

**SPINK COUNTY COMMISSION PROCEEDINGS
REDFIELD, SOUTH DAKOTA**

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, March 11, 2008, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Craig Johnson, Jerry Zerbel and Kenneth Buchholz, who attended the meeting by speakerphone. Chairman D. Albrecht opened the meeting with the Pledge of Allegiance.

ADOPT AGENDA

Motion was made by Johnson, seconded by Buchholz, to adopt the agenda with the addition of Garrit Dykstra, Wilbur-Ellis Air, LLC. All members voted aye. Motion carried.

MINUTES APPROVED

Motion was made by J. Albrecht seconded by Johnson, to approve the minutes of March 4, 2008. All members voted aye. Motion carried.

Garrit Dykstra, Wilbur-Ellis Air, LLC, met to request that a lien be released against property that Wilbur-Ellis Air, LLC wishes to purchase from Krech Dakota Airspray, Inc. The property had been deeded to Krech Dakota Airspray, Inc. since the lien was incurred with no title search completed.

RESOLUTION TO RELEASE LIEN (#27-08)

WHEREAS, the records of the Spink County Register of Deeds and Spink County Auditor show a County Assistance Lien against xx. xxx xxxxxx in the amount of \$1,953.00, dated 7/17/73 through 9/4/73 and,

WHEREAS, such lien appears against Lots 9 and 10, Block 3, Original Plat, Turton, Spink County, South Dakota, therefore,

BE IT RESOLVED by the Spink County Board of Commissioners that the lien be released against the above-described property.

BE IT FURTHER RESOLVED that the County Assistance Lien remains in effect against any other property belonging to xx. xxx xxxxxx.

A motion was made by Johnson, seconded by J. Albrecht, that the above Resolution be adopted. All members present voted aye. Motion carried.

Dated this 11th day of March 2008 at Redfield, South Dakota.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Deputy Auditor
Spink County, South Dakota

Vic Fischbach, State Attorney, answered questions regarding the Avera settlement offer and will look into a past settlement offer to see if a dismissal due to lack of prosecution is possible. Fischbach also filed letters regarding other questions presented to him by the Commissioners.

2008 Average Land Values for Spink and Hand Counties from the Director of Equalization Office were given to the Commissioners.

JANUARY 2008 BUILDING PERMITS/REMOVALS FILED

Bierman, Jarod	Northville	Thomas B-8, Lots 2-3	replace windows & sheetrock
Davis, Clark & Rosa	Lodi	W 1/2 SW 1/4 of 5-116-63	36x60 new home with 3 stahl garage
Steger, Melissa	Redfield	E 185.25' of lots 5 & all B-2 Christensen's Add in 15-116-64	remodel bathroom
Christman, Sean & John	Redfield	Packards 3rd B-9, Lots S 25' of 16 & all 17	bldg to be destroyed in in Summer of '07
Whitley, Richard & Jane	Tulare Town	Original B-6, Lots 23-24	county destroying building
Town of Tulare	Tulare Town	Original B-7, L W 29' of 5 all 6	county destroying building

