

SULLY COUNTY BOARD OF COMMISSIONERS
JULY 5, 2016

The Board of Sully County Commissioners held their regular scheduled mtg on Tues, July 5, 2016. Chmn Bill Floyd called the mtg to order. Other members present: Jerry Richards, Judy Pullman, Joe Fanger & Beverly Zebroski.

Also in attendance was States Attny Emily Sovell.

LEGAL ISSUES: States Attny Sovell advised the Bd on legal matters.

BUDGET: Bd reviewed the 2017 States Attny budget with Sovell.

GOED GRANT: Marlene Knutson of Central SD Enhancement reviewed the quarterly report with Bd for the GOED grant.

SITE ANALYSIS: Marlene Knutson, Andrew Brick & John Coppack of Central SD Enhancement & David Skaggs of SD Dept of Ag presented the Rural Development Site Analysis for Sully County to Bd.

HWY DEPT: Bd looked at Mack semi that was brought down by Eric Hammell of Sheehan-Mack, Aberdeen, SD. Supt Wolforth updated Bd on hwy projects. Bd also reviewed Hwy Budget for 2017.

SURPLUS: Motion by Richards, seconded by Zebroski to surplus the 2005 International Truck. Unanimous vote aye.

TIF DISTRICT: Walt Wendland requested a TIF District be formed to include the road to the ethanol plant. Motion by Zebroski, seconded by Richards to approve the resolution to begin this process. Roll call vote: Zebroski-aye, Fanger-nay, Pullman-aye, Richards-aye, Floyd-aye. Motion carried 4-1.

RESOLUTION 2016-13

RESOLUTION OF SUPPORT FOR FORMATION OF TAX INCREMENTAL DISTRICT
NUMBER ONE, SULLY COUNTY, SOUTH DAKOTA

WHEREAS, Ringneck Energy, LLC has approached the County Commission, Sully County, South Dakota (the "County") to request formation of Tax Incremental District Number One, Sully County, South Dakota (the "District"); WHEREAS, the County, has the powers, pursuant to SDCL 11-9-5, to create the District and to define its boundaries; and WHEREAS, the County recognizes that formation of the District has the potential to promote growth and economic vitality, create jobs, and finance construction of new public infrastructure within Sully County.

NOW THEREFORE BE IT RESOLVED Sully County, South Dakota declares its support for formation of Tax Incremental District Number One, Sully County, South Dakota pursuant to SDCL Chapter 11-9, and directs the Sully County Planning and Zoning Commission to begin the formal process of formation of the District. Further, the County finds that the improvements of the area within the District are likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within Sully County.

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

VOTING AYE

s:/William Floyd

s:/Beverly Zebroski

s:/Judy Pullman

s:/Jerry B. Richards

VOTING NAY

s:/Joe Fanger

ABSENT AND NOT VOTING

Motion passed and resolution adopted this 5th day of July, 2016.

ATTEST: (Seal)

s:/Susan B. Lamb, Auditor

EXTENSION: Donna Bitteker, SDSU Extension, discussed new agreement with Sully County and SDSU. Motion by Richards, seconded by Zebroski to approve agreement. Unanimous vote aye.

DOE: Bd reviewed 2017 DOE budget. Deputy Rausch informed the Bd of her certification status. DOE Wilcox informed the Bd that a reappraisal would need to be done within the next 3 years.

RECESS: The Bd recessed at 12:10 & reconvened at 1:00.

INSURANCE: Mike Owens, Sandy Brown and Shane Lehrkamp of Fischer, Rounds discussed County's liability & property insurance. They requested permission to quote the insurance. Bd approved.

EXECUTIVE SESSION: Motion by Zebroski, seconded by Fanger to go into Executive Session SDCL 1-25-2(3). Unanimous vote aye. Motion by Fanger, seconded by Floyd to come out of Executive Session SDCL 1-25-2(3). Unanimous vote aye.

BUDGETS: Bd reviewed 2017 budgets with Sheila Ring, Janet Schmahl, Helen Jane Paxton, Peggy Johnson, Curt Olson, Susan Lamb and Paula Barber.

STEP INCREASE: Aud Lamb informed Bd of step increase for DOE Karen Wilcox of \$.30 on July 8th.

OPERATING TRANSFER: Motion by Richards, seconded by Pullman to approve an operating transfer of \$200,000 to the Hwy Fund and \$10,000 to the 911 Fund. Unanimous vote aye.

