

**HANSON COUNTY COMMISSIONERS**  
**MINUTES OF PROCEEDINGS**  
**Tuesday, October 3, 2023**

Chairman Waldera with members Bumgardner, Fox, Kjetland and Schoenrock present, called the regular meeting of the Hanson County Board of Commissioners to order on Tuesday, October 3, 2023.

The pledge of allegiance was recited.

Motion Schoenrock, seconded by Fox to approve the agenda. Motion carried.

No conflict of interest.

Motion Bumgardner, seconded by Kjetland to approve the September 19<sup>th</sup> meeting minutes. Motion carried.

Commissioner Bumgardner reported on the informational Dakota Counseling meeting he attended. Plans for a new building and gaining more Board members were discussed.

No citizens input.

The Auditor's account balanced with the Treasurer's account in the amount of \$3,305,801.72 in all county, state, civil, school, CD and trust accounts as of September 30, 2023.

The Register of Deeds reported \$4,192.25 in fees collected for September 2023.

Eric Prunty, Brosz Engineering, presented the official notice of award for signing which awards BX Civil & Construction, Dell Rapids, SD as contractor for the preservation of the Old Mill Road Bridge. This was approved by the Board on September 19<sup>th</sup> contingent on the State.

Motion Schoenrock, seconded by Bumgardner to accept Brosz Engineering proposal of \$125,585.00 as Project Manager and authorized Chairman Waldera to sign said agreement. All voted aye, motion carried. This cost is also included in the 80/20 grant.

A decision regarding the Beulah Township H & H studies will need to be decided and Brosz will put together an estimate and project plan for 257<sup>th</sup> St., west of Alexandria, to be presented at a future meeting.

Motion Kjetland, seconded by Schoenrock to recess Board of Commissioners to conduct business as the Drainage Board. All voted aye, motion carried.

Reconvene Board of Commissioners.

As advertised, a public meeting was held on the updates to the Hanson County Five-Year Road & Bridge Plan. The plan is required to receive Bridge Improvement Grants. Motion Kjetland, seconded by Schoenrock to approve the Five-Year plan pending several updates and corrections for 2024 which will be reflected in the final draft available for public inspection after October 15th. All voted aye, motion carried.

Michael Bishop, spoke about his concerns with the 4-H Youth program in Hanson County. As this program contributes to the growth and development of our youth, he and others feel this is a valuable program and would like more county funding and involvement. Kassie Merek, President of 4-H Leaders Assoc., spoke to reiterate more county involvement for a better program and funding and possibly restructuring the program in Hanson County. Commissioner Kjetland will attend the meeting on Monday, October 9<sup>th</sup> at 7:00 p.m. to discuss our program and Youth Advisor with the State.

States Attorney, Jim Davies, presented the following Nuisance resolutions for approval.

Motion Kjetland, seconded by Bumgardner that the following resolution be adopted:

Resolution 23-07

BE IT RESOLVED by the Board of Commissioners that the following Resolution be adopted:

1. That the property described in Paragraph #2 is hereby declared a public nuisance.
2. That the state's attorney is authorized and directed on behalf of Hanson County to take such steps as are necessary, to include filing a lawsuit in Hanson County Circuit Court to abate the nuisance and bring the property into compliance with zoning conditional use requirements, and assess the cost thereof to the real estate and parties insofar as the law allows, against the real property legally described as:

[A] "The Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), including Lots One (1), Two (2) and Three (3) of the Southwest Quarter (SW1/4), Section Three (3) of Township One Hundred Two North (102N), Range Fifty-nine West (59W) of the 5<sup>th</sup> PM."

[B] "Lot Four (4) of the Southeast Quarter (SE1/4), Section Three (3) of Township One Hundred Two North (102N), Range Fifty-nine West (59W) of the 5<sup>th</sup> PM."

[C] "Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), Less Metz Tract 1, Section Four (4) of Township One Hundred Two (102), Range Fifty-nine (59).

3. That legal action shall commence against all legal interest title holders in the above-described property and financial interest holders in the conditional use permit.

4. That the property constitutes a public nuisance as defined in the Hanson County Zoning Ordinance #18, as amended, by terms set forth at Article XX, Section 2005, and acts amendatory thereof and supplemental thereto.

5. That the property and the operations conducted thereon are in violation of the Hanson County Zoning Ordinance and constitutes a public nuisance as defined in the Hanson County Zoning Ordinance section described above and additional sections thereof for the following reasons:

[A] The following items in the Conditional Use Permit have not been complied with:

[1] pre-existing operations have been expanded without compliance with other terms of the Conditional Use Permit;

[2] there is no haul road agreement submitted to the county that the county has approved;

[3] there are instances where the 24-hour notice of blasting has not been given to adjoining landowners;

[4] emergency contact information has not been provided to the required county offices;

[5] there was to be no further expansion of mining operations within the required set back areas; and

[6] required mitigation of existing conditions on the south wall of the pit (north side of the adjoining highway) has not been completed and approved; and

[7] Road maintenance has been lacking.