Emmanuel Mennonite Church	Antelope	Emm. Mem Church platted area church tract 1 in 11-114-61	new carpet
O'Donnell, Bill	Groveland	NE 1/4 NE 1/4 of 35-117-65	pole frame, dirt floor, Morton building
Artz, Dave & Kristi	Buffalo	NW 1/4 of 31-114-65	new kitchen cupboards, replace cupboards in 2 bathrooms, possible three seasons room
United Feeders	Belle Plaine	N 1/2 SW 1/4 ex Lot H-1 in 18-116-61	remodel interior of horse barn #1, new concrete floor, insulate & finish, new furnace/ac
Graham, John	Northville	Snearleys 1st B-1, lots 1-3 & OL 16 & vac W 150' of alley N or OL 1 - Mansfield	remodel interior & reside
Schroeder, James	Crandon	SW 1/4 including Schroeder's tract 1	remodel basement
M & J Farms	Antelope	SW 1/4 34-114-61, Tschetter Lot 1 in SE & SW	Morton machine shed 60x120x16 dirt floor, cold storage, might finish basement, steps
Watson, Michael Variance Approved 1-22-08	Belmont	SE 1/4 of 11-114-63	put feed bunks in existing fence line
Schroeder, Keith Variance Approved 1-22-08	Crandon	E 1/2 NW 1/4 of 8-115-63	12x30x9 shell for work area
Wipf, Blain	Antelope	SE 1/4 of 14-114-61	Burned down Jan. 2008
Marshall, Vince & Ellen Kay	Lodi	S 1/2 NE 1/4 of 5-116-63	30x52 governor's home addn & grg, basement under 24x72
Bixler Lan	Lincoln	SE 1/4 of 31-115-62	moved MH to Beadle County
Hausvik, Randy	Turton	SE 1/4 of 3-118-60	moved in a 12x24 shed, not on permanent foundation
Van Vleet, Kurt	Redfield	NE 1/4 of 35-116-64	repair barn, replace windows, new wood siding, redo roof to steal, moving #15 & LS bldg also moving #13 & 14
Boomsma, LeAnn	Tulare Town	Orig. B-6, Lots 13-15	finish basement
Zambo, Densley	Conde	NW 1/4 of 14-120-60 (LS)	buildings #1, 2 moved to Day Co.,
City of Doland	Doland Town	WTL B-14 Lots 13 & 14	putting a Governor's home on lot
Gillespie, George	Doland Town	Shumway RE S-D, B-15 Lots 1-2	moving in grg from Garrit Dykstra
Williamson, Melvin	Doland Town	Original B-7, Lots 20-21	insulate walls & E & W side of shop
Gillespie, George	Doland Town	Shumway RE S-D, B-15 Lots 1-2	moving a grainery building from Gilbert Imms 31-117-60
Gillespie, George	Doland Town	Shumway RE S-D, B-15 Lots 1-2	moving in a MH from Doug Swanson's in Clark Co. for repairs & remodeling

FEBRUARY 2008 BUILDING PERMITS/REMOVALS FILED

Hansen, Mario	Exline	Lots 6,7 or W 1/2 SW 1/4 of 6-116-65	20x20 storage shed
LaBrie, Ardis	Conde Town	Herman's 1st B-2, L-1	putting on gutters
North Western Energy-Utility Telecoms Dept	Redfield	Outlot A of gov't Lot 4 in NW 1/4 of 2-116-64	constructing a 165' telecommunications tower for private internal communications use
Dvorak, Wilbur	Three Rivers	SE 1/4 of 25-117-64	remodel interior

Tom Leinen, Highway Superintendent, presented a list of inventory to be declared surplus and stated load limit signs are being posted on County roads.

SURPLUS PROPERTY DECLARED

Motion was made by Zerbel, seconded by Buchholz, to declare the following equipment as surplus and to be used for parts.

Etnyre Chip Spreader

All members voted aye. Motion carried.

Jeff O’Daniel, Athol Township, with Leinen present, met to discuss a couple of issues the township is currently dealing with and made a request for the Code Enforcement Officer to assist in resolving the issues. The Commissioners advised Athol Township to contact Mike Yost, Code Enforcement Officer, and work with him directly.

O’Daniel and Lyle Peterson, Northville Township, discussed a drainage issue with Snake Creek in Athol Township and requested assistance from the County to replace the current culvert and the possible addition of another culvert. Leinen will assess the situation and report back to the Commissioners.

Motion was made by Johnson, seconded by J. Albrecht, to set March 25, 2008, at 9:30 AM, and April 8, 2008, at 9:30 AM, for hearings to receive input concerning the adoption of a revised CAFO Ordinance. All members voted aye. Motion carried

NOTICE OF PUBLIC HEARING ON REVISED CAFO ORDINANCES

NOTICE IS HEREBY GIVEN that the Spink County Commissioners will hold a public meeting to receive input concerning Spink County’s proposed adoption of the following revised regulations: Appendix D Concentrate Animal Feeding Operation Ordinances. The hearing will be held in the Commissioners’ Chambers at the Spink County Courthouse in Redfield at 9:30 a.m., Tuesday, March 25, 2008.

Copies of the proposed revised ordinances are available for public review during normal business hours in the offices of the County Auditor and the Equalization Office.

Notice is further given that any person, or persons, who are interested in the approval or rejection of such revisions, or their attorney, may appear and be heard at said scheduled public hearing.

Dated this 11th day of March, 2008, at Redfield, South Dakota.

