

# AURORA COUNTY COMMISSIONER PROCEEDINGS

September 5, 2023

The meeting was called to order at 1:00 PM by Chairman Clyde Dethlefsen, with Randy Niles, Roger Hanten, John Paul Studeny, and Travis Clark present.

The Pledge of Allegiance was recited.

Public Input: Commissioner Roger Hanten asked why only two commissioners were contacted about interviewing an individual for the highway position opening. He said that he was not aware of the interview nor was Commissioner Niles. It is like we are not even here and our opinions are not appreciated, said Hanten, I don't know why Randy and I even come to the meetings. Commissioner Niles also had a few things he wanted to address during the public input. He noted all the Commission received a text from Jeff Johnson and everything in that text was 100% right. The roads are not mowed; the highway department went approximately a million over their budget last year; the FEMA money is long overdue and if it were not for Skyler (county EM) we would not have known how late the highway department was in getting the FEMA reports done. Commissioner Clark stated the FEMA subject was brought up many times during meetings and they were told to get it done as soon as possible. Niles also wanted to know why a highway worker was working on a Friday when it was their normal day off and wondered what type of emergency there was to have someone work on a Friday. It was noted that he would need to talk with the Highway Superintendent about why someone was working. Commissioner Clark responded to some of the comments made by Niles and the text message that was sent. He stated not everyone got the text from Jeff Johnson, as one number was a landline, so they did not receive it and not all Commissioners have a cell phone. Commissioner Clark agreed that there were valid points in the text. He also commented that the mower should have been fixed last fall. Commissioner Niles also asked why he was not notified of the highway interview and hiring that that took place. The Chairman made it clear that no decision had been made yet to hire anyone and the hiring will be approved by the entire Board and is on the agenda for today. The interview was set up by Highway Superintendent Vissia and Chairman Dethlefsen told Commissioner Niles the County was trying to avoid having a special meeting just for one interview and Doug worked around the applicants' time and availability, so we did not want a quorum present. Commissioner Hanten said he just

wanted to be made aware that an application had been received and that an interview was going to take place.

Chairman Dethlefsen stated that he was not aware of the interview until after it was over when he received a phone call from Travis. Dethlefsen said from now on we need to make sure everyone knows what it going on.

The agenda was amended by adding MRC to it. A motion was made by Clark, seconded by Hanten to approve the agenda as amended. Motion carried all voting aye.

A motion was made by Studeny, seconded by Hanten to approve the minutes from the August 17<sup>th</sup> meeting. Motion carried all voting aye.

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

Superintendent Vissia along with Commissioners Clark and Studeny interviewed an applicant for the highway maintenance position opening on August 24<sup>th</sup>. It was recommended to hire Jesse Thuringer for the position. A motion was made by Clark, seconded by Niles to hire Jesse Thuringer at \$18.61 per hour with .50 less (\$18.11) during the 6-month probationary period. Motion carried all voting aye. He will start his employment with the county on September 18<sup>th</sup>.

A motion was made by Studeny, seconded by Hanten to authorize Highway Superintendent Vissia to attend a road conference in Sioux Falls on October 23-25. Motion carried all voting aye.

Discussion was held on purchasing a push blade for the 4-wheeler to help with snow removal at the courthouse. It was noted the State of SD is holding an auction on September 20<sup>th</sup> at the state shop in Sturgis. Another government entity can have first choice on surplus items if we let them know. The County has done this in the past when the state shop in Mitchell has had surplus sales, stated Vissia. Doug said he can call the State to see what they must have for it and let them know we are interested. The Commission authorized Highway Superintendent Vissia to purchase a push blade up to \$500 from the State.

A motion was made by Clark, seconded by Niles to approve an approach permit for Woody Krog on 56 Oil in SE ¼ 31-102-63 for access to a communications tower at the county's expense. Motion carried all voting aye.

A motion was made by Clark, seconded by Niles to approve an approach permit for Joel Wieczorek on 47 G in NW ¼ NW ¼ 14-102-63 for field access at the county's expense. Motion carried all voting aye.

