

May 5, 2020

The Miner County Board of Commissioners met in regular session May 5, 2020 via Microsoft Teams Meeting. Members present: Roger Wentland, Garrett Gassman, Tom Reisch, Voni Durant and Alex Protsch. Absent: none. Also joining the meeting included Tami Severson, Miner Twp. Clerk Gibi Page, and Chuck Blain. Chairman Wentland called the meeting to order. The Pledge of Allegiance was recited. Motion by Reisch, seconded by Gassman and carried to approve the agenda. The minutes of the April 27th meeting were approved. No conflict of interest was declared.

The Auditor's account with the County Treasurer showed an April 30, 2020 balance of \$9,313,836.66 in all state, county, civil, school, and trust accounts.

It was moved by Protsch, seconded by Gassman and carried to authorize the auditor to pay the following claims: Road & Bridge \$41,064.65, Wellmark \$40,504.20, Delta Dental \$1,385.56, Kansas City Life \$420.31, Retirement \$5,840.24, OASI \$8,810.69, Commissioners \$4,430.75, Auditor \$7,332.50, Treasurer \$6,850.75, States Attorney \$5,667.75, Govt Building \$2,872.00, Director of Equalization \$7,296.31, Register of Deeds \$6,619.28, Vet Service \$893.00, Sheriff \$11,321.80, Contract Law \$4,215.38, Welfare \$472.80, Co Nurse \$1,326.00, Ambulance \$8,889.95, WIC \$90.25, Extension \$1,326.00, Weed \$1,195.25, Dispatch \$10,624.55, Emergency Mgt \$2,219.75 **APR PAYROLL**; Ron Kremppes \$14.00 **TRAVEL**; SD Dept. of Revenue \$600.00 **MENTALLY ILL PATIENT CARE** (April) Cloverleaf Farmers Coop c/o Don Hofer \$1,117.71 **TAX ABATEMENT REFUND**; Alliance \$150.00, Triotel \$167.53 **911 CHARGES**; SD Office of Child & Family Services \$1,602.64 **CO NURSE PAYMENT TO STATE**; SD DOT \$22,973.16 **CONTRACTED MAINTENANCE**; Xcel Energy \$22.67 **ELECTRICITY**; Ultra \$2,404.98 **EQUIPMENT**; HFCA \$82.65 **FUEL**; Northwestern Energy \$708.29 **GAS SERVICE**; Kennedy, Pier, Loftus & Reynolds \$160.60, Minnehaha Co \$38.00 **MENTAL ILLNESS HEARING EXPENSE**; Miner Co Treasurer \$39.00, Office Peeps \$23.91, SD Federal Property Agency \$1,354.00 **PANDEMIC SUPPLIES**; Miner Co Treasurer \$13.44 **POSTAGE**; Miner County Pioneer \$538.20 **PUBLISHING**; Cummins Sales and Service \$770.40, Homestead \$51.99, Infotech \$250.00, James Valley Landscape \$689.34, Office Peeps \$53.04, Kent Terwilliger \$68.54, Ultra \$1,336.50, Wingen's Garage \$145.95 **REPAIRS**; 3D Specialties \$1,942.00, Homestead \$600.40 **ROAD MATERIALS**; Greg Protsch \$900.00 **STATE'S ATTY OFFICE EXPENSE ALLOWANCE**; Lexis Nexis \$149.00 **SUBSCRIPTION**; 3D Specialties \$287.22, All States Ag Parts \$133.99, Bright Arrow Technologies \$200.00, C&R Supply \$220.90, Mike Clary \$35.00, Gall's \$40.49, Homestead \$34.87, Krug Products \$8.31, Miner Co Treasurer \$338.15, Office Peeps \$265.96, Rockmount Research \$295.59, Tami Severson \$20.00, Ultra \$737.50 **SUPPLIES**; Alliance \$867.62, Colleen Arens \$30.00, AT&T \$291.08, Century Link \$14.28, Tami Severson \$30.00 **TELEPHONE**; Kent Terwilliger \$330.88 **TRAVEL**; City of Howard \$1,425.83 **UTILITIES**;

It was moved by Reisch, seconded by Protsch and carried to authorize the auditor to make an automatic supplement to the 911 budget for funds (\$7142.86) received from the State of South Dakota's settlement agreement with Nextegen, TCS and Comtech.

Treasurer Pat Carmon joined the meeting to inform the board on a request from Judy Shaw for an extension of tax payments for the Howard Hotel and Conference Center during this COVID-19 crisis. She also requested if the board knew of other resources that could assist her. The board acknowledged and denied her request.

The board recessed as a Board of Commissioners and reconvened as a Planning & Zoning Board acting as the Board of Adjustments. Chairman Protsch called the meeting to order. A hearing was held as advertised to consider an application for a variance from the zoning ordinance from Charles Blain to build a storage building utilizing existing footings located 19' from the adjoining property which is closer than current zoning allows (50' from adjoining parcels is the setback) in the parcel described as NW4NE4 of Section 16, T107N, R58W, Miner Township, Miner County, South Dakota.

