

SULLY COUNTY BOARD OF COMMISSIONERS  
DECEMBER 30, 2021

The Board of Sully County Commissioners held their end-of-year mtg on Thurs, December 30, 2021. Chmn Yackley called the mtg to order at 8:30 am. Other members present: William Floyd, Jerry Richards, Caleb Shepherd & Joe Fanger. Also, present were Aud Lamb, Sheila Ring, Hwy Supt Schall, States Attny Sovell, Attny Ryan Vogel, Attny Robert Nelson & Cheri Wittler.

ADOPT AGENDA: Motion by Floyd, second by Richards to adopt the agenda. Unanimous vote aye.

PUBLIC COMMENT: No one was present for public comment.

MINUTES: Motion by Richards, second by Fanger to approve minutes from the Bd of Commission mtg held on December 7th. Unanimous vote aye.

ORDINANCE 2008-01: Motion by Floyd, second by Shepherd to repeal Ordinance 2008-01 Revised Ordinance Establishing Speed Zone. Unanimous vote aye.

ORDINANCE 2021-04 SPEED ZONE: Hearing & 2<sup>nd</sup> reading was held on ordinance. Motion by Shepherd, second by Richards to approve Ordinance 2021-04. Unanimous vote aye.

ORDINANCE 2021-04

AN ORDINANCE OF THE COUNTY OF SULLY, STATE OF SOUTH DAKOTA,  
ESTABLISHING SPEED ZONES

Whereas, the Sully County Board of Commissioners have the authority to establish speed zones within their jurisdiction, BE IT ORDAINED, by the Board of Commissioners of Sully County, that the following speed zones are established and that those speed zones shall supersede and replace all previously established speed zones,

1. Beginning at the intersection of South Dakota Highway 83 and 185<sup>th</sup> Street (Referred to as Sully County FA30) at the NW corner of Section 11, T114N, R77W, thence Easterly 3/10th of a mile, the speed limit shall be 45 miles per hour; For 2/10th of a mile from the intersection near Ash Avenue (185<sup>th</sup> Street) and 4<sup>th</sup> Street to the intersection near Ash Avenue (185<sup>th</sup> Street) and 5<sup>th</sup> Street the speed limit shall be 30 miles per hour; For 4/10th of a mile from the intersection near Ash Avenue (185<sup>th</sup> Street) and 5<sup>th</sup> Street to the intersection near Ash Avenue (185<sup>th</sup> Street) and 11<sup>th</sup> Street through Onida the speed limit shall be 20 miles per hour; For the next 10 miles from the intersection near Ash Avenue (185<sup>th</sup> Street) and 11<sup>th</sup> Street to the intersection near 185<sup>th</sup> Street and 315<sup>th</sup> Avenue the speed limit shall be 65 miles per hour with a speed limit of 55 miles per hour for trucks 10,000 pounds and over.
2. Beginning at the intersection of South Dakota Highway 83 and 185<sup>th</sup> Street (Referred to as Sully County FA30) at the SE corner of Section 3, T114N, R77W, thence Westerly for 1/2 mile the speed limit shall be 30 miles per hour, thence Westerly 11 1/2 miles to a point at the SW corner of Section 2, T114N, R79W, the speed limit shall be 65 miles per hour, with a 55 mile per hour speed limit for trucks 10,000 lbs. and over.
3. Beginning at the intersection of the SE corner of Section 3, T114N, R80W, to a point at the SW corner of Section 2, T114N, R81W, Westerly 9/10th of a mile on 185<sup>th</sup> Street (Referred to as Sully County 30) the speed limit shall be 55 miles per hour, thence for 1/10th of a mile the speed limit shall be 30 miles per hour, thence Westerly 5.6 miles the speed limit shall be 55 miles per hour. At the intersection of 185<sup>th</sup> Street and 278<sup>th</sup> Avenue at a point at the SW corner of Section 2, T114N, R81W Northerly 1 mile to the intersection of 184<sup>th</sup> Street and 278<sup>th</sup> Avenue at the NW corner of Section 2, T114N, R81W, and thence Westerly for 7/10th of a mile the speed limit shall be 55 miles per hour. The speed limit for trucks 10,000 lbs and over shall be 55 miles per hour, except in the above listed 1/10th of a mile, the speed limit shall be 30 miles per hour.
4. Beginning at the intersection of South Dakota Highway 83 and 176<sup>th</sup> Street (Referred to as Sully County FA60) at the SE corner of Section 22, T116N, R77W, thence Westerly 10 miles to a point at the SW corner of Section 19, T116N, R78W, the speed limit shall be 65 miles per hour, with a 55 mile per hour speed limit for trucks 10,000 lbs and over.
5. Beginning at the intersection of South Dakota Highway 83 and 176<sup>th</sup> Street (Referred to as Sully County FA60) at the SW corner of Section 23, T116N, R77W, thence Easterly for 3/10th of a mile at 50 miles per hour, thence for 3/10th of a mile 25 miles per hour, thence for 2/10th of a mile 50 miles per hour, thence for 6 miles to a point at the SE corner of Section 23, T116N, R76W, the speed limit shall be 65 miles per hour, with a 55 mile per hour limit for trucks 10,000 lbs and over.
6. Beginning at the intersection of 185<sup>th</sup> Street (Referred to as Sully County 30) and 305<sup>th</sup> Avenue (Referred to as Sully County 41) at the SW corner of Section 1, T114N, R77W, 1/2 mile Northerly the speed limit shall be 30 miles per hour, thence for 12 1/2, miles to the NW corner of Section 1, T116N, R77W, the speed limit shall be 55 miles per hour, and starting at same intersection 1 mile Southerly the speed limit shall be 30 miles per hour, thence for 10 miles to the SW corner of Section 36, T113N, R77W, the speed limit shall be 55 miles per hour.
7. Beginning at the intersection of South Dakota Highway 83 and 186<sup>th</sup> Street (Referred to as Sully County Area 512) at the SW corner of Section 11, T114N, R77W, thence Easterly for 4/10th of a mile, the speed limit shall be 45 miles per hour; For 3/10th of a mile from the intersection near Redwood Avenue (186<sup>th</sup> Street) and 4<sup>th</sup> Street to the railroad crossing the speed limit shall be 30 miles per hour; For 2/10th of a mile from the railroad crossing to the intersection near Redwood Avenue (186<sup>th</sup> Street) and 11<sup>th</sup> Street the speed limit shall be 20 miles per hour;