6. The county either has given or will give notice on an order and a notice to Cease and Desist or otherwise cure the conditions present on the property to the record owner of the property. If the record owner of the property fails to abate or otherwise cure the nuisance conditions, it will be necessary for the county to move forward with legal action.

Dated: October 3, 2023

Votes For: 5, Votes against:0

Motion carried.

Motion Schoenrock, seconded by Bumgardner that the following Resolution be adopted:

Resolution 23-08

BE IT RESOLVED by the Board of Commissioners that the following Resolution be adopted:

1. That the property described in Paragraph #2 is hereby declared a public nuisance.

2. That the state's attorney is authorized and directed on behalf of Hanson County to take such steps as are necessary, to include filing a lawsuit in Hanson County Circuit Court to abate the nuisance and bring the property into compliance with zoning requirements, and assess the cost thereof to the real estate and parties insofar as the law allows, against the real property legally described as:

"Lots Nine (9) and Ten (10) in Section Eighteen (18), Township One Hundred Three (103) North, Range Fifty-nine (59), West of the 5<sup>th</sup> P.M., Hanson County, South Dakota."

3. That legal action shall commence against all legal interest title holders in the above-described property and financial interest holders in any conditional use permit.

4. That the property constitutes a public nuisance as defined in the Hanson County Zoning Ordinance #18, as amended, by terms set forth at Article XX, Section 2005, and acts amendatory thereof and supplemental thereto, for the following reasons:

[A] The prior conditional use permit for this property has expired as of February 2023;

[B] All prior clean-up and plans to bring this property into compliance were on a property layout and on a plan and schedule proposed by the landowner and conditional use holder;

[C] The landowner and conditional use permit holder has not complied with the terms of the conditional use permit nor with the terms as agreed with the Hanson County Zoning Board; and

[D] The property remains in violation of the zoning ordinance provisions and is a public nuisance as defined therein.

5. The county either has given or will give notice or an order and a notice to Cease and Desist or otherwise cure the conditions present on the property to the record owner of the property. If the record owner of the property fails to abate or otherwise cure the nuisance conditions, it will be necessary for the county to move forward with legal action.

Dated: October 3, 2023

Votes for: 5, Votes against: 0

Motion carried.

It was moved by Kjetland, and seconded by Schoenrock that the following resolution be adopted:

Resolution 23-09

BE IT RESOLVED by the Board of Commissioners that the following Resolution be adopted:

1. That the property described in Paragraph #2 is hereby declared a public nuisance.
2. That the state's attorney's office is authorized and directed on behalf of Hanson County to take such steps as are necessary, to include filing a lawsuit in Hanson County Circuit Court to abate the nuisance and bring the property into compliance with zoning conditional use requirements, and assess the cost thereof to the real estate and parties insofar as the law allows, against the real property legally described as:

"Survey Replat of Lot A of D.M. Smith First Addition in The Southwest Quarter (SW1/4), Section Five (5), Township One Hundred Two North (102N), Range Fifty-eight West (58W) of the 5th P.M., Hanson County, South Dakota."

3. That legal action shall commence against all legal interest title holders in the above-described property and financial interest holders in any conditional use permit.
4. That the property constitutes a public nuisance as defined in the Hanson County Zoning Ordinance #18, as amended, by terms set forth at Article XX, Section 2005, and acts amendatory thereof and supplemental thereto, for the following reasons:

[A] Accumulation of junk, trash and garbage on the property constitute a nuisance under the terms of the ordinance.

5. The county either has given or will give notice or an order and a notice to Cease and Desist or otherwise cure the conditions present on the property to the record owner of the property. If the record owner of the property fails to abate or otherwise cure the nuisance conditions, it will be necessary for the county to move forward with legal action.

Dated: October 3, 2023  
Votes for: 4, Votes against: 1  
Motion carried.

It was moved by Schoenrock, and seconded by Bumgardner that the following resolution be adopted:

Resolution 23-10

BE IT RESOLVED by the Board of Commissioners that the following Resolution be adopted:

1. That the property described in Paragraph #2 is hereby declared a public nuisance.
2. That this is anticipated to be, but is not required to be, a joint proceeding and effort between Hanson County, SD, and the City of Alexandria.
3. That the state's attorney is authorized and directed on behalf of Hanson County to take such steps as are necessary, to include filing a lawsuit in Hanson County Circuit Court to abate the nuisance and bring the property into compliance with state law and

with the City of Alexandria Zoning Ordinance and assess the cost thereof to the real estate and parties insofar as the law allows, against the real property legally described as:

“Lots Three (3), Four (4), Seven (7), Eight (8) and Nine (9), Block Fourteen (14), Original Plat of the Town, now City, of Alexandria, Hanson County, South Dakota, according to the plat filed March 29, 1880, in Book A2, page 264 in the office of the Register of Deeds of Hanson County, South Dakota.”

4. That any legal action shall commence against all legal interest title holders in the above-described property and financial interest holders in the conditional use permit.