Cindy Schultz, Auditor
Spink County, South Dakota

One Publication: March 12, 2008

NOTICE OF PUBLIC HEARING ON REVISED CAFO ORDINANCES

NOTICE IS HEREBY GIVEN that the Spink County Commissioners will hold a public meeting to receive input concerning Spink County’s proposed adoption of the following revised regulations: Appendix D Concentrate Animal Feeding Operation Ordinances. The hearing will be held in the Commissioners’ Chambers at the Spink County Courthouse in Redfield at 9:30 a.m., Tuesday, April 8, 2008.

Copies of the proposed revised ordinances are available for public review during normal business hours in the offices of the County Auditor and the Equalization Office.

Notice is further given that any person, or persons, who are interested in the approval or rejection of such revisions, or their attorney, may appear and be heard at said scheduled public hearing.

Dated this 11th day of March, 2008, at Redfield, South Dakota.

Theresa Hodges, Deputy Auditor
Spink County, South Dakota

One Publication: March 26, 2008

Motion was made by Zerbel, seconded by Johnson, to set March 25, 2008, at 10:00 AM, for a hearing to consider a petition to rezone. All members voted aye. Motion carried

NOTICE OF PUBLIC HEARING ON REZONING REQUEST

A Public Hearing will be held during the Spink County Commissioners meeting at 10:00 A.M. on March 25, 2008 in the Commissioners' Room, Spink County Courthouse, Redfield, South Dakota, to consider the following request.

Petition to Rezone a one acre piece from Agricultural to Commercial for Lance Fuhrman & Willie Dvorak located in the NW1/4 except Lots H-2, H-3, H-4 and H-5 and except a 25 acre parcel in the E1/2 NW1/4 and including a part of Lot B in 2-119-64 to build storage units. (Spink County Zoning Ordinance Title 17.07)

Notice is further given that any person, or persons, who are interested in the approval or rejection of such application, or their attorney, may appear and be heard at said scheduled public hearing.

Dated this 11th day of March, 2008, at Redfield, South Dakota.

Cynthia Schultz, Auditor
Spink County, South Dakota

One Publication: March 12, 2008

Motion was made by Johnson, seconded by Zerbel, to advertise the notice of County Board of Equalization to begin on Tuesday, April 8. All members voted aye. Motion carried.

NOTICE OF MEETING OF COUNTY EQUALIZATION BOARD

SDCL 10-11-25

NOTICE IS HEREBY GIVEN that the Board of County Commissioners, sitting as a County Board of Equalization of Spink County, South Dakota, will meet in the Commissioners' Chambers in said County on Tuesday, the 8th day of April, 2008, (being the second Tuesday in April) for the purpose of reviewing, correcting and equalizing the assessment of said County for the year 2008.

The Board will also meet on April 15th, 2008 and any other dates as deemed necessary between April 08, 2008, and April 24 2008, for the same purpose.

All persons considering themselves aggrieved by said assessment are required to submit written notice to the County Auditor no later than April 1st, 2008.

Cindy Schultz
Spink County Auditor

Deputy Auditor presented an application for abatement on a property because there was no structure or land to assess.

ABATEMENT OF TAXES

Motion was made by J. Albrecht, seconded by Zerbel, to approve tax abatement #2008-5 for \$280.05 on Lot 29 Leinen's Outlot 1, Redfield City, due in 2008. All members voted aye. Motion carried.

REPAYMENT OF TAXES AGREEMENT

Motion was made Johnson, seconded by J. Albrecht, to accept partial payments of taxes on Outlots N 110' of 66, Redfield City, due at \$100.00 on the 15th of each month and continuing until balance is paid in full together with the accrued interest, as authorized by SDCL 10-21-7. All members present voted aye. Motion carried.

Deputy Auditor updated the Commissioners on the current work schedule of an employee who is on Workman's Compensation and informed them that a certificate of liability insurance had been filed by Cody Schultz for use of the Fairgrounds in August 2008. Also mentioned was the upcoming Relay for Life fundraiser planned and permission was asked for use of the Commissioners' Chambers. The Commissioners agreed for the ongoing use of the Commissioners' Chambers for the fundraisers, providing they do not conflict with other scheduled events.