SULLY COUNTY BOARD OF COMMISSIONERS  
DECEMBER 30, 2021

8. Beginning at the intersection of 185th Street (Referred to as Sully County FA30) and 321st Avenue (Referred to as Sully County 11) at the NE corner of Section 9, T114N, R74W, thence Southerly for 11 miles to a point at the SE corner of Section 33, T113N, R74W, the speed limit shall be 55 miles per hour.
9. Beginning at the intersection of 194th Street (Referred to as Sully County 20) and 324th Avenue (Referred to as the Sully, Hyde County line) at the SE corner of Section 24, T113N, R74W, thence Westerly for 9 miles to a point at the SW corner of Section 22, T113N, R75W, thence Northerly for 3 miles to a point at the SE corner of Section 4, T113N, R75W, thence Westerly for 11 miles to a point at the SW corner of Section 2, T113N, R77W, and South Dakota Highway 83 the speed limit shall be 55 miles per hour.
10. Beginning at the intersection of 316<sup>th</sup> Ave. (Referred to as Sully County 21) and 185th St. (Referred to as FA30) at the NE corner of Section 10, T114N, R75W, thence Southerly for 3 miles to a point at the SE corner of Section 22, T114N, R75W, thence 1 mile westerly to a point at the NE corner of Section 28, T114N, R75W, thence 3 miles Southerly to a point at the SE corner of Section 4, T113N, R75W, the speed limit shall be 55 miles per hour.
11. Beginning near the intersection of 311<sup>th</sup> Avenue (Referred to as Sully County FA31) and 172<sup>nd</sup> Street (Referred to as Sully, Potter County line Area 315) in the NE ¼ of Section 2, T116N, R76W, thence Southerly for 24 miles to a point near the SE ¼ of Section 35, T113N, R76W, the speed limit shall be 55 miles per hour.
12. Beginning at the intersection of 182<sup>nd</sup> Street and 282<sup>nd</sup> Avenue at the SE corner of Section 20-T115N-R80W, thence Northerly for 1 mile to the NE corner of Section 20-T115N-R80W, the speed limit shall be 35 miles per hour.
13. The speed limit on all Sully County primary and Sully County secondary roads, other than those listed above, shall be 55 miles per hour unless posted for construction or otherwise advertised.

