

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, March 25, 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 J. Albrecht, seconded by Johnson, to adopt the agenda with the addition of Dave Willis, BW Insurance. All members voted aye. Motion carried.

**MINUTES APPROVED**

Motion was made by Zerbel, seconded by Johnson, to approve the minutes of March 11, 2008. All members voted aye. Motion carried.

Dave Durfee, citizen, was present for the meeting.

Commissioner meetings during the month of April will be on the 8th, which is the beginning of County Board of Equalization, the 15th and the 29th. County Board of Equalization ends on April 24th so may be also scheduled on April 15th and any additional days needed to complete the process.

Two signed Hold Harmless Agreements were received from Karla Moen and Cody Schultz. Permission had been granted by the Commissioners on February 12, 2008 for them to use the Fairgrounds to hold their wedding ceremony. The signed Agreement was a condition of that decision. Chairman D. Albrecht signed the agreements and an original will be returned to Moen and Schultz and the second original will be retained by the County.

Director of Equalization had provided copies of Ag land values in Clark and Day Counties for the Commissioners.

A request was received from Brad Wilson, SDML Workers Compensation Fund, to meet with the Commissioners regarding insurance benefits. Commissioners stated that he can do a presentation but they are not interested in quotes at this time.

Vic Fischbach, States Attorney, discussed a letter which had been sent to the Board of Commissioners requesting that an appropriate portion of a County lien be forgiven. Fischbach stated that more information is needed before Commissioners are able to determine whether this should be done. Auditor will send a letter requesting the necessary information. A proposed settlement with Avera Hospitals was discussed and Commissioners would like to know more about the circumstances which resulted in the claims being rejected.

Tom Leinen, Highway Superintendent, and Mike Esser, Weed and Pest Supervisor, filed spreadsheets for the weed chemical, pea rock hauling and loading and hauling gravel bids which had been tabled at the March 11, 2008 Commissioner meeting. Leinen stated that UAP Northville had stipulated all or none so, because they did not submit the low bid on all products and did not bid Diflufenzopyr, could not be awarded any of the bids.

**Weed Control Chemical**

Motion was made by J. Albrecht, seconded by Johnson, to take Esser's recommendations and award the following bids:

|               |                             |              |
|---------------|-----------------------------|--------------|
| Ester         | Van Diest Supply, Pierre    | \$12.97/gal  |
| 2,4-D Amine   | Van Diest Supply, Pierre    | \$10.11/gal  |
| Picloram      | UAP Distribution, Spearfish | \$59.50/gal  |
| Aminopyralid  | Blume Seeds, Redfield       | \$258.53/gal |
| Diflufenzopyr | UAP Distribution, Spearfish | \$34.50/lb   |

All members voted aye. Motion carried.

**Loading & Hauling Gravel & Pea Rock**

Motion was made by Zerbel, seconded by J. Albrecht, to take Leinen's recommendations and award the following low bids:

|                      |                                |                         |
|----------------------|--------------------------------|-------------------------|
| Belly Dump-ton/mile  | Beckler Construction, Redfield | \$0.1399                |
|                      | Odland Construction, Redfield  | \$0.1399                |
| Side & End Dump-hour | Beckler Construction, Redfield | \$90.00/hr & \$0.20/ton |
|                      | (only bidder)                  |                         |

|                                   |                                |  |
|-----------------------------------|--------------------------------|--|
| Dump Truck-ton/mile               | Odland Construction, Redfield  | \$0.26/ton (17 ton)                        |
|                                   | Beckler Construction, Redfield | \$0.26/ton (16 ton)                        |
| Dump Truck-hour                   | Odland Construction, Redfield  | \$65.00 (17 ton)                           |
|                                   | Beckler Construction, Redfield | \$65.00 (16 ton)                           |
| Loading Trucks                    | Odland Construction, Redfield  | \$0.55 ton (97 Kawasaki Payloader 3.25 yd) |
|                                   | Odland Construction, Redfield  | \$0.55 ton (91 Case 4 yd 96 KA 3.25 yd)    |
|                                   | Beckler Construction, Redfield | \$0.55 ton (WA 320 Komatsu 3.25 yd)        |
|                                   | Beckler Construction, Redfield | \$0.55 ton (WA 380 Komatsu 4.4)            |
| Haul Pea Rock-Belly Dump-ton/mile | Beckler Construction, Redfield | \$0.13 (40 ton)                            |
|                                   | Odland Construction, Redfield  | \$0.13 (40 ton)                            |
|                                   | Williamson Trucking, Doland    | \$0.13 (40 ton)                            |

All members voted aye. Motion carried.

