

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

The Spink County Board of Commissioners met at 8:30 AM on Thursday, June 5, 2008, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Kenneth Buchholz, Craig Johnson and Jerry Zerbel. Chairman D. Albrecht opened the meeting with the Pledge of Allegiance.

ADOPT AGENDA

Motion was made by Buchholz, seconded by J. Albrecht, to adopt the agenda with the addition of Mike Yost, Code Officer. All members voted aye. Motion carried.

MINUTES APPROVED

Motion was made by Johnson, seconded by Zerbel, to approve the minutes of May 27, 2008. All members voted aye. Motion carried.

Commissioner Buchholz stated that Gilbert Lutter had requested use of the Fairgrounds this Saturday to hold an auction in the case of inclement weather. Motion was made by Zerbel, seconded by J. Albrecht, to allow Mr. Lutter use of the Fairgrounds on the condition that he assumes all liability during that time. All members voted aye. Motion carried.

Auditor discussed an email reply from Deene Dayton, SD Department of Legislative Audit, regarding her inquiry about Commissioners' approval for items which had been included in the current year's adopted budget. Dayton stated that there are no statutory requirements - it is an internal policy set by the governing board. After discussion the consensus of the Board was to continue following the policy that department heads will request Board permission for inventory item purchases over \$500 and for equipment & construction over \$1500.

Mike Yost, Spink County Code Official, filed photos of nuisance sites, discussed a request for a 30-day extension and described several other clean-up projects he has been working on. He has also made several trips transporting prisoners for the Sheriff Department.

EXTENSION of AGREEMENT APPROVED

Motion was made by Johnson, seconded by J. Albrecht, to allow Roger Fortin a 30-day extension, from the original completion date of June 1, 2008, to have his property cleaned up. All members voted aye. Motion carried.

Tom Leinen, Highway Superintendent, filed the June fuel quotes and reported that the fence along the ethanol plant road is almost complete. After all construction included in the TIF plan has been completed and expenses filed, the remaining balance of funds can be applied toward payment of the debt.

JUNE FUEL QUOTES

Motion was made by Johnson, seconded by Buchholz, to approve the following quotes:

| | | | |
|---|---|-------|------------|
| Redfield | Ethanol, E85 and unleaded at 18.3 cents below pump price to Appel and Johnson Oil; Johnson's will include an additional 0.02 discount for using their card. | | |
| | Ethanol Bulk | 3.696 | Appel |
| | Regular Bulk | 3.796 | Appel |
| | #2 Diesel | 3.99 | Appel |
| Tulare | #2 Diesel | 4.20 | McGillvrey |
| Doland, Conde, Brentford and Northville | #2 Diesel | 4.10 | Harvey |

All members voted aye. Motion carried.

Commissioners inquired about responsibility for road through Frankfort which was abandoned by the State. Leinen replied that the Township would be responsible up to the city limits where it would then be maintained by the city. He added that the County does provide pea rock when needed.

Leinen then requested that the County pay this time for the new flags which were installed at the Veterans' Memorial on the front lawn and he will make other arrangements for future flags.

PAYMENT FOR VETERANS' FLAGS APPROVED

Motion was made by Buchholz, seconded by Zerbel, to approve the County's paying for the Veterans' Memorial flags this time. All members voted aye. Motion carried.

HEARING ON REVISED ZONING ORDINANCES

At 9:30 AM time set by public notice, a hearing was held for public input on revised Zoning Ordinances. Tracey Millar, Planning and Zoning Administrator, and Keith Schroeder, Planning and Zoning Board member, attended the hearing. Millar and Schroeder answered Commissioners' questions and explained reasons for revising the Ordinances.