ALCOHOLIC BEVERAGE & HUNTING PRESERVE ALCOHOLIC BEVERAGE LICENSES: Motion by Zebroski, seconded by Floyd to approve the Hunting Preserve Liquor License for Paul Nelson Farm Inc. Unanimous vote aye. Motion by Richards, seconded by Floyd to approve the One Day Alcoholic Beverage License for the Agar Fire Dept. Roll Call vote: Fanger-nay, Pullman-aye, Richards-aye, Floyd-aye, Zebroski-aye. Motion passed 4-1.

DESIGN BUILD: Motion by Richards, seconded by Pullman to pursue, using the design build process, improvements to

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their facilities' dynamic systems (HVAC, electrical, etc.) because of the critical need for design/construction coordination, and the interrelation of such improvements with existing systems. Motion carried 4-1.

RESOLUTION 2016-12

RESOLUTION TO ADOPT DESIGN-BUILD PROCEDURES AND PUBLISH
REQUEST FOR QUALIFICATIONS (RFQ)

WHEREAS Sully County adopts the design-build procedures set forth, and will publish request for qualifications in accordance with 5-18A, as required by 5-18B to pre-qualify potential design-builders, and

WHEREAS the Design Build Procedures are as follows:

Performance criteria developer (PCD) designation or selection, and preparation of the performance criteria:

a.)The County shall appoint the PCD, with preference given to County staff with the expertise and ability. If a staff member is not capable, a design professional with experience in the area of expertise, and who has worked with the County in the past, shall be considered. If a design professional who has experience cannot be identified, an ad shall be placed to solicit services for a PCD. This PCD will be selected, via qualification-based criteria formulated by the County prior to publishing the ad.

b.)Performance criteria shall be developed to adequately define the project and protect the County's long-term interest. These criteria will be developed by the PCD, reviewed and modified as necessary by County staff, and then be approved via a County Board resolution.

2.Request for proposals (RFP) contents and preparation:

a.)The contents of the RFP shall adequately define the project and include, at a minimum, the requirements set forth in 5-18B.

b.)RFPs shall be prepared by the PCD, reviewed and modified as necessary by County staff, and then be approved via a County Board resolution. It is expected that approval of the performance criteria and the RFP shall be done concurrently, via approval of the RFP. If a preferred design builder has been pre-qualified, in accordance with 5-18B, the RFP shall not require information provided in response to the Request for Qualifications.

3.Qualifying or Pre-Qualifying Design Builders:

a.)Design Builders shall be qualified or pre-qualified using a qualification-based criteria formulated by the County and include, at a minimum, the requirements of 5-18B. These qualifications shall require compliance with all applicable laws and codes.

b.)Qualified design builders must be able to demonstrate the implementation of similar projects and provide customer contacts where these projects were implemented.

4.Design Builder proposal submission and preparation:

a.)The RFP or Request For Qualifications (RFQ) shall identify the format in which the proposals will be submitted. This standard format will expedite the evaluation and selection process.

b.)The RFP or RFQ shall state the time and place that these documents are due.

c.)The RFP or RFQ shall be advertised in accordance with the provisions of 5-18B, as required by law.

Evaluation of Proposals:

a.)Prior to evaluating any proposal or letter of interest, the County shall determine that the respondent has submitted information that meets the requirements of the RFP or RFQ, and that the information has been provided in the prescribed format.

b.)Proposals meeting the prescribed requirements and format shall be forwarded to the PCD. The PCD will then determine if the proposal complies with the performance criteria, and provide written documentation of that opinion. The PCD may consult with the respondent to clarify or determine aspects of the proposal, as necessary.

c.)Once the PCD has given written notice that the proposal meets or exceeds the performance criteria, the County can then consider acceptance of the proposal.

d.)The County will then use the qualification-based criteria set forth in the RFP or RFQ to select a preferred design builder.

6.Negotiations and Safeguards:

a.)In accordance with the provisions of 5-18B, the County shall not share any proprietary information provided by any of those submitting proposals or letters of interest.

b.)The County shall negotiate the final terms and conditions of the proposal with the selected Design Builder. This negotiation process would allow the County to consider minor changes in scope, or alternate options to better serve the County's needs and/or financial situation.

c.)After the final terms and conditions have been determined, the County shall develop a formal recommendation, with respect to the Design Build contract, for consideration by the County Board.

