

COMMISSIONER PROCEEDINGS

April 27, 2021

The Roberts County Commissioners met in regular session with Don Carlson, Dennis Jensen, Faye Johnston, Tim Zempel and Tom Vergeldt present. Chairman Jensen presiding. Jason Deutsch-Sisseton Courier livestream.

The Pledge of Allegiance was recited.

Motion by Vergeldt, seconded by Johnston to approve the agenda as presented and the April 20, 2021 minutes. Motion carried.

PUBLIC COMMENT

Jensen called for public comment. Roger Navratil appeared and discussed taxes, County Road #28 through New Effington and stop signs on County Road #25 north of Hammer. Commissioners will visit with Pat Stickland regarding the road and stop signs when he appears.

Matt Mattson appeared and discussed a letter he received regarding county lien against him. After discussion, the State's Attorney will look at the billing.

Johnston discussed topics that were discussed at the Lake Region District meeting hosted by Grant County on Zoom last Thursday. Johnston, Auditor Sattler and Treasurer Moen were on Zoom meeting.

STATES ATTORNEY

Dylan Kirchmeier met with Commissioners. Kirchmeier will look at the agreement between Game, Fish & Parks and Roberts County regarding asphalt surface treatment on County Highway 12.

ORDINANCE #28 SECOND READING

Jensen asked for a motion for approval of Ordinance #28. Motion by Carlson, seconded by Zempel to approve. Motion carried.

ORDINANCE #28
OPEN BURNING ORDINANCE

WHEREAS, it is a lawful purpose of the board of County Commissioners of the County of Roberts, to enact ordinances to protect and promote the general welfare, health, and safety of its citizens; and

WHEREAS, the board of County Commissioners of the County of Roberts may impose a ban to prohibit or restrict open burning in order to protect the public health and safety pursuant to South Dakota Codified Law 7-8-20(18)

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of the County of Roberts:

SECTION1: DEFINITIONS

OPEN BURNING: The intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames, or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames, or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein. Fireworks which produce sparks are specifically included in the definition of open burning. The maintaining of a fire in any interior fireplace, stove, or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance.

PERSON: Any individual, partnership, firm, association, municipality, public or private corporation, state, tribe, nation, political subdivision, trust, estate, or any other legal entity, including any officer or governing or managing body thereof.

SECTION 2: AUTHORITY TO DECLARE FIRE DANGER EMERGENCY

A. In the interest of public health and safety, no person shall conduct open burning outside of a municipality in Roberts County when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the VERY HIGH or EXTREME category or has issued a RED FLAG WARNING for any portion of Roberts County. The prohibition against open burning shall automatically be suspended during any period the South Dakota Grassland Fire Danger Index falls below the VERY HIGH category or the RED FLAG WARNING has been rescinded or cancelled by the National Weather Service.

B. Independent of the South Dakota Grassland Fire Danger Index or a RED FLAG WARNING being issued, the Roberts County Board of County Commissioners may, by resolution,

declare a "fire danger emergency". If a "fire danger emergency" be declared, all open burning of any substance shall be prohibited within any or all of the unincorporated areas of Roberts County until such time as the resolution declaring the "fire danger emergency" has been rescinded by the Roberts County Board of County Commissioners.

- C. Any person who shall create, commit, maintain, or permit to be created, committed, or maintained an open burning in violation of a prohibition based on the South Dakota Grassland Fire Danger Index, a RED FLAG WARNING, or a resolution of the Roberts County Board of County Commissioners declaring a "fire danger emergency" shall be deemed to have committed the offense of Unlawful Burning in violation of the ordinance and would be subject to all criminal and civil penalties provided for herein.

SECTION 3: EXEMPTIONS

Other than when deemed necessary by fire officials for the preservation of life and/or property, exemptions may not be granted during the conditions identified in Section 2.

SECTION 4: REPORT OF CONTROLLED BURNING REQUIRED

- A. During times when there is not a RED FLAG WARNING or the South Dakota Grassland Fire Danger Index is not in the VERY HIGH or EXTREME categories, open burning is allowed if the person committing, creating, maintaining, or permitting a controlled burn notifies the Roberts County Sheriff's Office Dispatch Center that the controlled burn will be taking place. This notification may be done by telephone to the Dispatch Center and should include the location of the fire, when it will occur, and what is being burned. The person committing, creating, maintaining, or permitting a controlled burn shall also notify the Roberts County Sheriff's Office Dispatch Center when the controlled burn has concluded. This notification does not apply to small fires in burning barrels or small fires of trash, leaves, branches, or campfires.
- B. Any person who shall create, commit, maintain, or permit to be created, committed, or maintained an open burning without notifying the Roberts County Sheriff's Office Dispatch Center prior to the beginning of the burning or at the conclusion of the burning shall be deemed in violation of this ordinance and subject to all criminal and civil penalties provided herein.