Chairman Dethlefsen told the Commission and Highway Superintendent Vissia the county needs to look at getting a different type of mower than what we have been purchasing. He stated we need something that will hold up better than what we have. Authorization was given to Commissioner Niles and Superintendent Vissia to figure out what type of mower to get and report back to the Board. Discussion held on the possibility of mowing the oil roads twice a year and the gravel roads once a year.

The Commission reviewed the proposed budget for 2024. No one appeared for or against such proposed budget as per notice in the legal newspapers. The Board of County Commissioners will consider adopting the 2024 budget at their next meeting on September 21<sup>st</sup>.

Emergency Manager Skyler Kehn reviewed some of the changes and requirements in the 2024 Local Emergency Management Performance Grant (LEMPG) agreement. A motion was made by Studeny, seconded by Niles to approve the 2024 LEMPG agreement. Motion carried all voting aye.

Emergency Manager Skyler Kehn presented the revised Local Emergency Operations Plan (LEOP) to the Commission. Skyler noted that States Attorney Rachel Mairose also reviewed the plan and agreed with what was in the plan. A motion was made by Clark, seconded by Niles to approve the Aurora County Local Emergency Operations Plan as presented. Motion carried all voting aye.

White Lake City Council representative Keith Lingle and Plankinton City Council representative Brad Kehn were present to discuss the contract law agreements they have with Aurora County. No representative was present from Stickney as they had already signed their contract for 2024. Also present was Sheriff Roman Briggs and Deputy Kyle Lewis. Sheriff Briggs explained how the amounts in the contracts are figured. Mr. Lingle listed some of the issues the White Lake City Council would like to see addressed. The Council would like to see more law enforcement presence, better response times, and availability. He wanted the County to know that this was not an attack on the department, but rather things they would like to see changed. He noted that in the contract under the report section, monthly reports are given, but the actual incident reports are not given in a timely fashion and asked if there was a time frame they could agree upon. Lingle also noted the contract says if there is a dispute between the city and the sheriff, the sheriff is ultimately the decision maker and the dispute is decided by him. This incident is probably unlikely, but the council feels this is biased and recommends getting an independent mediator and splitting the cost 50/50. Section

8.1 of the contract is confusing as it references to a law enforcement officer providing services to the City shall be considered an employee of the City as implemented by a City ordinance. What if an ordinance does not exist, are we in breach of this contract, asked Lingle, it is just confusing and not sure it needs to be in the contract. He also asked what would happen if the contract was not signed, do you only respond to emergencies then. Sheriff Briggs said his office has an obligation to fulfill state laws and pursue felons. If there are calls that are not assigned or referring to a felony, his office would have no obligation if no contract is signed, stated Briggs. Roman told the group if there is a violation with a city ordinance that they want him to follow up on, the City would be billed for services if there is no contract. Mr. Lingle told the County they are not looking at severing the contract, but just have some things we want clarified or changed. He suggested that maybe the contract could define a minimum number of hours to patrol.

County resident Ron Briggs stated the sheriff's department is more visible now than in the past and I am not just saying that because he is my son. Sheriff Briggs stated that he does not want to take away from what services they are already providing, it would be a shortcut of services and the citizens would be shorted as well. Commissioner Clark stated just because you may not see them does not mean they are not out and about. Chairman Dethlefsen said he does not like the idea of having a minimum of patrol hours and noted that there was presence of law enforcement when Stickney held Donnie Days earlier this year and it helped to keep things under control. Lingle stated he is not saying the sheriff's department is doing a terrible job, the council just has some worries about some of the language in the contract. Roman addressed the comment about accident reports and noted they are found online if they want them sooner. But typically, it will take about 30 days for the files to be posted. Lingle asked for Roman to show him how to search for them online. Sheriff Briggs also stated that the cities are not paying for the 3<sup>rd</sup> deputy as it is based on previous expended budgets and the valuations of each municipality. Brad Kehn told the Commission that he felt like he was paying for the service twice. I pay the same taxes to the county as a person that lives in the rural areas, so shouldn't you stop a person from running through a stop sign in town just like you would outside the city limits.

