC there would not be a railroad from Mitchell to Rapid City or the 65 jobs that go along with it. Dokken stated the rail car counts have increased over the past several years. He stated that there has been confusion about the MRC over the past few months and it sounds like there was some incorrect information that was given as well.

Chairman Dethlefsen asked why the west river counties got out of the MRC and what does Aurora County benefit from it. Dokken replied, if the railroad needs money for certain things, it does not have to go through the general coffers, but rather through the MRC. It was noted that Aurora County signed a resolution to withdraw from the MRC because we did not want to be on the hook for any default of the sizeable loan that the soybean plant in Mitchell is possibly considering. If the rail in our county needs anything, we could create our own rail authority, said Clark. Zach Flood said there are a lot of benefits to belong to a rail authority, but if you are not part of one then you do not reap any benefits either. Flood stated that he has not seen anything yet on a loan for the soybean plant in Davison County and noted that this project will benefit some producers in Aurora County. If Aurora County is concerned about the loan, he noted that SDCL 49-17A-21.1 (zone of benefits) prevents Aurora County from being at risk.

Mr. Flood said if the MRC approved seeking a loan for the soybean plant, it would have to be approved by the State of SD as well. The MRC would get the money from the State because the State cannot give loans directly to a private entity/rail authority. He said the MRC can make money from the loan (2%) for the soybean plant, which will

help with the repair of the rail lines, crossings, etc., anything that is railroad related. Dokken said if the loan should ever default, they will go back on the owners, etc., before any taxes would be levied on the taxpayers. We have never had a loan default, said Dokken. If a disaster happens, such as flooding, it would more than likely be spread across multiple counties and the lines would need to be repaired, which the MRC would help with. If there were any future development or projects that would come into Aurora County, the MRC would not be able to help them if Aurora County was not a member. Commissioner Clark said the County could form their own rail authority if that would happen. Both Dokken and Flood said it takes time to do that and must be approved by the State as well. Ryan Yanez stated if it is an emergency there may not be any time. He also noted his company usually tries to get grants first, but if it is an emergency, we need the money now and grants take a lot of time.

We wanted out of the MRC, said Commissioner Studeny, because the MRC Chairman was negotiating on our behalf without our authority to do so and what we were told was not true. Gayle VanGenderen from the SD Mail said the MRC is like a two-legged stool. It needs to be reorganized and the Chairman of the MRC was not truthful. Gayle said she has been following the MRC for a long time and when other counties wanted out, the MRC took official action to vote them out. Mr. Flood said the action needed to be filed with the Secretary of State. There are some legal problems with the way things were done and he is trying to correct things and make changes to the bylaws to help get the MRC headed in the right direction. The MRC will benefit the producers and farmers of Aurora County, said Flood. We just want to present the Commission with accurate information so Aurora County can make a good decision about their membership with the MRC.

Commissioner Clark expressed his concerns about cutting out our local elevators. Dokken said there are no plans to cut anyone out. It was noted that producers have a freedom of choice on where they want to take their product. If they involve the rail system, they will get a better price, said Flood. Clark said the local elevators will only get their die-hard customers and then they will eventually die out. Mr. Yanez said that the Plankinton elevator is serviced by Ringneck & Western. They are in the process of negotiating rates.

There will be a major impact in our area with the new soybean plant, said Flood, there will be a lot of benefit with it. Commissioner Dethlefsen said he got information off the soybean plants website that the beans will be brought in by trucks and hauled out by train. Yanez said that was not what he has been told.

Dethlefsen said according to the graph that you gave us, Lyman and Presho show they have a nice increase in the train car counts and they are no longer members of the MRC. They are benefiting from it without being members. Have you talked to the other counties to get them back? Mr. Dokken said we need to be working together, not as separate entities. Clark asked if there are bad tracks in Lyman how do you fix those tracks. Flood said he would not authorize a loan to fix those tracks if they are not a member. Both Dethlefsen and Clark suggested they meet with the other counties that have withdrawn and find out why they withdrew and if there is a chance they would become a member of the MRC again. Commissioner Studeny told Dokken and Flood that they need to look at restructuring the whole organization and we need to have trust in everyone. Dokken said the MRC is an organization to help people, not to put liability on them and to help producers and that is why they are meeting with the county today, we want to make this work. Mr. Flood told the Commission that he is looking at fixing the bylaws and try to turn this ship around. Dokken said he is willing to approach the other counties with Zach and hopefully get them back on board. There is so much opportunity with the railroad, said Dokken.