7.Award and Execution of Contract:

a.)The County Board shall act on a resolution to award or deny the Design Build contract. In the event the contract is denied, the County, with direction from the County Board, shall attempt to re-negotiate the scope and terms of the

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contract to better match the County Board's requirements.

b.)The resolution to award the contract shall specify the County's agent(s) who will be responsible for signing the Design Build contract documents. The County shall have all contract documents reviewed by the County's legal counsel prior to executing the final contracts.

8.Award and Execution of Contract in the Event of a Public Emergency:

a.)In the event of a public emergency, the County may, at its discretion, use this Design Build process to procure a solution to address the emergency. Dependent upon the urgency of the matter, and as allowed by law, this process may be altered in order to address the issue in a more timely fashion.

9.Formal Protests:

a.)Any formal protest received, relating to the solicitation and/or award of the design build contract, shall be reviewed by the county, and the County Board advised of the protest.

b.)The PCD shall be consulted, as deemed necessary.

c.)The County's legal counsel shall be consulted, as deemed necessary.

d.)After collecting the information necessary, and consulting with the parties deemed necessary, the County shall form an action plan to address the protest.

e.)The action plan shall be shared with the County Board, and action taken as deemed appropriate by the County Board.

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

VOTING AYE

VOTING NAY

s:/William Floyd

Joe Fanger

s:/Beverly Zebroski

s:/Judy Pullman

ABSENT AND NOT VOTING

s:/Jerry B. Richards

Motion passed and resolution adopted this 5th day of July, 2016.

ATTEST: (Seal)

s:/Susan B. Lamb, Auditor

CONTINGENCY TRANSFER: Motion by Pullman, seconded by Zebroski to approve the contingency transfer needed for the Mentally Ill and Mental Illness Board. Unanimous vote aye.

RESOLUTION 2016-14
CONTINGENCY TRANSFER

WHEREAS, insufficient appropriation was made in the 2016 adopted budget for the following departments to discharge just obligations of said appropriations; and

WHEREAS SDCL 7-21-32.2 provides that transfers be made by resolution of the board from the contingency appropriation established pursuant to SDCL 7-21-6.1 to other appropriations;

THEREFORE BE IT RESOLVED that the appropriation be transferred from the contingency budget to the following budgets: Mentally Ill 101-441-422.00 \$380.48, 101-441-429.13 \$760.00; Mental Illness Board 101-445-422.00 \$1203.98;

Commissioner Pullman moved to adopt the resolution and Commissioner Zebroski seconded the motion.

VOTING AYE

VOTING NAY

William Floyd

Beverly Zebroski

Joe Fanger

ABSTAINING AND NOT VOTING

Judy Pullman

Jerry B. Richards

Motion passed and resolution adopted this 5th day of July, 2016.

s:/William Floyd, Chairman

Attest: (SEAL)

s:/Susan Lamb, Auditor

EMERGENCY MANAGEMENT GRANT: Motion by Richards, seconded by Zebroski to approve the 2016 Emergency Management Performance Grant Subaward Agreement. Unanimous vote aye.

MINUTES: Motion by Zebroski, seconded by Floyd to approve the minutes of the Bd of Commissioners from June 9, 2016. Unanimous vote aye.

FUEL QUOTES: The following are fuel quotes received for the month of July & approved. Sovell Oil-unleaded fuel-2.24; diesel #2-1.81. A monthly inventory listing was also reviewed of fuel used by the Co in the month of June.

CLAIMS: Motion by Fanger, seconded by Pullman to approve the following claims except the claim from Don's Food for the DOE. Roll Call vote: Pullman-aye, Richards-aye, Floyd-nay, Zebroski-aye, Fanger-aye. Motion carried 4-1.

A & B Business, Inc 459.67 Supl, Agar-Blunt-Onida School Dist 13500.00 Approp, Asphalt Paving & Materials Co 5537.78 Supl, AT&T Mobility 138.32 Phone, Avera St Mary's Hospital 1000.00 Equip, B & B Equipment Inc 50492.10