Commissioner Clark told Brad it is not any different than a fire department contract. The townships pay money to a fire department for services and the fire department also bills the property owner if they have a fire, Clark told Brad. It's just the way things work, said Clark. In Sheriff Brigg's view, he felt we are not doing our growing communities any favor by cutting services or restricting the abilities to do our job. The citizens will see that. Plankinton Mayor

Brad Kehn said the biggest thing is to review the wording in the contracts and change what needs to be changed. Chairman Dethlefsen agreed that the contracts need to be cleaned up. Roman agreed, but said it takes the contract to do his work as he should and he took an oath to fulfill his duties. Roman then asked how soon would it be before they would let him know what they would like changed. Lingle stated White Lake will hold their council meeting tomorrow night and discuss it at that time. Brad said Plankinton's council will meet tonight and it will be discussed during their meeting as well. Sheriff Briggs will meet with States Attorney Rachel Mairose to look over the contracts and get her input. Hopefully the revised contracts will be ready to sign by the first meeting in October.

A motion was made by Clark, seconded by Studeny to approve the 2024 contract law agreement with the Town of Stickney with an annual amount of \$34,345.00 (\$17,172.50 bi-annually). Motion carried all voting aye.

A motion was made by Clark, seconded by Niles to approve the report of sale for the auction that was held on August 16, 2023. Motion carried all voting aye. Olsen Auction Services received 10% from each entity for his auctioneering services.

Total Sale of Items - \$34,560.50  
Courthouse Items -\$6,656.00  
Hwy Items - \$15,515.00  
Plankinton School – \$12,336.50  
White Lake School - \$53.00

A motion was made by Studeny, seconded by Clark to approve the WIC contract with the State of SD for the period of June 1, 2023 through May 31, 2024. Motion carried all voting aye.

It was reported that one of the flat top stoves out at the Community/4-H Center has a crack in the top cooking surface. Extension Secretary Tina Kieffer received a quote from Central Electric for a coil top stove for \$610.00. This is the sale price through September 13<sup>th</sup>. It was suggested to talk to the 4-H leaders and ask if a second stove is needed out there for 4-H purposes. Chairman Dethlefsen will find out and report back to the rest of the Commission.

The statues from the veteran's memorial in front of the courthouse need some paint. The Commission will have Custodian Beckmann contact Kenny Payne from the VFW as he has the paint for them.

Commissioner Studeny reported the MRC and the State Rail Board are looking to help fund a soybean/sunflower processing plant south of Mitchell. The estimated cost of the entire project is 500 million and they

are planning to put a rail loop around the processing plant. Since Aurora County is a member of the MRC, we would be involved in backing the funding even though it does not have any direct benefit for Aurora County. They are planning on starting construction this fall and the plan is to submit an application to the State Rail Board for a loan that would have to run through the MRC Rail Authority in order to get it. Studeny noted that Davison County Commissioner John Claggett gave the processing company approval on behalf of the MRC to speak to the state about this project. Studeny asked Mr. Claggett what benefit would it be for the MRC to get involved and reminded Claggett that he cannot speak on behalf of the Board without an MRC meeting. The Aurora County Commission have reservations about this project and what implications it would cause for Aurora County and its citizens if there would ever be a default on the loan. Studeny agreed to have a conversation with Ryan Ynez who is with the railroad here in Aurora County as well as the MRC representative from Brule County to see what their thoughts are about this. The deadline to submit the application is September 20<sup>th</sup>, stated Studeny.