Ryan Yanez said it's obvious that Davison County will receive the lion's share of benefits from the soybean plant, but there can be other projects that may benefit Aurora County.

Gayle VanGenderen asked how many entities are using zones of benefits (SDCL 49-17A-21.1). Dokken did not know, but said it is there to be used if needed.

Chairman Dethlefsen said we need to be unified and suggested to meet with the other counties to see what their input is. Studeny noted that this is something that we need to talk about with our attorney. Misty Siedschlew asked about the growth in Aurora County and said the MRC benefits those counties right on interstate. It appeals to those companies or warehouses that can use the railroad to ship their products. She asked the Commission to do her a favor and give MRC time to turn around and get the other counties back on board again. Mr. Flood added there are no new loans coming up and encouraged the county to stay a member while there is no new loan activity. Mr. Yanez gathered the feeling that there is a lack of communication, lack of organization, lack of trust, and lack of leadership. He felt restructuring is a good thing, but it will take some time. We would like to see the county stay on the forefront to help resolve some of the issues, said Dokken. If after a time, the county does not see any changes, then you can pull

out. Mr. Flood asked the county to be patient and to work with the MRC. The Commission thanked everyone for coming in.

A motion was made by Clark, seconded by Hanten to authorize Sheriff Secretary Trisha VanDrongelen to attend a sex offender registry training in Deadwood on April 8-10 and a highway safety grant meeting on March 21st in Sioux Falls. Motion carried all voting aye. The Commission also suggested to send someone from the sheriff's department to the severe weather training in Mitchell as well. Sheriff Briggs informed the Commission he is checking into a possible training for a 911 dispatcher class in Mitchell for Trisha to attend.

Representatives from the Commission and 2 board members from each city council will be meeting next week to discuss contract law. Commissioner Studeny said the county needs to talk about how to implement a cap on the contract law. It was suggested to implement a cap using the current CPI or do a 4 or 5 percent cap on the amount calculated. The current formula would still be used, but the increase can only be what the CPI is. For example: if the formula figured a 9% increase over what the amount was last year, then the county would need to back the increase down to the current CPI.

Sheriff Briggs reported he is checking into vehicle options between a Dodge Durango and a Ford Explorer and will bring more information at a later time. A trade-in was also discussed.

A motion was made by Studeny, seconded by Clark to approve abatement #1038 in the amount of 389.87. Motion carried all voting aye.

A motion was made by Clark, seconded by Hanten to approve abatement #1039 in the amount of 190.14. Motion carried all voting aye.

A motion was made by Hanten, seconded by Clark to enter into executive session as per SDCL 1-25-2(1) for personnel at 12:40 PM. Motion carried all voting aye. The Chairman declared the Board out of executive session at 12:53 PM with no official action taken.

A motion was made by Hanten, seconded by Clark to file reports and pay voucher as listed below. Motion carried with Clark, Hanten, Niles, and Dethlefsen voting aye. Studeny abstained from the vote.

Reports: February Payroll: Social Security 6,089.16, Medicare 1,424.04; Wellmark 27,831.49, Retirement 6,382.58; Kansas City Life 96.05; Commissioners 4,269.45; Auditor 7,820.95; Treasurer 7,108.29; States Attorney

5,341.07; Courthouse 2,777.35; Director of Equalization 6,415.41; Register of Deeds 4,430.49; Veteran's Service Officer 780.44; Sheriff 19,090.93; Welfare 812.43; Extension 2,284.00; Weed 1,275.81; Zoning 775.85; Hwy 40,728.05; EM&D 1,913.80; Payroll Direct Deposit Cost 8.35. Auditor's Account with Treasurer: Cash on Hand 1,629.50; MMDA 2,011,128.34; CD's 942,140.00. Register of Deeds Fees: marriage license/certs 15.00; birth/death 55.00; preservation fund 198.00; driver's license 210.00; copies 56.00; recording fees 1,640.00; transfer fees 7,679.50. CLAIMS:

COMMISSIONERS

S.D. MAIL OFFICE	FEBRUARY PUBLISHING	607.96	
		607.96	
MCLEOD PRINTING & OFFICE SUPPL	MEAL REIMB - ELECTION TRAINING VOTER INSTRUCTIONS POSTER MEAL REIMB - ELECTION TRAINING	119.92	
		186.82	*
DOUGLAS N PAPENDICK THERESA MAULE ROSSOW AVERA QUEEN OF PEACE HEALTH	1ST QTR CLERP ASSESSMENT BA - (3)	920.50 981.50 676.30 137.00 363.00 120.00	
		3198.30	*
	FEBRUARY PUBLISHING FEBRUARY CONNECT CARE	69.25 42.00 98.42 	
TREASURER TWOTREES TECHNOLOGIES	FEBRUARY CONNECT CARE		
TWOTREES TECHNOLOGIES	TREASURERS COMPUTER & INSTALL	1059.75	
		1207.26	*
PLANKINTON CITY	SERVICES - MATS TOOLS FOR COURTHOUSE MAINT ELECTRICITY - COURTHOUSE 2 HONOR & REMEMBER FLAGS FEBRUARY CONNECT CARE	22.36 35.02 2302.18 72.94 49.17	

		2481.67	*
DIR. OF EQUALIZATION S.D. MAIL OFFICE TWOTREES TECHNOLOGIES VANGUARD APPRAISALS	FEBRUARY PUBLISHING FEBRUARY CONNECT CARE REMOTE ACCESS TO TABLET	72.00 98.34 1400.00	
		1570.34	*
VA OFFICE QUILL CORPORATION TWOTREES TECHNOLOGIES	PRINTER INK CARTRIDGES FEBRUARY CONNECT CARE	30.99 49.17	
		80.16	*
	SHERIFF POSTAGE ROMAN OIL CHANGE TELETYPE RENTAL 1-1 TO 6-30-24 FEBRUARY CONNECT CARE CELL PHONE USAGE	18.93 66.46 2340.00 393.36 425.36	
		3244.11	*
JAIL DAVISON COUNTY SHERIFF MITCHELL CLINIC LTD	JANUARY JAIL HOUSING MEDICAL	3360.00 156.00	
		3516.00	*
PUBLIC WELFARE TWOTREES TECHNOLOGIES	FEBRUARY CONNECT CARE	49.17	
		49.17	*
NURSES OFFICE LACEY WIECZOREK	SCHOOL HEALTH SUPPLIES/INCENTI	64.09	
		64.09	*
	MONTHLY SUPPORT MI	60.00 117.70	
		177.70	*
AG BUILDING PLANKINTON CITY	ELECTRICITY - AG BUILDING	779.69	
		779.69	*
COUNTY EXTENSION S.D. MAIL OFFICE	SUBSCRIPTION FOR EXTENSION OFF	50.00	