Leinen stated that his Department began 10 hour work days yesterday. Office hours are 7:00 a.m. until 4:00 p.m., Monday through Thursday, and 8:00 a.m. until 12:00 noon on Friday.

A letter from the Cornwall Township Clerk concerning County Roads #11 and #26 was discussed. Leinen stated that these roads will be repaired when conditions permit.

Commissioners discussed the structures in towns that have been torn down by the County Highway Department. It was reiterated that this will only be done upon the request of a municipality and only if the structure poses a danger or nuisance to the community. Additionally, the County Highway Department can assist with such projects only when they are not busy with their regular duties.

**HEARING ON REVISED CAFO ORDINANCES FOR SPINK COUNTY**

At 9:30 a.m., time set by public notice, a first hearing was held for public input on proposed adoption of revised Concentrate Animal Feeding Operations Ordinances (Appendix D). Tracey Millar, Planning & Zoning Administrator, and Barry Muxen, citizen, attended the hearing. There was discussion and Commissioners who will be attending their Workshop in Pierre, March 27, feel that several of their meetings will address these issues. Second hearing of the revised ordinances is set for April 8 at 9:30 a.m.

Theresa Hodges, Welfare Director, reported that she had granted pre-approval for client #144 to receive out-of-state care because client had already made the trip. A request for pre-approval of a procedure for client #148 is being processed and Hodges will contact Commissioners before the next meeting for a decision.

**HEARING ON REZONING REQUEST**

At 10:00 a.m., time set by public notice, a hearing was held for public input on rezoning request. No person or their representative appeared for or against the request.

Motion was made by Zerbel, seconded by Buchholz, to approve the following request upon the condition that if an approach cannot be obtained it reverts back to Agricultural:

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).

All members voted aye. Motion carried.

**PERSONNEL POLICY**

Theresa Hodges, Deputy Auditor, stated that the Personnel Policy Board had met on March 5 and discussed several employees' suggestions pertaining to policy. Proposed Personnel Policy changes include changing the definition of "Immediate Family" in regard to Personal Sick Leave, an increase in the amount of Personal Sick Leave an employee may use when caring for a terminally ill family member, a change in the amount of Funeral Leave an employee may take, depending upon relationship to the deceased, and an addition to the Leave of Absence (Leave Without Pay) Policy. Commissioners would like to further study the changes before making any decisions.

**RESOLUTION TO APPROVE PLAT (#28-08)**

Be It Resolved by the Board of County Commissioners of Spink County, South Dakota, that the plat showing Roos Subdivision in the NW1/4 of Section 35-T115N-R64W of the 5th P.M., Spink County, South Dakota,

having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

**RESOLUTION TO APPROVE PLAT (#29-08)**

Be It Resolved by the County Commission of Spink County, South Dakota, that the plat showing “Groft’s Tract 1 in the NE1/4 of Section 13-T118N-R64W of the 5th P.M., Spink County, South Dakota,” having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

**RESOLUTION TO APPROVE PLAT (#30-08)**

Be It Resolved by the County Commission of Spink County, South Dakota, that the plat showing “Becker’s First Subdivision in SE1/4 of Sec. 21-T118N-R61W of the 5th P.M., Spink County, South Dakota,” having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

Dated at Redfield, South Dakota, this 25th day of March, 2008.

Motion by Johnson, second by Zerbel, to approve and adopt the above three Resolutions. All members voted aye. Motion carried.

Dave Albrecht, Chairman  
Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor  
Spink County, South Dakota

**HEARING UPON APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**

At 10:30 a.m., time set by public notice, a hearing was held to consider the application for liquor license. Dave Olsen, owner and Pete Blocker attended the hearing.

Motion was made by Johnson, seconded by J. Albrecht, to approve Dave Olsen’s application for retail (on-sale) liquor license to operate outside a municipality for the 2008 Licensing Period as follows:

Pheasant Phun, Inc., 11-16-114, Spink County, Hitchcock, SD

All members voted aye. Motion carried.

**QUOTE**

Donna Fredrickson, Clerk of Courts, submitted a quote for six executive chairs for the Law Library. Commissioners discussed budget requests and stated that departments should list items they wish to purchase when setting up their budget for the upcoming year. However, they decided to make an exception because that budget had been trimmed.

Motion was made by Johnson, seconded by Zerbel, to approve the Clerk of Courts’ request to purchase six executive chairs at \$273.00 each, totaling \$1,638.00. All members voted aye. Motion carried.

**APPLICATION FOR ABATEMENT OF PROPERTY TAXES**

Motion was made by Zerbel, seconded by J. Albrecht, to approve abatement #2008-6, Dean N. Borge, \$9.67 in property taxes because the County had made an error in calculating valuation on Lot 7 & 8, Block 9 Original, Mellette City. All members voted aye. Motion carried.