A VIOLATION OF THIS ORDINANCE SHALL BE PUNISHABLE WITH A FINE IN ACCORDANCE WITH SOUTH DAKOTA STATE LAWS.

First Reading 12/07/2021; Second Reading 12/30/2021; Published: 01/06/2022; Effective: 01/26/2022

s:/Greg A. Yackley  
Sully County Chairman

Attest: (SEAL)

s:/Susan B. Lamb

Auditor, Sully County South Dakota

OPERATING TRANSFER: Motion by Shepherd, second by Richards to approve an operating transfer of \$300,000 to the Road & Bridge Fund. Unanimous vote aye.

2022 WAGE RESOLUTION: Motion by Richards, second by Shepherd to approve resolution. Unanimous vote aye.

RESOLUTION 2021-35

2022 Wage Resolution

BE IT RESOLVED that the Sully County Board of Commissioners adopt the following wage and policy scale for Sully County Employees to be effective the first paycheck of 2022. This Resolution, when adopted, will nullify all previous wage scales.

<u>COMMISSIONERS</u>	<u>SALARIED PAY RATE</u>
William Floyd	\$7,739.94
Joe Fanger	\$7,739.94
Jerry Richards	\$7,739.94
Greg Yackley	\$7,739.94
Caleb Shepherd	\$7,739.94
<u>SALARIED PERSONNEL</u>	
Susan Lamb, Auditor & Election Director	\$45,802.16
Lynette Murphy, Register of Deeds	\$45,591.26
Helen Jane Paxton, Treasurer	\$45,599.58
JJ Schall, Highway Supt	\$65,671.32
Susan Lamb, Highway Secretary	\$ 6,895.98
Emily Sovell, States Attorney	\$50,897.08
Bill Stahl, Sheriff	\$64,740.00
Curt Olson, Deputy Sheriff & 911 Coordinator	\$49,142.60
Paula Barber, Weed & Pest Supervisor	\$ 6,180.20
<u>FEE BASED PERSONNEL</u>	
Curt Olson, Emergency Management Director	\$9,004.06
<u>DEPT HEAD</u>	
<u>HOURLY PAY RATE</u>	
Janet Schmahl, GIS/911 Addressing/Planning & Zoning Administrator	\$24.23
Leanne Loesch, Director of Equalization	\$18.12

SULLY COUNTY BOARD OF COMMISSIONERS  
DECEMBER 30, 2021

HIGHWAY DEPARTMENT

HOURLY PAY RATE

Tony Bender	\$22.15
LeRoy Braun	\$20.98
Tim Gruis	\$19.63
Edward Hauser	\$21.24
Ron LaFurge	\$22.15
Rodney Mennenger	\$21.58
Jon Morris	\$19.63
Bryan Murphy	\$19.65
Kevin Paxton	\$21.37
Brett VanWinsen	\$20.98
Charles Weischedel	\$22.34
Permanent - 0-6 Months	\$17.97
Permanent – 6 months (\$.55 per hour increase)	\$18.52
Temporary	\$15.00

CLERICAL

Kelli Stephens, Deputy Auditor & Highway Secretary	\$18.96
Karla Kerr, Deputy Treasurer & Deputy ROD	\$15.32
Desiray Nelson, States Attorney Secretary	\$16.71
Permanent (1040 Or More Hrs/Yr) 0-6 Months	\$14.02
Permanent (1040 Or More Hrs/Yr) 6 months (\$.85 per hour increase)	\$14.87
Permanent/Part-time (1040 or More Hrs/Yr) 0-6 Months	\$14.02
Permanent/Part-time (1040 or More Hrs/Yr) 6 months (\$.85 per hour increase)	\$14.87
Permanent/Part-time (More than 1040 but less than 1355)	\$14.02
Permanent/Part-time (More than 1040 but less than 1355)	\$14.92
Temporary (Less Than 1040 Hrs/Yr)	\$10.96