**RESOLUTION ESTABLISHING REVISED ZONING REGULATIONS (32-08)
ORDINANCE #17, FOR SPINK COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE
ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, PURSUANT TO
SDCL 11-2, 1967, AND AMENDMENTS THEREOF**

WHEREAS the Spink County, South Dakota, Board of County Commissioners, hereinafter referred to as the Board of County Commissioners, deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the county to enact zoning regulations and to provide for its administration, and

WHEREAS the Board of County Commissioners, has given due public notice of hearing relating to county ordinance regulations and restrictions **Definitions: Home Occupation; Title 17.07: 17.0703 Permitted Accessory Uses & Structures; 17.0704 Special Exceptions; 17.0710 Pollution; Chapter 17.0705 Minimum Lot Requirements, and**

WHEREAS all requirements of SDCL 7-18A, with regard to the preparation of these revised regulations and subsequent action of the Board of County Commissioners has been met;

THEREFORE, BE IT RESOLVED that the Spink County Ordinance Regulations revisions to **Definitions: Home Occupation** and to **Title 17.07: Chapters 17.0703, 17.0704, 17.0710 and 17.0705** are hereby adopted by the Board of County Commissioners, Spink County, South Dakota.

A motion was made by Johnson, seconded by Buchholz, to approve and adopt the above Resolution, with the Ag District Chapter 17.0710, section Pollution, addition at end of paragraph to include amended wording as follows: "If the pollution is caused by a non-permitted confinement operation the Spink County Zoning Board may require a CAFO permit to be obtained in order to control the pollution and a fine ~~will~~ may be assessed to the landowner and/or the operator." Upon roll call vote: Johnson "aye", Buchholz "aye", J. Albrecht "nay" and Zerbel "aye", motion carried.

Adopted this 5th day of June, 2008, at Redfield, South Dakota.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor
Spink County, South Dakota

NOTICE OF ADOPTION

Revised Zoning Ordinances for Spink County, South Dakota (SDCL 7-18A-5)

Notice is hereby given that the Spink County Commissioners, this 5th day of June, 2008, hereby approve and adopt Spink County's revised Title 17 Zoning Regulations as follows:

Definitions – Home Occupation, add sub-section:

"#6. Any accessory buildings located on the same legal description as the home, may be used as a home occupation."

Title 17.07

Ag District Chapter 17.0703 Permitted Accessory Uses & Structures, add sub-section:

"#4. Seasonal Fireworks Stands"

Ag District Chapter 17.0704 Special Exceptions, add sub-section:

"#21. Wireless Towers"

Ag District Chapter 17.0710, section Pollution.

Upon receiving a formal complaint of pollution caused from animal runoff including but not limited to; runoff into ditches, into any body of water, or a field not owned by the person or persons causing the pollution an investigation will be conducted by the Spink County Zoning Board and/or the DENR. If the pollution is caused by a permitted confinement operation DENR will determine the penalty.

...add at end of above paragraph: "If the pollution is caused by a non-permitted confinement operation the Spink County Zoning Board may require a CAFO permit to be obtained in order to control the pollution and a fine may be assessed to the landowner and/or the operator. For fine information see Title 17.23, Chapter 17.2302."

Ag District Chapter 17.0705 Minimum Lot Requirements. The minimum lot width shall be not less one hundred fifty (150') feet. The minimum lot area shall be one (1) acre providing the density requirement is met.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

...corrected paragraph shall read: "***A plat is required whenever under 20 acres are split out of larger parcel. The plat is then required to be filed in the Director of Equalization Office according to Title 17.17, Chapters 17.170 & 17.17109".

Notice is further given that the above ordinances shall take effect on the twentieth day after publication of this notice.

Dated this 5th day of June, 2008 at Redfield, South Dakota.

Cindy Schultz, Auditor
Spink County, South Dakota

One Publication: June 11, 2008

Schroeder mentioned that some of the clean-up projects within towns & cities in Spink County are resulting in junk accumulating in areas of the townships. Commissioners stated that they are aware of the problem and have addressed it with the Code Officer. They also explained that the County has helped with the tearing down of buildings only if requested by a government entity.

Sharon Jungwirth, Register of Deeds, stated that she has found an individual for the part-time position in her office.

SALARY APPROVED

Motion was made by Buchholz, seconded by J. Albrecht, to approved hiring Sharlene Gilbert for the part-time Deputy Register of Deeds position at the beginning Deputy salary of \$12.30/hour, as of June 16, 2008. All members voted aye. Motion carried.

Home Detention reporting of hours worked was discussed.

Laura Boone and Joe Manuel, Northeastern Mental Health Center, described services the Center provides and filed a comparison of clients served in FY07 with the number served in FY08.