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

**Reports:** August Payroll: Social Security 5,027.63, Medicare 1,175.78; Wellmark 26,687.06, Retirement 5,359.60, Kansas City Life 92.37; Commissioners 4,126.75; Auditor 7,263.43; Treasurer 6,115.01; States Attorney 4,925.01; Courthouse 2,875.82; Director of Equalization 5,910.58; Register of Deeds 4,418.00; Veteran’s Service Officer 130.05; Sheriff 14,653.55; Public Welfare 0.00; WIC 2,658.07; Nurse 506.01; Extension 2,202.15; Weed 37.96; Zoning 748.52; Hwy 29,789.21; EM&D 3,207.32; Payroll Direct Deposit Cost 8.30. Auditor’s Account with Treasurer: Cash on Hand 1,077.68; MMDA 1,808,880.65; CD’s 942,140.00.

**CLAIMS**

COMMISSIONERS		
S.D. MAIL OFFICE	AUGUST PUBLISHING	1506.38
STANDARD PUBLISHING	JULY & AUGUST PUBLISHING	2092.76
STANDARD PUBLISHING ARGUS	JULY & AUGUST PUBLISHING	2092.76
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		5691.90 *
JUDICIAL SYSTEM		
ALVINE LAW FIRM	CAA	556.84
ALVINE LAW FIRM	CAA	424.95
DEVY ALVIZURES	INTERPRETER FEES	93.69

DOUGLAS N PAPENDICK	CAA	181.90
EAST RIVER PSYCHOLOGICAL SERVI	EVALUATION	833.33
STEPHANIE MOEN & ASSOC	TRANSCRIPT	163.40
STEPHANIE MOEN & ASSOC	TRANSCRIPTS	396.90
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		2651.01 *

AUDITOR		
P M B 0112	JULY NETWORK & ACCESS FEES	52.75
CONNECTING POINT ULTRA INC	SUPPORT CONTRACT 23 & 24	4225.00
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		4277.75 *

TREASURER		
STAPLES	PAPER CLIPS, POST IT NOTES, ST	16.70
STAPLES	ADDING MACHINES (2)	225.10
CONNECTING POINT ULTRA INC	SUPPORT CONTRACT 23 & 24	2475.00
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		2716.80 *

STATE'S ATTORNEY		
MAIROSE AND STEELE	REIMB POSTAGE	7.86
MAIROSE AND STEELE	REIMB OVERHEAD CHARGES	1800.00
MAIROSE AND STEELE	REIMB PUBLISHING CHARGES	72.43
MAIROSE AND STEELE	REIMB COURT REPORTER CHARGES	29.40
MAIROSE AND STEELE	REIMB LAW BOOK CHARGES	760.39
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		2670.08 *

COURTHOUSE		
APRIL JOHNSON	VACUUM BELT	5.30
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		5.30 *

SHERIFF		
HILLMANS REPAIR	OIL CHANGE - 2023 VEHICLE	50.32
STAPLES	PAPER	82.96
TRISHA VANDRONGELEN	DRAWERS FOR ORGANIZING	160.94
CONNECTING POINT ULTRA INC	ACCESS POINT FOR SHERIFF OFFIC	1058.00
V I S A	POSTAGE	4.85
V I S A	CAR WASH	17.00
V I S A	CLIP BOARDS & LATE FEES	49.28
VERIZON WIRELESS	CELL PHONE USAGE	423.27
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		1846.62 *

JAIL		
DAVISON COUNTY SHERIFF	JULY JAIL HOUSING	4800.00
LEWIS FAMILY DRUG LLC	INMATE - PRESCRIPTIONS	22.49
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		4822.49 *