Darlene Bergeleen and Kayla Tinker, SD Department of Health, met to discuss the WIC clerical contract for the FY 2009. Handouts were given addressing facts of the WIC program in Spink County and Statewide and the changes that will be taking place on how the County is reimbursed, with questions being asked about the program and how certain situations will be reimbursed.

Kelli Blume, Kenneth Blume and Dane Lambert, Frankfort Fire Department, met to discuss SDCL 34-31A-8. The group also filed lists of signatures from Lodi Township (east one third) and from the Frankfort Fire Association rejecting the move from the Frankfort Fire Department to the Redfield Fire Department.

HIGHWAY SUPPLY AND WEED CHEMICALS BIDS OPENED

Spink County Commissioner – March 11, 2008

At 11:00, time set by public notice, bids for the purchase of highway supplies, rental equipment, hauling for the period of April 1, 2008 through April 1, 2009 and weed chemicals were opened and read. Tom Leinen, Highway Superintendent, Richard Dunsmore, Highway Mechanic/Supervisor, and Mike Esser, Weed Supervisor, were present. Copies of all bids and specifications are on file in the Auditor's Office and the Highway Department and open for inspection during normal working hours.

Motor Grader Blades

Bids were opened for motor grader blades with the following bidder: Huron Culvert & Tank Co., Huron, SD.

Hot Mix

Bids were opened for Hot Mix with the following bidders: Asphalt Paving & Materials Company, Huron, SD, and Lien Transportation Company, Aberdeen, SD.

Road Oil

Bids were opened for Road Oil with the following bidders: Flint Hills Resources, LP, Marshall, MN and JEBRO Inc., Sioux City, IA.

Concrete Pipe and Concrete Bridge Materials

Bids were opened for a one-year supply of reinforced concrete pipe and pre-cast concrete bridge, all sizes with the following bidder: Cretex Concrete Products West, Inc., Rapid City, SD.

Magnesium Chloride

Bids were opened for a year's supply of magnesium chloride, delivery made F.O.B. wherever needed in Spink County with the following bidder: Z & S Dust Control Systems, Rapid City, SD.

Pea Rock

Bids were opened for approximately 5000 tons of Type 1B Pea Rock with the following bidder: Northern Con-Agg, Inc, Plymouth, MN.

Pea Rock Hauling

Bids were opened for the hauling of stockpiled pea rock approximately 80 miles to project site within Spink County by June 30, 2008, with the following bidders: James Zens, Redfield, SD, Beckler Construction, Redfield, SD, Williamson Trucking, Doland, SD, and Odland Constuction & Gravel, Redfield, SD.

Loading and Hauling Gravel

Bids were opened for the loading and hauling of gravel with the following bidders: Beckler Construction, Redfield, SD, Hanlon Brothers, Verdon, SD, Odland Construction & Gravel, Redfield, SD, James Zens, Redfield, SD, and Williamson Trucking, Doland, SD.

Road Maintenance/Construction Equipment Rental

Bids were opened for Road Maintenance/Construction Equipment Rental for services of road equipment for construction or maintenance repair of roads and bridges with the following bidders:

Hollaway Construction Co (Crane Service)	Mitchell, SD
Beckler Construction (Track Excavator and additional equipment)	Redfield, SD
Lien Transportation Company (Track Excavator and additional equipment)	Aberdeen, SD

Motion was made by Johnson, seconded by Zerbel to take the recommendations of the Highway Superintendent and accept the following bids:

Motor Grader Blades	Huron Culvert & Tank Co.
Hot Mix	Asphalt Paving & Material Co. and Lien Transportation Co.
Road Oil	Flint Hill Resources, LP
Concrete Pipe, Concrete Bridge Material	Cretex Concrete Products West, Inc.
Magnesium Chloride	Z & S Dust Control Systems
Pea Rock	Northern Con-Agg, Inc
Construction Equipment Rental	Hollaway Construction Co, Beckler Construction and Lien Transportation Company

All members voted aye. Motion carried.

Weed Control Chemical

Bids were opened for weed control chemical with the following bidders: UAP Distribution Division IV, Spearfish, SD, Van Diest Supply Co., Pierre, SD, Blume Seeds, Redfield, SD, UAP Northville, Northville, SD, and Wheat Growers, Redfield, SD.