CUSTODIAL PERSONNEL

Kyle Murphy, Custodian	\$14.44
------------------------	---------

SHERIFF

Casey Hight, Deputy	\$20.83
Permanent (1040 Or More Hrs/Yr 0-6 Months) Certified	\$18.44
Permanent (1040 Or More Hrs/Yr) 6 month (\$.55 per hour increase)	\$18.99
Permanent (1040 Or More Hrs/Yr) 0-6 Uncertified	\$17.96
Permanent (1040 Or More Hrs/Yr) 6 month (\$.55 per hour increase)	\$18.51
Temporary (Less Than 1040 Hrs/Yr) Certified	\$17.43
Temporary (Less Than 1040 Hrs/Yr) Uncertified	\$15.82

CORONER (Per Case)

Jane Pitlick	\$125.00
--------------	----------

BOARD MEMBERS (Per Meeting Attended)

Weed & Pest	\$50.00
Planning & Zoning	\$50.00

All full-time employees are eligible for longevity pay which will vary based on years of service. Longevity pay is approved by County Commission Board and is a part of the adopted Sully County personnel handbook.

All wage scales are subject to amendment and change by the Board of County Commissioners at any time upon proper resolution.

Commissioner Richards moved to adopt the resolution and Commissioner Shepherd seconded the motion.

VOTING AYE

William Floyd  
Caleb Shepherd  
Joe Fanger

Greg Yackley  
Jerry Richards

VOTING NAY

None

ABSENT AND NOT VOTING

None

SULLY COUNTY BOARD OF COMMISSIONERS  
DECEMBER 30, 2021

Motion passed and resolution adopted this 30th day of December, 2021

s:/Greg Yackley, Chairman

ATTEST: (SEAL)

s:/Susan B. Lamb, Sully County Auditor

COURTHOUSE SPRINKLER SYSTEM: Following lengthy discussion by Bd regarding courthouse maintenance costs & 2022 County Budget motion by Shepherd, second by Yackley to approve the J. Morin Landscape estimate of \$15,396.42 for an underground sprinkling system. Roll Call Vote – Floyd-aye, Shepherd-aye, Fanger-nay, Yackley-aye, Richards-nay. Motion carried 3-2.

BUDGET SUPPLEMENT: Motion by Fanger, second by Shepherd to approve Supplement Budget Resolution. Unanimous vote aye.

RESOLUTION 2021-36  
FOR SUPPLEMENTAL BUDGET

WHEREAS, it is necessary to supplement the 2021 Annual Budget in order to carry on the indispensable functions of Sully County; and

WHEREAS, the adoption of the proposed Supplemental Budget was duly considered by the Sully County Commission on the 30th day of December, 2021, at 8:45 am, in the Court Room, pursuant to due notice.

NOW THEREFORE BE IT RESOLVED, by the Sully County Commission that the following Supplemental Budget be, and the same is, hereby approved for the purpose of providing budget to conduct the indispensable functions of Government, to-wit:

From General Fund to the following budget:

229-434-429.21 Domestic Abuse-Missouri Shores \$ 150.00

From Road & Bridge Fund Cash to the following budgets:

201-750-454.00 Wheel Tax Distribution \$ 81.39

201-810-441.00 Debt Service/Lease Principal \$ 28,363.35

201-810-442.00 Debt Service/Lease Interest \$ 7,316.44

Commissioner Fanger moved to adopt the resolution and Commissioner Shepherd seconded the motion.

VOTING AYE

Greg Yackley

Joe Fanger

Caleb Shepherd

William Floyd

Jerry Richards

VOTING NAY

None

ABSTAINING AND NOT VOTING

None

Motion passed and resolution adopted this 30th day of December, 2021.

s:/Greg Yackley, Chairman

Attest: (SEAL)

s:/Susan B. Lamb, Auditor

HWY PURCHASE REQUEST: Motion by Richards, second by Floyd to approve the purchase request of \$42,000 for culvert linings from Subsurface Inc. Unanimous vote aye.

HWY DEPT: Hwy Supt Schall discussed easements, haul road agreements, bridge east of Agar, upcoming CDL rule & Hwy job advertising.