Present telephonically for the hearing was Zoning Administrator Tami Severson, Charles Blain and Miner Township Clerk Gibi Page. Charles Blain explained that he is applying for the variance to construct a building utilizing existing footings that were poured in 2018. At that time, he had not applied for a building permit. Once it was brought to his attention that the building was in violation of Miner County Zoning Ordinance setback requirements, he relocated the building to a different site. It is now necessary to construct another storage shed and he would like to utilize the footings that are already present. This area lies higher than the surrounding land. Zoning Administrator informed those present that a letter had been received from Doyle Crane, who is the adjoining landowner. Mr. Crane stated he did not believe that the variance should be granted due to lack of obtaining a building permit when the footings were poured. Crane also wrote that if a building permit had been obtained Mr. Blain would have been aware of the setbacks. Wentland asked if snow could be an issue for the adjoining land owner. Blain indicated that a building could cause snow issues, but that it was 300' from a road. Reisch was concerned that the adjoining land owner had an objection to granting the variance.

It was moved by Gassman and seconded by Durant to approve the variance application of Charles Blain. Further discussion included the board asking Blain if he had contacted Mr. Crane to resolve the issue of the setback compliance. Gassman asked options for tabling his motion. After research was completed on how to handle the matter of postponing the hearing, Mr. Blain indicated that he preferred not to bring Mr. Crane into the variance matter and therefore asked the board to vote on the matter as is. Chairman Protsch called for a roll call vote. Voting aye: none. Voting nay: Gassman, Durant, Wentland, Reisch and Protsch. The application of Charles Blain is denied.

The board considered issuance of malt beverage licenses to operate outside of a municipality for the 2020-2021 licensing period. It was moved by Durant, seconded by Protsch and carried to approve the Retail (on-off sale) malt beverage license application for CC & F Retail Inc. (Jake's Corner) for Tract A of Bessman's First Addition NW ¼ Section 12-106-55 Clearwater Township. It was moved by Durant, seconded by Protsch and carried to approve the retail (on-off) sale malt beverage license application for Sandy Scheuren (Coonhunter Inn) for Lot 1 of Lot 3 SW ¼ Section 34-105-57, Rock Creek Township.

Highway Superintendent Ron Kremppges joined the meeting telephonically to review highway matters. Wentland thanked Kremppges and the highway workers for the exceptional job they completed cleaning up the property on the east side of the 4-H grounds. Kremppges informed the board of road projects and equipment repairs that his department has completed. He made a request to purchase a new pup-trailer. This piece of equipment was not included in the 2020 budget; therefore, the commission denied his request. The end of September Kremppges is hoping to hold a county surplus sale. The City of Howard may be interested in the county's steel faced packer. Kremppges will bring more information on this to the next meeting.

Joining the meeting telephonically included: Jessica Charles, Gibi Page, Sandy Scheuren, Karla Neises, Tami Severson and Karla Neises. Governor Noem's "SD Back to Normal Plan" was discussed. Commissioner Protsch reviewed the actions taken by the Howard City Council allowing bars and restaurants located within the city limits to reopen with restrictions. Commissioner Reisch commented that he believes restricting the businesses to 10 patrons would be too restrictive. Enforcement of these recommendations was also discussed. Reisch stated he would like to see a resolution adopted with recommendations but if those recommendations are not being followed, an ordinance could be adopted to allow for fines to be implemented.

It was moved by Reisch, seconded by Gassman to rescind Resolution 20-11 and Ordinance 2020-02 effective immediately. Voting aye: Reisch, Gassman, Protsch, Durant and Wentland.

It was moved by Reisch and seconded by Protsch to adopt the following resolution.

RESOLUTION 20-14

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus COVID-19 disease to be a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency; due to the COVID-19 Virus pandemic; and

WHEREAS, on March 13, 2020 the Governor of the State of South Dakota has declared a public health emergency caused by the impending threat of COVID-19 to the people of the State and the public's peace, health and safety; and

WHEREAS, on April 28, 2020, the Governor of the State of South Dakota has declared a Back to Normal Plan for South Dakota for the people of this state and the public's peace, health and safety; and

WHEREAS, on May 5, 2020, the Miner County Board of Commissioners met in regular session to discuss the COVID-19 Pandemic and local health issues;

NOW THEREFORE BE IT RESOLVED, by the Miner County Board of Commissioners that due to the potential for rapid community spread and transmission of the COVID-19 virus the following recommendations be followed:

Restaurants, food courts, cafes, bars, and other places of public accommodation offering food and beverage may resume operations in a manner that allows for physical distancing, good hygiene and appropriate sanitation, with the following restrictions:

1. The maximum occupancy of patrons shall be 20 (does not include workers)
2. A minimum of 6 ft between patrons that are not of the same family unit
3. Follow good hygiene and sanitation practices as published by the CDC

All other businesses not specifically mentioned in this resolution are strongly encouraged to implement CDC guidelines and recommendations, to include social distancing and sanitation guidelines in their place business.

This resolution does not alter any of the obligations under law of an employer affected by this resolution to its employees or to the employees of another employer.

That this resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of Miner County and shall become effective immediately upon passage.

This resolution shall stay in effect until repealed.

Voting aye: Reisch, Protsch, Gassman, Durant and Wentland. Voting nay: none.

Resolution adopted this 5th day of May 2020.

Roger Wentland, Chairman
Miner County Board of Commissioners

Attest: Susan Connor, Miner County Auditor

Those department heads joining the meeting informed the commission of their request to leave in place the courthouse hours and public access as set by Resolution 20-13. The board agreed to keep limited access by the public to county offices as set in that resolution. On Monday, May 11th, all county employees will be called back to work so that county offices can operate with a full staff. Commissioners recommend that all employees practice those guidelines set by the CDC and abide by the 6-foot separation recommendation.

Having no further business, the meeting adjourned until May 19th. Dated this 5th day of May, 2020.

Roger Wentland, Chairman
Miner County Board of Commissioners

Attest: Susan Connor, Miner County Auditor