Motion was made by Zerbel, seconded by Johnson to table a decision on Pea Rock Hauling, Loading and Hauling Gravel, and Weed Control Chemical until a more detailed comparison can be made. All members voted aye. Motion carried.

Johnson and Buchholz gave an update on the joint meeting with the City regarding Law Enforcement and reported the next joint meeting is scheduled for Thursday, March 13.

CLAIMS AND REPORTS ALLOWED

Motion was made by J. Albrecht, seconded by Zerbel, to approve the following claims and reports:

County General Fund

Misc: Brown County Sheriff's Dept. 140.00 - juvenile care, Faulkton Area Medical Center 134.00 - jail medical, Faulk County Sheriff's Office 4800.00- prisoner care, Steve Nuttall 34.80 - witness fees, Rogers Law Office 214.50 - court appointed attorney, Mike Sanger 750.00 - March ambulance support, Spink Co. Senior Citizens Inc. 1892.33 - March funding;

Supplies and Repairs: Appel Oil Co. 2296.31, Char's Kitchen 60.00, CIT Technology Fin. Serv., Inc. 132.61, Duckwall-Alco Stores, Inc. 36.71, Hedahls Inc. 13.79, The Lumberyard 10.40, McLeod's Printing and Office Supplies 97.29, Mellette Travel Plaza 159.85, Menards 127.80, Tracey Millar 10.00, National 4-H Council-Supply Service 39.25, Office Equipment Co., Inc. 2928.49, Parcel-Erickson 95.00, Postage by Phone 18200.00, Ritec Industrial Products 208.00, SD Assoc. of County Weed & Pest Board 181.28, Shawn Chase Ford 32.32, Spink County Farm & Hardware 21.84, Tel Serv Communications 409.37, True Value/Radio Shack 1364.74, The Conde News 512.67, The Redfield Press 683.76, The Times Record 512.67;

Travel: Veterans Service Dues: SDVSOA 50.00, Weed Dues: SD Assoc. of Co. Weed & Pest Board 100.00, Planning and Zoning mileage: Tracey Millar 14.80;

Utilities: Northern Wireless Communications, Inc. 106.19, Redfield City 814.76;

Highway Department

Construction: 4 Seasons Cooperative 300.00;

Supplies and Repairs: Appel Oil Co. 87.00, Cole Papers Inc. 122.64, Crawford Trucks & Equipment, Inc. 1115.00, Dakota Dust-Tex 20.35, Farnams Genuine Parts, Inc. 10.98, Hedahls Inc. 372.37, McGillvrey Oil Co. 2182.76, Menards 44.99, OK Tire Store 144.00, Postage by Phone 250.00, Power Plan (RDO) 32.09, Shawn Chase Ford 150.21, Spink County Farm & Hardware 36.33, True Value/Radio Shack 11.98, The Conde News 24.10, The Redfield Press 23.04, The Times Record 24.10;

Utilities: Northern Wireless Communications 39.95, Inc., Northwestern Energy 95.22, Redfield City 36.20;

Emergency Management

Supplies and Repairs: Postage by Phone 100.00;

Utilities: Northern Wireless Communications, Inc. 5.76;

REPORTS

General Fund Surplus Analysis as of 2/29/08: 26%;

Feb. 2008 Report of Poor Lien Payments Received: \$175.00;

Feb. 2008 Report of Highway Department Collections:

Road & Bridge Fund	\$295.00
Weed Department	\$20.00;

Feb. 2008 Auditor's Account with the County Treasurer:

County General Fund	\$1,501,046.45
Special Revenue Funds	600,186.66
Capitol Projects	24,400.46
TIF Debt Service	140.21
Trust & Agency Funds	177,721.09
Amount Held for School Districts	110,903.95
Amount Held for Townships	9,492.71
Amount Held for Municipalities	28,984.56
TOTAL	\$2,452,876.09.

All members voted aye. Motion carried.

CORRESPONDENCE

James River Water Development District Notice of Meeting 3/13/08

Dept. of Environment and Natural Resources: RE: Revised Phosphorus-Based Nutrient Management Plan Review
Fordham Colony

Chairman Dave Albrecht declared the meeting adjourned at 11:45 AM until 8:30 AM, Tuesday, March 25, 2008.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:
Theresa Hodges, Deputy Auditor
Spink County, South Dakota