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Supl, Brown County Auditor 25.00 Prof Serv, Butler Machine Co Inc 2824.13 Supl, Capital Area Counseling Serv 362.50 Approp, Capital One Bank 1597.16 Supl, Century Link 163.24 Util, Cole Papers Inc 487.37 Equip, Colonial Research Chemical Inc 173.59 Supl, Connecting Point/Ultra Inc 11165.20 Prof Serv, Dakota Farm & Ranch Supply Inc 55.98 Supl, Dakota Oil 190.90 Supl, Don's Food Center 54.62 Supl, Eddie's Truck Sales Inc 1163.69 Supl, Election Systems & Software 1158.04 Supl, Eric's Custom Repair 53.49 Supl, Farnam Genuine Parts, Inc 685.86 Supl, Grossenburg Implement Inc 377.31 Supl, Handy Hitch 1196.10 Supl, Inland Truck Parts Co 175.00 Supl, Inmans Water Technologies 51.00 Supl, Rent, Integrated Weed Control 375.00 Supl, Lamb Chevrolet & Implement Inc 263.64 Supl, Lamb Discount Supply 461.75 Supl, Lamb Motor Co Inc 202.24 Supl, Lyle Signs Inc 446.81 Supl, Mark McDonald 52.99 Supl, McLeod Printing 22.51 Supl, Rory Mennenger 28.56 T&C, Mid-Dakota Rural Water System 80.00 Util, Moreno, Lee & Bachand 36.80 Prof Serv, Morris Inc 3171.68 Supl, Nye Lumber 46.57 Supl, Oahe Electric Co-op Inc 240.12 Util, Oahe Inc 375.00 Approp, Olinger, Lovald, McCahren & 736.98 Prof Serv, City of Onida 576.93 Util, Onida Watchman, Inc 211.89 Publ, Darlis D Perry 120.00 Prof Serv, Phoenix Center 70.00 Rent, Danielle Rausch 40.00 T&C, Rockmount Research & Alloys 1002.32 Supl, SD Public Assurance Alliance 507.00 Ins, SD Assoc of Assessing Officers 300.00 Prof Serv, Servall Uniform/Linen Co 244.12 Rent, Siebrasse Law Office P.C. 45.20 Prof Serv, Sovell Oil, Inc 16109.16 Supl, Sovell Law Office 289.32 Phone, Stewart & Daughters Inc 127.68 Supl, Sully Co Fair Board 5000.00 Approp, Venture Communications Coop 1285.82 Phone, Verizon Wireless 564.88 Phone, Vilas Health Care 2.37 Supl, Warne Chemical & Equipment Co 461.89 Reprs, Western Communications Inc 150.00 Rent, Karen Wilcox 118.47 T&C
JUNE WAGES Salaries by Office: Comrs 4936.21; Aud 7706.48; Treas 6718.07; States Attny 7156.70; Cthse 3377.21; DOE 7823.11; Reg of Deeds 5593.36; GIS 4122.90; Sheriff 15,566.16; Weed & Pest 7120.78; Planning & Zoning 211.21; Highway 59386.34; Emg Mgt 630.55.

ACCOUNT WITH THE TREASURER AS OF 06/30/16

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| Cash on Hand | 715.40 |
| Checks on Hand | 9,901.18 |
| NSF Checks | 0 |
| Cash Items | 20.00 |
| Sunrise Bank Dakota NOW | 4,993.93 |
| Sunrise Bank Dakota MMDA | 1,768,590.65 |
| BankWest Checking | 3,880.13 |
| BankWest MMDA | 1,525.57 |
| INVESTMENTS | |
| Sunrise Bank Dakota | 1,111,396.18 |
| BankWest | |
| Total Cash Balance | 2,901,023.04 |
| Total Assets in Custody of County as of 06/30/16 | |
| County Amount | 2,707,704.06 |
| Amounts Held For Other Gov | 193,318.98 |
| Amounts Held For Others | 0 |
| Total Assets | 2,901,023.04 |

SALARY CONVERSION: Motion by Richards, seconded by Floyd to convert the salary for the DOE & GIS/Planning & Zoning from salary to hourly wages. Unanimous vote aye.

EXECUTIVE SESSION: Motion by Fanger, seconded by Pullman to go into Executive Session SDCL 1-25-2(3). Unanimous vote aye. Motion by Richards, seconded by Zebroski to come out of Executive Session SDCL 1-25-2(3). Unanimous vote aye. Motion by Fanger, seconded by Zebroski to go into Executive Session SDCL 1-25-2(3). Unanimous vote aye. Motion by Richards, seconded by Fanger to come out of Executive Session SDCL 1-25-2(3). Unanimous vote aye.

MTG DATES: The next regular mtg for Bd of Commissioners will be Tues, Aug 2nd at 8:30 am.

ADJOURNMENT: There being no further business, Chairman Floyd declared the mtg adjourned.

Susan Lamb, Sully County Auditor

Approved

William Floyd, Chairman

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