SECTION 5: PENALTY AND REMEDY

Violations of this ordinance shall be subject to penalties pursuant to South Dakota Codified Law 7-18A-2.

SECTION 6: SEVERABILITY

If any provision of this ordinance shall be held invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

SECTION 7: SUPREMACY

All ordinances or parts thereof in conflict herewith are hereby repealed. This ordinance repeals and replaces Ordinance #16.

Passed and adopted this 27th day of April, 2021.

ATTEST: Dawn Sattler-Auditor

Dennis Jensen-Chairman

This ordinance shall become effective 20 days after the last publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely manner involved prior thereto.

COVID RESTRICTIONS

Jay Tasa and Angie Beacom met with Commissioners and time was spent discussing lifting some of the COVID restrictions in the Courthouse.

LANDFILL

Randy Deutsch met with Commissioners and submitted receivables.

Deutsch discussed trade in cost on Bobcat skid steer loader. Deutsch received trade in cost on two different models from Lillegard - Wahpeton ND. After discussion, motion by Carlson, seconded by Vergeldt to purchase S76 T4 Bobcat Skid Steer Loader for \$42,330 less \$29,000 (trade in) for total cost of \$13,330. Motion carried.

HIGHWAY

Pat Stickland met with Commissioners. Stickland discussed some weight limits have been lifted.

Stickland discussed condition of County roads.

Stickland discussed a piece of equipment he saw demonstrated in Grant County. After discussion, motion by Zempel, seconded by Vergeldt to purchase road groom machine from Road Groom Manufacturing for \$16,900. Motion carried.

SHERIFF

Tyler Appel met with Commissioners and discussed total inmates 52.

Appel spent time discussing law enforcement in other communities in Roberts County.

Appel discussed hiring a deputy. After discussion, motion by Zempel, seconded by Vergeldt to advertise for deputy. Motion carried.

ADJOURN

Motion by Carlson, seconded by Johnston to adjourn as a Board of Commissioners at 10:57. Motion carried.

BOARD OF EQUALIZATION

Motion by Carlson, seconded by Zempel to convene into Board of Equalization-motion carried. Shari Gamber (telephone), Lisa Skog and Rick DeLoughery also in attendance. The following action was taken:

NAME & DESCRIPTION	REASON	ABSTRACT	ASSESSOR	COUNTY
		TYPE	VALUE	BOARD
39. Lockwood Twp	Valuation too high	NA-C1	7709	4379
Michael Schoen Sr		NA-CM1	19498	11077
Lot 41 Schmidt's		NA-C	171000	79800
Landing in Gov't 4				
Lots 4 & 5				
16-122-47				
Motion by Carlson, seconded by Zempel to lower valuation. Motion carried.				
40. Lien Twp	Valuation too high	AG	175462	175462
Janet Stover	Wetland adjustment			
E2NW4 Exc H-1				
26-128-50				
Motion by Zempel, seconded by Carlson to leave valuation as is. Renter did not apply for wetland adjustment. Motion carried.				
41. Norway Twp				
Lester/Jacqueline Lyons				
E2SW4 Exc; Lots 6&7	Valuation too high	AG	351875	190418
W2SE4	Wetland adjustment	AG	164285	156842
6-128-52				
42. Bossko Twp	Valuation too high	AG	183644	15433
Ken Lyons	Wetland adjustment			
E2NE4				
15-127-52				
43. Bryant Twp	Valuation too high	AG	103682	91687
Ken Lyons	Wetland adjustment			
NW4NW4				
8-126-49				
44. Hart Twp	Valuation too high	AG	729194	546166
Ken Lyons	Wetland adjustment			
SE4; E2SW4; Lots 3&4				
31-12-50				
45. Lien Twp	Valuation too high	AG	71845	61950
Ken Lyons	Wetland adjustment			
SE4NE4 Exc Garden of Peace				
OL C Exc Hwy ROW				
16-128-50				
46. Lien Twp	Valuation too high	AG	307960	251564
Ken Lyons	Wetland adjustment			
NE4 Exc H-1				
28-128-50				
47. Norway Twp	Valuation too high	AG	7840	7840
W739' of S330' of Lot 1;	Wetland adjustment			
W739' of N330' of Lot 2				
7-128-52				