MENTALLY HANDICAPPED		
KRUSE LAW OFFICE	MI ATTY	194.10

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			194.10 *
COUNTY EXTENSION			
QUILL CORPORATION	TONER, PAPER, USB, BANDS		102.76
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			102.76 *
WEED			
MID-AMERICAN RESEARCH CHEMICAL	GROUND STERILIZER SPRAY		1848.55
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			1848.55 *
PLANNING & ZONING			
S.D. MAIL OFFICE	AUGUST PUBLISHING		60.00
STANDARD PUBLISHING	JULY & AUGUST PUBLISHING		36.40
STANDARD PUBLISHING ARGUS	JULY & AUGUST PUBLISHING		36.40
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			132.80 *
COUNTY DEVELOPMENT			
RACHEL MAIROSE	RURAL ATTORNEY PROGRAM		4379.76
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			4379.76 *
R&B CONSTRUCTION			
AUCA CHICAGO MC LOCKBOX	SERVICES - MATS & RUGS		71.56
BUTLER MACHINERY COMPANY	GRADER REPAIRS		15.50
DINA SHEFNER	GRAVEL		17138.78
GRAHAM TIRE - SIOUX FALLS	TRAILER & TRUCK TIRES		2652.00
GREAT PLAINS LUMBER & SUPPLY	MOWER REPAIRS		2.20
GREAT PLAINS LUMBER & SUPPLY	ROPE FOR OVERHEAD DOORS		8.28
GREG KROUPA	GRAVEL		12983.60
NANCY BECKMAN	STEEL TOED BOOTS		116.81
NAPA CENTRAL	TRUCK REPAIRS		-59.01
NAPA CENTRAL	OIL & FILTERS		94.94
NORTHWESTERN ENERGY	ELECTRIC BILLS - WL & STK		73.64
OVERWEG AUTO, GLASS & FUEL	BATTERIES		525.49
OVERWEG AUTO, GLASS & FUEL	OIL		19.10
PLANKINTON CITY	WATER FOR SPRAYING		364.00
PLANKINTON LUMBER COMPANY	TRUCK REPAIRS		6.34
PLANKINTON LUMBER COMPANY	GLUE, BLADES, PAINT & BRUSHES		141.03
RDO EQUIPMENT COMPANY	GRADER REAR VIEW MIRROR		187.90
SCOTT SUPPLY	MOWER REPAIRS		2043.45
SD DEPT OF TRANSPORTATION	BRIDGE INSPECTIONS		2440.18
SD DEPT OF TRANSPORTATION	BRIDGE REPLACEMENT		756.30
SDSU	ROAD CONFERENCE REGISTRATION		125.00
STANDARD PUBLISHING	JULY & AUGUST PUBLISHING		130.00
STANDARD PUBLISHING ARGUS	JULY & AUGUST PUBLISHING		130.00
STICKNEY WATER	WATER BILL - STICKNEY SHOP		92.50
TOTAL OIL	FUEL		3898.24
TRANSOURCE	TRUCK REPAIRS		80.34
TRANSOURCE	LOADER LEASE		3200.00
CONNECTING POINT ULTRA INC	SUPPORT CONTRACT 23 & 24		1390.00



VERIZON WIRELESS	CELL PHONE USAGE	88.56
WHEELCO BRAKE AND SUPPLY INC	TRUCK REPAIRS	749.72
WHEELCO BRAKE AND SUPPLY INC	CABLE TIES	16.19
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		49482.64 *

EM&D		
SD EMERGENCY MANAGEMENT ASSOC	SDEMA CONFERENCE	100.00
S.D. MAIL OFFICE	AUGUST PUBLISHING	218.50
SKYLER KEHN	CARS FOR TIMS	19.16
STANDARD PUBLISHING	JULY & AUGUST PUBLISHING	247.80
STANDARD PUBLISHING ARGUS	JULY & AUGUST PUBLISHING	247.80
VERIZON WIRELESS	CELL PHONE USAGE	95.38
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		928.64 *

REGISTER OF DEEDS		
MCLEOD PRINTING & OFFICE SUPPL	DEED & MORTGAGE BOOKS	1037.81
MICROFILM IMAGING SYSTEMS	MONTHLY EQUIPMENT RENT	275.00
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		1312.81 *

Total Checks: 83,064.01\*

Meeting adjourned subject to call.

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Clyde Dethlefsen, Chairman  
Aurora County Commission

Attest: \_\_\_\_\_  
Susan Urban, Auditor

(Published once at the total approximate cost of \_\_\_\_\_)