SURPLUS TRAILER: No bids were received for the trailer. Bd instructed Hwy Supt Schall to sell if possible.

AUTOMATIC BUDGET SUPPLEMENTS: Motion by Fanger, second by Shepherd to approve the following automatic budget supplement to 201-0-343.19 Other in the amount of \$10,531.37. Unanimous vote aye. Motion by Shepherd, second by Fanger to approve the following automatic budget supplement from 201-0-343.19 Other to 201-311-425.20 Highway Reprs-Highway Contracts in the amount of \$10,531.37. Unanimous vote aye. Motion by Richards, second by Shepherd to approve the following automatic budget supplement to 201-0-334.99 State Grants in the amount of \$18,921.92. Unanimous vote aye. Motion by Floyd, second by Fanger to approve the following automatic budget supplement from 201-0-334.99 State Grants to 201-311-425.20 Highway Reprs-Highway Contracts in the amount of \$18,921.92. Unanimous vote aye. Motion by Richards, second by Shepherd to approve the following automatic budget supplement to 295-0-335.99 Other State Shared Revenue in the amount of \$28,320.00. Unanimous vote aye. Motion by Shepherd, second by Richards to approve the following automatic budget supplement from 295-0-335.99 Other State Shared Revenue to 295-311-422.00 Rural Access Infrastructure Prof Serv in the amount of \$23,320.00. Unanimous vote aye.

SULLY COUNTY BOARD OF COMMISSIONERS  
DECEMBER 30, 2021

PRE-DISASTER MITIGATION PLAN UPDATE: David Reiss informed Bd that CSDED is in draft formation stage of the project. They met with town board of Agar on November 22<sup>nd</sup> & held the final public outreach mtg gathering pertinent mitigation input. They will continue to draft language for the plan & will be forwarding a first draft of the plan to the planning team in the next month & a half.

EXECUTIVE SESSION: Motion by Fanger, second by Shepherd to go into Executive Session for personnel SDCL 1-25-2(1). Unanimous vote aye. Motion by Shepherd, second by Fanger to come out of Executive Session SDCL 1-25-2(1). Unanimous vote aye.

SDPAA INTERGOVERNMENTAL CONTRACT: Motion by Shepherd, second by Richards to approve the Intergovernmental Contract with SDPAA. Unanimous vote aye.

EXECUTIVE SESSION: Motion by Floyd, second by Shepherd to go into Executive Session for poor relief SDCL 1-25-2(3). Unanimous vote aye. Motion by Richards, second by Fanger to come out of Executive Session SDCL 1-25-2(3). Unanimous vote aye.

POOR RELIEF REVIEW ON REMAND: Bd met with Mr. Robert Nelson, attorney for Avera St. Mary's, Mr. Ryan Vogel, attorney for Sully County, & States Attny Sovell to hold hearing on poor relief cases. Sarah Petersen, who contracts with Sully Co on poor relief, joined by videoconference. States Attny Sovell informed Nelson that it was the intention of Bd to table the claims for JM (SYAI7813, SL0164691404, SYAK6463, SYAP0818, SL0164977878 & SYAN7217) while waiting for DSS medical review & accumulating information on residency. Vogel stated regarding KM claim that Bd had received & reviewed 12/16/2021 letter & attachments from Nelson. Bd had also received & reviewed 12/21/2021 letter & attachments from Vogel. Nelson addressed Bd regarding KM claim. Based on everything received and reviewed, and presented, Vogel recommended that Bd deny KM claim based on the Notice of Hospitalization failing to provide the estimated reimbursement for the services as required by SDCL 28-13-34.1(7). Motion by Floyd, second by Shepherd to deny KM claim based on the Notice of Hospitalization failing to provide the estimated reimbursement for the services as required by SDCL 28-13-34.1(7). Unanimous vote aye. Vogel stated regarding JR claim that Bd had received & reviewed 12/16/2021 letter & attachments from Nelson. Bd had also received & reviewed 12/21/2021 letter & attachments from Vogel. Nelson addressed Bd regarding JR claim.

EXECUTIVE SESSION: Motion by Fanger, second by Shepherd to go into Executive Session for poor relief SDCL 1-25-2(3). Unanimous vote aye. Motion by Richards, second by Shepherd to come out of Executive Session SDCL 1-25-2(3). Unanimous vote aye.