TWOTREES TECHNOLOGIES	FEBRUARY CONNECT CARE	98.34	
		148.34	*
WEED			
CENTRAL ELECTRIC COOP, INC	LANDFILL ELECTRICITY	64.00	
DIVISION OF AGRICULTURAL SERVI	LANDFILL ELECTRICITY APPLICATOR LICENSE RENEWAL WEED CONFERENCE ROOMS	115.00	
HOLIDAY INN & CONVENTION CENTE	WEED CONFERENCE ROOMS	459.95	
SKYLER KEHN	RECERTIFICATION COMM APPLICATO	30.00	
SKYLER KEHN	RECERTIFICATION COMM APPLICATO MEALS AT WEED CONFERENCE	60.01	
		728.96	*
R&B CONSTRUCTION			
AUCA CHICAGO MC LOCKBOX	SERVICES - RAGS & MATS	12.18	
BUTLER MACHINERY COMPANY	SERVICES - RAGS & MATS GRADER REPAIRS	226.00	
BUTLER MACHINERY COMPANY	FILTERS	910.99	
BUTLER MACHINERY COMPANY	NEW GRADER	392141.60	
CENTRAL ELECTRIC COOP, INC	ELECTRIC BILL - AUR CTR & STOR	161.26	
DK GARAGE	FIX GARAGE DOOR - WL	529.78	
DMC WEAR PARTS LLC	SNOW PLOW TRUCK BLADES	7968.18	
DOUG VISSIA	ROLLS FOR MSHA MTG AT AG BLDG	39.56	
DOUG VISSIA	FILTERS NEW GRADER ELECTRIC BILL - AUR CTR & STOR FIX GARAGE DOOR - WL SNOW PLOW TRUCK BLADES ROLLS FOR MSHA MTG AT AG BLDG GAS FOR PICKUP	30.00	
FASTENAL COMPANY	BOLTS, NUTS & WASHERS SCRAPER & SHEETROCK	152.84	
GREAT PLAINS LUMBER & SUPPLY	SCRAPER & SHEETROCK	474.30	
MID-DAKOTA RURAL WATER SYSTEM	WATER BILL - STORLA SHOP STEEL TOED BOOTS 4 WHEELER & PICKUP REPAIRS	32.00	
NANCY BECKMAN	STEEL TOED BOOTS	84.96	
NAPA CENTRAL	4 WHEELER & PICKUP REPAIRS	277.74	
	FILTERS, OIL, CLEANER		
	ELECTRIC BILLS - WL & STK		
	WIPERS, BATT & GROOMER RPR		
	ELECTRIC - CH, AG BLDG & HWY		
	TRUCK, FLEX & GRADER REPAIRS		
PLANKINTON LUMBER COMPANY	OIL, INSULATION & BATTERIES	763.11	
	INK CART & FILE FOLDERS		
		159.99	
	FEBRUARY PUBLISHING		
SD DEPT OF TRANSPORTATION		298.11	
SD DEPT OF TRANSPORTATION		1357.22	
	GRADER & TRACTOR REPAIRS		
STEVE'S WELDING REPAIR		20.37	
	WATER BILL - STICKNEY SHOP		
TRANSOURCE	TRUCK REPAIRS	37.81	
	FILTERS	165.15	
	LOADER LEASE	3200.00	
TWOTREES TECHNOLOGIES		98.34	
	CELL PHONE USAGE	88.69	
VOLLAN OIL	OIL	3451.44	
VOLLAN OIL	FUEL	349.98	
WHEELCO BRAKE AND SUPPLY INC	TRUCK REPAIRS	32.06	
WHEELCO BRAKE AND SUPPLY INC	ZIP TIES, AIR LINE SUPPLIES		

416415.65 *

E 911 SERVICE			
GOLDEN WEST	E911 SERVICES 3-1 TO 3-31-24		
	E-911 SERVICES 3-1 TO 3-31-24		
SANTEL COMMUNICATIONS	E-911 SERVICES 3-1 TO 3-31-24	30.00	
		590.44 *	
EM&D			
B & L COMMUNICATION	PARTS FOR WHITE LAKE REPEATER	65.85	
SKYLER KEHN	CAR WASH	17.00	
TWOTREES TECHNOLOGIES	FEBRUARY CONNECT CARE	49.17	
VERIZON WIRELESS	CELL PHONE USAGE	95.99	
VIKOR	WHITE LAKE REPEATER REPAIR	904.59	
		1132.60 *	
REGISTER OF DEEDS			
MICROFILM IMAGING SYSTEMS	MONTHLY EQUIPMENT RENT	330.00	
TWOTREES TECHNOLOGIES	FEBRUARY CONNECT CARE	147.51	
		477.51 *	
	Total Checks:	436,866.44 *	
Meeting adjourned subject to call.			
	Clyde Dethlefsen, Chairr		
	Aurora County Commission		
Attest:			
Susan Urban, Auditor			
(Published once at the total approximate cost of	`)		