

HANSON COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
Tuesday, November 21, 2023

Chairman Waldera with members Fox, Kjetland and Schoenrock present, called the regular meeting of the Hanson County Board of Commissioners to order on Tuesday, November 21, 2023. Bumgardner was absent.

The pledge of allegiance was recited.

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

No conflict of interest.

Motion Fox, seconded by Schoenrock to approve the November 7th meeting minutes. Motion carried.

No citizen input or Board reports.

Ronnie Roth, Hwy Superintendent, joined for further discussion on improving the condition of 257th St. west of Alexandria and the grants available to do so. Commissioner Waldera expressed his concern with 257th St. but the consensus of the Board is to wait and see what, if anything, happens to the road after the soybean plant is up and operating due to the expense involved.

Motion Kjetland, seconded by Fox to recess Board of Commissioners to conduct business as the Drainage Board. Motion carried.

Reconvene Board of Commissioners.

Brandon Wingert, Sheriff, presented the Lake County Jail Agreement for approval. Motion Schoenrock, seconded by Kjetland to approve and authorize the Chairman to sign the agreement. All voted aye, motion carried. Price per day is \$90.00.

Motion Kjetland, seconded by Fox to approve and authorize the Auditor to conduct an auto supplement of \$2,527.32 to the Sheriff's budget with grant funds received. All voted aye, motion carried.

Nick Neilson, 4-H Leader, was present for the agenda item scheduled to determine the 4-H Youth Advisor's position in Hanson County. A motion by Kjetland, seconded by Fox to approve a full time 4-H Youth Advisor in Hanson County and revisit the secretarial position after the full time position has been filled. All voted aye, motion carried.

Motion Fox, seconded by Schoenrock to approve and adopt the updated Hanson County Personnel Manual effective today. All voted aye, motion carried. A new copy will be distributed to all employees.

Mike Maxwell presented the 2024 Avera Health Insurance renewal rates. The renewal reflects a small decrease in premiums. Other possible options were reviewed and a decision on the health insurance renewal will be made prior to December 15, 2023.

Jim Davies, States Attorney, presented the final Hart Clay Lease agreement for signing. This agreement was approved at the September 7, 2023 meeting.

Motion Kjetland, seconded by Schoenrock to approve the corrective resolution previously passed as 23-07. All voted aye, motion carried.

Corrective Resolution No. 23-12

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

1. This resolution is adopted to amend previously adopted Resolution 23-07, and to correct the legal description used in Resolution 23-07.
2. That the property described in Paragraph #2 is hereby declared a public nuisance.
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 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 Four (4) of Township One Hundred Two North (102N), Range Fifty-nine West (59W) of the 5th PM."
 - [B] "Lot Four (4) of the Southeast Quarter (SE1/4), Section Four (4) of Township One Hundred Two North (102N), Range Fifty-nine West (59W) of the 5th PM."
 - [C] "Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), Less Metz Tract 1, Section Five (5) of Township One Hundred Two (102), Range Fifty-nine (59).
4. 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.
5. 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.
6. 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.

7. 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: November 21, 2023.

/s/ Richard Waldera, Chairman
Board of Commissioners

ATTEST:
/s/Lesa Trabing
Hanson County Auditor
(SEAL)

Motion Kjetland, seconded by Schoenrock to approve the corrected resolution previously passed as 23-10. All voted aye, motion carried.

Corrective Resolution NO. 23-13

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

1. This resolution is adopted to amend previously adopted Resolution 23-10, and to correct the legal description used in Resolution 23-10.

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

3. 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.

4. 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), 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."

5. 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.

6. 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.

7. 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: November 21, 2023.

/s/Richard Waldera, Chairman
Board of Commissioners

ATTEST:

/s/Lesa Trabing
Hanson County Auditor
(SEAL)

Davies reviewed the laws pertaining to culvert installation and maintenance in driveways on County roads. Due to the many different scenarios, Davies and the Hwy Superintendent will draft a policy that will explain if the installation and/or maintenance of a driveway culvert on a county road is the landowner's responsibility or the county's.

Davies will continue to work on a determination for the tree at the Fulton corner that may be in the County ROW and the DSU Security Assessment.

Davies clarified that turkeys are livestock and that ordinance #38 does apply to turkey manure. Ordinance #38 can be found on Hanson County's website, www.hansoncounty.net, under the Commissioners tab.

Motion Kjetland, seconded by Schoenrock to allow payment of the following bills. Motion carried. DEPT. SALARIES: Commissioners: 2,169.05, Auditor: 3,904.62, Treasurer: 5,925.57, States Attorney: 3,025.76, Custodian: 2,209.56, Director of Equalization: 5,349.60, Register of Deeds: 3,198.69, Sheriff: 10,247.52, LEPC: 220.01, Nurse Clerical: 1,094.45, Extension: 1,418.34, Drainage: 140.04, Planning & Zoning: 476.76, Highway: 19,658.15, E911: 82.67, Emergency & Disaster: 332.56. BILLS: Auto Zone, 108.80, bulbs, supplies; Thomas Brown, 16.91, washer fluid; CHS, 115.57, gas; Lawson, 94.61, ear plugs; Lexis Nexis, 179.10, court rules; McLeod's, 1,081.74, mortgage books, envelopes; Menard's, 239.20, ice melt, supplies; Mitchell Ambulance, 786.00, jail medical; Nepstad's, 61.60, funeral plant; New Century Press, 78.72, publishing; Northwestern Energy, 89.27, heat; Office Advantage, 2,718.36, hardware lease, managed services, copies; On Sight, 678.31, camera lease, monitoring; Pro-Vision, 2,527.32, body cameras (grant reimburse); Quill, 69.99, supplies; Gary Schoenrock, 200.43, mileage; SDAAO, 150.00, dues; Tessier's, 487.60, filters; Two Way Solutions, 150.00, programming; Verizon, 64.78, cell bill; Visa, 746.78, chair mats, gas, lodging, subscription; Xcel, 302.56, electricity.

Being as there was no further business for the day a motion by Schoenrock and seconded by Fox to adjourn until Tuesday, December 5, 2023. All voted aye, motion carried.

Richard Waldera, Chairman
Hanson County Board of Commissioners

ATTEST:
Lesa Trabing, Auditor
(SEAL)

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