POOR RELIEF REVIEW ON REMAND: Chmn Yackley asked Petersen to clarify household size, ACA rates & open enrollment. Petersen submitted a 2014 ACA calculator document for review. Based on everything received and reviewed, and presented, Vogel recommended Bd deny JR's claim based on SDCL 28-13-37. JR was not lying sick or in distress in Sully County at the time Sully County was notified 10 days later as shown by the Notice of Hospitalization. JR had a friend take him to Avera St. Mary's Hospital and was clearly not transported by Sully County as shown by the letter submitted by the Onida Ambulance Service. Vogel also stated that Petersen affidavit showed that JR was not medically indigent as JR was indigent by design based on SDCL 28-13-27(6)(d) in that JR had the ability & means to purchase health insurance through the Affordable Care Act but failed to do so. Motion to deny based on SDCL 28-13-37 & 28-13-27(6)(d) made by Shepherd, second by Floyd. Unanimous vote aye.

LEGAL: States Attny Sovell discussed legal issues with Bd.

EXECUTIVE SESSION: Motion by Shepherd, second by Fanger to go into Executive Session for personnel SDCL 1-25-2(1). Unanimous vote aye. Motion by Shepherd, second by Fanger to come out of Executive Session SDCL 1-25-2(1). Unanimous vote aye.

CLAIMS: Motion by Floyd, second by Richards to approve claims. Unanimous vote aye. A&B Business Solutions 69.93 Maint, American Solutions for Business 16.20 Supl, AT&T Mobility 268.11 Phone, BIT Resource Billing 33.50 Prof Serv, Brosz Engineering Inc 28320.00 Prof Serv, Capital One Bank 44.97 Supl, Cardmember Service 808.78 Supl, Floyd's Truck Center 144.64 Reprs, Grand Jury \$365.12 Prof Serv, Gunderson Palmer Nelson Ashmore 49.50 Prof Serv, Inland Truck Parts Co 1584.25 Supl, Kimball Midwest 751.13 Supl, Lamb Chevrolet & Implement Inc 683.75 Supl, Lamb Discount Supply 159.35 Supl, Lamb Motor Co Inc 32.67 Supl, Rodney Mennenger 175.47 Supl, Missouri Shores 150.00 Collections, Morris Inc 281.35 Supl, NAPA Auto Parts 44.94 Supl, Sarah Petersen Consulting 228.75 Prof Serv, Powerplan 616.53 Supl, Janet Schmahl 33.64 Supl, SD Assoc of Co Commissioners 196.20 Approp, SD Department of Trans 2496.06 Prof Serv, SD Federal Property Agency 190.00 Supl, Servall Uniform/Linen Co 289.10 Rent, Shane's Pharmacy 236.40 Jail Med, Sovell Oil, Inc 11501.25 Fuel, Sovell Law Office 200.00 Util, Stanley County 15976.45 Prof Serv, Transource 1013.00 Supl, Vanguard Appraisals, Inc 38747.00 Prof Serv, Venture Communications 1144.22 Util, Verizon Wireless 103.88 Phone, Wind Circle Network Inc 75.95 Prof Serv, Zander Auto Parts Inc 699.85 Supl

DECEMBER WAGES Salaries by Office: Comrs 5677.39; Aud 11,764.53; Treas 9108.62; States Attny 11,035.53; Cthse 4634.88; DOE 5609.20; Reg of Deeds 9112.35; GIS 6574.83; Sheriff 24,764.06; Weed & Pest 757.66; P&Z 1131.10; Highway 80,206.32; Emg Mgt 1379.44.

MTG DATES: The next meeting will be Tues, January 4<sup>th</sup> at 7:30 am.

SULLY COUNTY BOARD OF COMMISSIONERS  
DECEMBER 30, 2021

ADJOURNMENT: There being no further business, Chairman Yackley declared the mtg adjourned at 12:45 pm.

*Susan B. Lamb*  
Susan Lamb, Sully County Auditor

**JAN 4 - 2022**

Approved

*Greg Yackley*  
Greg Yackley, Chairman

Seal of the County Auditor  
Sully County, South Dakota  
Susan Lamb, Auditor  
No Commission