Kim Markley, Director of Equalization, filed a proposed letter that will be sent to interested parties announcing Spink County's new the Beacon website which can be accessed, at no fee, during the month of June. It includes features such as assessment information, taxes due 2008, soil survey for Ag land, last deed of transfer, house information and mapping information among many other features.

FEES ESTABLISHED

Motion was made by Johnson, seconded by Buchholz, to begin charging a fee to Beacon subscribers as of July 1, 2008 at the following rates:

| <u>Number of Users</u> | <u>Annual Fee</u> | <u>Setup Fee</u> |
|------------------------|-------------------|------------------|
| 1 – 5 persons | \$350 | \$25 |
| 6 – 10 persons | \$500 | \$25 |
| 11+ persons | \$740 | \$25 |

All members voted aye. Motion carried.

Commissioner Zerbel reported that he had visited with Daryl Stewart, Daryl's Engine Service, Northville, and stated that Mr. Stewart needs to have a letter of support from the Commissioners so that he can obtain a Federal Firearms License. Commissioners agreed that Chairman should sign a letter of support so that Mr. Stewart will be able to do gunsmithing and occasional special-order firearms sales at Daryl's Engine Service. Chairman signed letter.

INSURANCE QUOTE ACCEPTED

The quote received from Brad Wilson, SDML Workman's Comp Fund, on May 13th was discussed. Motion was made by J. Albrecht, seconded by Buchholz, to accept the quote at the pro-rated contribution of \$18,080 through December 31, 2008. All members voted aye. Motion carried.

EXPENSE REQUEST

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

Theresa Hodges & Tammy Suchor, Deputy Auditors, for meals while delivering and picking up Automark Voting Machines from Precincts.

All members voted aye. Motion carried.

CLAIMS AND REPORTS ALLOWED

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

County General Fund

June Primary Election Worker Pay: 4022.65;

Misc.: Doland Senior Citizens 50.00, City of Tulare 50.00, Frankfort Community Center 50.00, Ashton Community Hall 50.00, NW United Methodist Church 50.00, Conde Community Center 50.00 - polling place rent;

Supplies and Repairs: Frontier Precision 250.00, McLeod's 48.95, Newman Fire Extinguishers 42.00, OK Tire Store 661.92, Shawn Chase Ford 110.00, UAP Dist. 7568.00;

Travel: Commissioners: Clark County 8.50 – registration; VSO: 83.62 – mileage;

Utilities: Northwestern Energy 1973.92, Steve Hanson 20.00;

Construction Materials: Finks Excavating 80.00, Gary's Two-Way Radio 800.00;

Misc.: SD Dept. of Revenue 26.00 – truck licenses;

Supplies and Repairs: Crawford Trucks 1030.56, Dakota Dust-Tex 20.85, Frontier Precision 250.00, Harvey's Sinclair 10715.76, Lyle Signs 7134.15, Master Blaster 3265.00, McGillvrey Oil 6950.86, OK Tire Store 417.60, Power Plan (RDO) 834.02;

Utilities: Northwestern Energy 811.52;

Emergency Management

Travel: 96.94 – mileage;

Utilities: Steve Hanson 20.00;

REPORTS

May 2008 Sheriff's Report of Fees Collected: \$7,937.25.

June 3, 2008 Primary Election Results

All members voted aye. Motion carried.

OFFICIAL CANVASS OF PRIMARY ELECTION RETURNS

Pollbooks, Election Night M650 Ballot Count Reports and ST25 Reports were compared and verified and included one Provisional Ballot to be counted. Motion was made by Zerbel, seconded by J. Albrecht, to sign the Certificate of Primary Election Returns. All members voted aye. Motion carried.

CORRESPONDENCE:

US Dept. of Ag, Natural Resources Conservation Service request for support

SDACC reminder of Annual NACo Conference, July 11-15, 2008

SDACC notice of free online CPR/AED Training offered by National Safety Council

SDACC notice of Tribal Relations Workshop June 17 – 18, 2008, Pierre

SDACC notice of Phase III Funding for Pandemic Influenza Community Planning Grants

Notice from Governor Rounds of state's 2010 Initiative upcoming meetings

Chairman Dave Albrecht declared the meeting adjourned at 12:10 PM until 8:30 AM, Tuesday, June 17, 2008.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:
Cindy Schultz, Auditor
Spink County, South Dakota