**LIABILITY INSURANCE**

Dave Willis, BW Insurance, reported changes in County insurance coverage for the renewal due April 1, 2008. In the past Spink County has maintained an excellent Worker’s Comp experience rating, however because the last three years have had increased claims, experience will climb above the 100% range and renewal rates will reflect this.

**HOME DETENTION**

Les Helm, Sheriff, submitted a letter to the Commissioners regarding problems in staffing Home Detention positions. Helm stated that the \$9.25 hourly pay and \$0.37 mileage reimbursement do not attract many applicants and he requested an increase in the pay and the use of an unmarked Sheriff’s vehicle for Home Detention staff to drive. Commissioners approved getting the vehicle repaired for Home Detention use and asked that Helm look into an acceptable hourly rate.

**REDFIELD SCHOOL REQUEST**

On April 25, 2006 Commissioners passed a motion to contribute \$2,500 toward the purchase of two sets of bleachers to be used by the Redfield School District and other partners. Commissioners were told the bleachers would be used by Redfield City, Redfield School and the Fairgrounds. The total cost of the bleachers at that time was \$21,000 and the County's contribution would make up a shortfall if a 50/50 grant were received and combined with pledges that had already been made. Commissioners would like an update of the project before issuing any contribution.

### **EXPENSE REQUESTS**

Motion was made by Johnson, seconded by J. Albrecht, to approve the following expense requests:

Tracey Millar, Planning & Zoning Administrator, to attend Zoning meetings at the Commissioners Workshop, Pierre, March 27, 2008;

Cindy Schultz, Auditor, Theresa Hodges, Welfare Director, Kim Markley, Director of Equalization, Sharon Jungwirth, Register of Deeds, and Kathy Ludwig, Treasurer, to the James River Valley Commissioners' Association meeting, Leo's Good Food, April 3, 2008.

All members present voted aye. Motion carried.

### **CLAIMS AND REPORTS ALLOWED**

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

#### **County General Fund**

Misc: witness fees 341.20, Russell Battey 340.20 - court appointed attorney fees, Community Memorial 1529.00 – Jan., Feb. & Mar. blood draws, Day County Sheriff 1200.00 – March care of juveniles, Donna Dietrich 132.91 – hearing, James Hare 261.50 – court appointed attorney fees, Nelva Kooistra 15.00 – court appointed attorney fees, LCM Pathologists 1700.00 - autopsy, NE Mental Health Center 333.33 – Feb. funding, Cathy Rehfuss 15.00 – hearing, SD State Treasurer: 280.00 – lab services, Human Services Center 381.35- Feb. care, SD Dept. Social Services 3944.00 – share Catastrophic Poor Relief Pool;

Supplies and Repairs: A & B Computer Solutions 40.00, Hot Line Guides Div. 45.00, Johnson Controls 385.21, The Lumberyard 15.54, McLeod's 413.47, OfficeMax 70.75, Pitney Bowes 536.76, Thornton Carpets 174.39;

Travel: Commissioners' mileage: Jeff Albrecht 62.16; Sheriff: National Sheriff's Assn. 50.00 – dues; Tracey Millar, P & Z Admin. 50.00 - registration;

Utilities: Alltel 33.50, Executive Management (BIT) 227.81, Midcontinent Communications 70.47, Northwestern Energy 3795.72, Qwest 364.02, Verizon 278.57;

#### **Highway Department**

Supplies and Repairs: Diesel Machinery 3810.86, The Lumberyard 39.72, Turfwerks 30.91;

Utilities: Alltel 89.89, Executive Management (BIT) 4.65, Qwest 125.29;

#### **E911**

Utilities: Northwestern Energy 614.37, Qwest 906.00, Venture Comm. 164.78;

#### **Emergency Management**

Utilities: Executive Management (BIT) 8.08, Qwest 33.96;

#### **Law Library**

Supplies and Repairs: West Group 1589.50;

All members present voted aye. Motion carried.

### **CORRESPONDENCE**

Dept. Environment & Natural Resources: Camrose Colony Manure Management System Proposed Turkey Feeding Operation Plans & Specs Review

NESDCAP notification that Spink County has been allocated \$2,549.00 in 2008 Emergency Food & Shelter Program Funds

NESDCAP Newsletter

Thank you from the City of Ashton for the County's help in removing 2 houses

Chairman Dave Albrecht declared the meeting adjourned at 12:05 PM until 8:30 AM, Tuesday, April 8, 2008. County Board of Equalization will also begin in the morning of April 8.

Dave Albrecht, Chairman  
Spink County Board of Commissioners

ATTEST:  
Cindy Schultz, Auditor  
Spink County, South Dakota