5. That the property constitutes a public nuisance as defined in under the terms off South Dakota laws based on the following:

- [A] structures on the property are unmaintained and in a state of disrepair;
- [B] rats have been seen on and near the property;
- [C] skunks have been seen on and near the property;
- [D] there are accumulations of junk, trash and garbage on the property and the lawn area is poorly kept.

6. The city of Alexandria and the county either has given or will give notice on an order and a notice to Cease and Desist or otherwise cure the conditions present on the property to the record owner of the property. If the record owner of the property fails to abate or otherwise cure the nuisance conditions, it will be necessary for the county to move forward with legal action.

Dated: October 3, 2023

Votes for: 5, Votes against: 0

Motion carried.

Eugene Waldner, Flow Rite, presented a quote of \$5,454.09 to replace, repair and secure the rain gutters on the courthouse. The Courthouse expense budget will be reviewed and a decision on this will be made on October 17<sup>th</sup>.

Motion Kjetland, seconded by Schoenrock to approve and authorize the Auditor to conduct an auto supplement to the Sheriff's budget, for grant funds received, in the amount of \$19,467.40. Motion carried.

Motion Kjetland, seconded by Fox to approve and authorize the Auditor to electronically sign the WIC (Women, Infants and Children) agreement with the state for reimbursement of clerical expenses for the months of June through September. All voted aye, motion carried. A new contract will be presented indicating a state representative will be present in Hanson County one day a month to serve WIC clients.

Motion Kjetland, seconded by Fox to enter executive session at 10:57 a.m. to discuss personnel defined in SDCL 1-25-2.1. Motion carried.

Executive session ended at 11:45 a.m.

Motion Kjetland, seconded by Bumgardner to set Ronnie Roth's salary as Hwy Superintendent at \$62,000.00 retroactive to September 19, 2023 and Drainage Administrators yearly salary at \$1,500.00; Shannon Tegethoff as Drainage Administrator Secretary, \$1,500.00 a year. All voted aye, motion carried.

Motion Fox, seconded by Kjetland to approve A PLAT OF BARTSCHER TRACT 1, A SUBDIVISION OF THE NE4 OF THE SE4 OF SECTION 5, T102N, R59W OF THE 5<sup>TH</sup> P.M., HANSON COUNTY. Motion carried.

Motion Kjetland, seconded by Schoenrock to approve A PLAT OF TRACT 1 OF TERVEEN'S ADDITION IN THE SW4 OF SECTION 1, T101N, R57W OF THE 5<sup>TH</sup> P.M., HANSON COUNTY. Motion carried.

Motion Bumgardner, seconded by Fox to approve A PLAT OF LOTS 5 & 6, BLOCK 1, PRAIRIE HILLS ESTATES IN THE SW4 OF 8, T103N, R59W OF THE 5<sup>TH</sup> P.M., HANSON COUNTY. Motion carried.

Motion Kjetland, seconded by Fox to allow payment of the following bills. Motion carried. DEPT. SALARIES: Commissioners: 2,169.06, Auditor: 3,517.66, Treasurer: 5,730.35, States Attorney: 3,025.90, Custodian: 2,209.57, Director of Equalization: 5,554.46, Register of Deeds: 3,198.81, Sheriff: 10,468.49, Nurse Clerical: 813.17, Extension: 1,418.36, Drainage: 134.55, Planning & Zoning: 476.81, Highway: 10,334.13, E911: 82.67, Emergency & Disaster: 333.37. BILLS: A&B, 89.25, copier lease; Abacus, 973.23, virtual server; Addy, 186.00, garbage; AT&T, 524.63, cell bills; Best Western, 101.00, lodging; BIT, 59.00, email, access fee; Claims Associates, 5,000.00, Dakota Constructors lawsuit deductible; Commercial Asphalt, 587.65, patch mix; Jennifer Craig, 214.00, meals; Davison County Sheriff, 100.00, jail bill; Caroline Hansen, 595.83, stae fair reimbursement; Heartland Ag, 360.00, repairs; McLeod's, 264.12, checks; Med-Tech, 431.71, medical supplies; Menard's, 107.02, spray, supplies; City of Mitchell, 1,250.00, ambulance contract; Office Advantage, 264.50, copier lease, headset; State of SD, 5,914.80, yearly health nurse; On Sight, 526.81, camera lease, monitoring; Christi Pierson, 321.54, meals, gas; Quill, 140.96, paper; Safety Benefits, 75.00, registration; Santel, 30.00, 911 fees; Dept of Public Safety, 2,712.00, teletype; SD DOT, 17,943.75, bridge inspection, progress billing; SD LTAP, 125.00, registration; Sturdevant's, 690.89, filters, oil; Tessier's, 351.57, repairs; Thune's, 22.99, supplies; Visa, 73.42, postage, ice; Wex, 1,840.83, gas; Brandon Wingert, 203.00, mileage, meals; Xcel, 1,635.22, electricity.

Being as there was no further business for the day it was moved by Bumgardner, seconded by Schoenrock to adjourn until Tuesday, October 17, 2023. All voted aye, motion carried.

Richard Waldera, Chairman  
Hanson County Board of Commissioners

ATTEST:

Lesa Trabing, Auditor

(SEAL)

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