48. Lien Twp	Valuation too high	AG	96460	96460
Ken Lyons	Wetland adjustment			
E2SE4 Exc Garden of Peace				
OL C Exc Lagoon OL				
Exc Hwy ROW				
16-128-50				
49. Norway Twp	Valuation too high	AG	324316	303956
Ken Lyons	Wetland adjustment			
E2NW4; Lot 1 Exc; Lot 2 Exc				
7-128-52				

Motion by Carlson, seconded by Vergeldt to lower valuations of properties listed in 41 thru 49 due to wetland adjustment. Motion carried.

Motion by Carlson, seconded by Zempel to adjourn out of Equalization until May 4, 2021. Motion carried.

CLAIMS

Motion by Zempel, seconded by Vergeldt to pay the following claims-motion carried: JUDICIAL-Witness/Jury/Rental-Michelle Gaikowski 61.20, Total 61.20; AUDITOR-Supplies & Material/Valley Office Prod 47.21, Total 47.21; TREASURER-Supplies & Materials/Valley Office Prod 119.94, Total 119.94; STATES ATTY-Supplies & Material/Valley Office Prod 24.04, Xerox Fin 68.56, Rental/Xerox 67.24, Total 159.84; COURT APP ATTY-Prof Services/Bratland Law 393.60, Delaney Nielsen & Sannes 1773.80, Total 2167.40; GOV BLDG-Supplies & Mat/Tri State Bldg 243.00, Repairs & Maint/Electro Watchman 186.83, Keller Repair 234.50, Total 664.33; REG OF DEEDS-Supplies & Material/Valley Office Prod 167.93, Xerox Corp 86.79, Total 254.72; VETERAN SERVICE-Supplies & Material/Valley Office Prod 30.22, Total 30.22; SHERIFF-Supplies & Material/Galls 202.99, Auto/Furn/Equip/Guardian Fleet Safety 651.17, McLeods Printing & Office 89.13, Telelanguage Inc 8.71, Total 952.00; JAIL-Supplies/Care of Prisoner/Card Member Serv 951.26, Cornwell Drug 37.95, McKesson Med Gov Sol 111.63, Tri State Bldg 265.99, Summit Foods 13424.15, Travel & Conf Cardmember Serv 245.00, Deb Foltz 86.94, Utilities/Dakota Waste 192.50, Repairs & Maint/Johnson Controls 1084.90, Total 16400.32; MENTALLY ILL-Services/Delaney Nielsen & Sannes Mark Katterhagen 21.00, Lucy Lewno 278.76, Darcy Lockwood 21.00, Midwest Wellness Inst 4125.00, Yankton co Sheriff 50.00, Total 4495.76; HIGHWAY & BRIDGE-Repairs/Auto Value 135.91, Boyer Trucks 216.17, Butler Machine 11.86, Steve Finnesand 2125.00, IMEG Corp 3549.82, SD DOT 1395.04, Supplies & Materials/CHS 318.26, LG Everest 5078.73, Productivity Plus 136.84, Stillson Service 2278.57, TEAM LAB 778.50, Truenorth Steel 133.40, Vig Lumber 1798.94, Utilities/Dakota Waste 82.50, Otter Tail Power 419.68, Venture Comm 216.24, Verizon 54.73, Bridge Fund/IMEG Corp 24937.77, Rentals/Xerox Corp 150.28, Total 43818.24; LANDFILL-Supplies/CHS 2279.91, Utilities/BDM Rural Water 35.00, Total 2314.91; DEL TAX PMT-890.92, Total 890.92; PRINCIPAL-Debt Service/Butler Machine 19469.94, Interest/Butler Machine 2476.22. Total 21946.16; SHERIFF AGENCY FUND-Gun Permits/SD Sec of State 78.00, Total 78.00. Total 94401.17

ADJOURN

Motion by Carlson, seconded by Zempel to adjourn until Tuesday, May 4, 2021. Motion carried. Adjourned at 1:21.