

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

The Spink County Board of Commissioners met for a reorganization meeting at 8:30 AM on Tuesday, January 6, 2009, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson, Craig Johnson and Jerry Zerbel. Cindy Schultz, Auditor, acting as Chairman Pro-Tem, opened the meeting with the Pledge of Allegiance.

Schultz called for 2009 Spink County Commission Chairman nominations, pursuant to SDCL 7-8-15.

Motion by C. Johnson to nominate Dave Albrecht for 2009 Chairman, seconded by J. Albrecht. All members present voted aye. Motion carried and Chairman Albrecht then called for Vice Chairman nominations.

Motion by Zerbel, second by C. Johnson, to nominate Jeff Albrecht for 2009 Vice-Chairman. All members voted aye and motion carried.

**ADOPT AGENDA**

Motion was made by J. Albrecht, seconded by Zerbel, to adopt the agenda with the addition of the SD Department of Revenue's approval of Spink County Levies, Oaths of Office and Appointments of Deputies and a quote from Tel Serv on wireless access and with the deletion of Vic Fischbach, States Attorney. All members voted aye. Motion carried.

**MINUTES APPROVED**

Motion was made by C. Johnson, seconded by B. Johnson, to approve the minutes of December 30, 2008. All members voted aye. Motion carried.

**2009 TAX LEVIES**

The Auditor's Office reported that the 2008 levies for taxes payable in 2009 have been approved by the Department of Revenue. The total amount to be levied in Spink County, including centrally assessed properties, is as follows:

County	2,536,584.00
Telephone Outside	2,493.00
School Districts	5,019,629.00
Townships	533,746.00
Cities	1,304,032.00
Special Assessments	24,975.00
James River Water Dev. Dist.	79,833.00
NW School CO Certificates	128,588.00
Tax Increment Dist. #1	194,421.00
TOTAL LEVIED	\$9,824,301.00

Auditor filed a request from the SD Public Assurance Alliance to submit a quotation on the County liability coverage. Commissions asked for quotes from them and our current carrier.

**2009 SALARIES FILED**

Highway Department: Dennis Baird 13.58/hr, Barrie Bawek 13.58/hr, Delwin Bierman 13.58/hr, Doug Carter 13.58/hr, James Coats 13.58/hr, Greg Drayer 13.58/hr, Richard Dunsmore 15.31/hr, Michael Esser-Weed Supervisor 13.58/hr, Travis Fast 13.58/hr, Jeff Haessig-Foreman 13.87/hr, James Hurst 13.58/hr, Roger Metzinger 13.58/hr, Willis Rothacker 13.58/hr, Monty Wipf 13.58/hr, Randy Woodward 13.58/hr;

Clerks and Deputies: (Auditor, Treasurer, Register of Deeds, Extension, Health, Highway, States Attorney) Tammy Bahr 12.84/hour, Janelle Cowles-Nelson 12.84/hr, Sharlene Gilbert 12.84/hr, Robin Harty 12.11/hr, Amy Hermann 12.84/hr, Theresa Hodges 12.84/hr, Shirley Howe 12.84/hr, Jamie Johnson 12.61/hr, Audrey Martschinske 12.84/hr, Tamara Suchor 12.84/hr;

Certified Deputies: (Director of Equalization) Sally Filipek 12.98/hr, Diane Tipton 12.98/hr;

Sheriff's Dispatchers: Jeanne Deuter 12.84/hr, Deb Dugan 12.84/hr, Marleen Huckabay-Chief Dispatcher 13.13/hr, Lois Paul 12.84/hr, Craig Richmond 12.84/hr;

Sheriff's Deputies: Kathleen Adams 15.26/hr as Sergeant & 900.00/yr as Home Detention Monitor Supervisor, Leroy Fuerst-Chief Deputy Sheriff 16.07/hr, Cindy Geary 15.04/hr, Jason Kraft 15.04/hr, Jacob Miller 15.04/hr, Chad Papke 14.54/hr, Jonathan Waldner 14.54/hr;

Custodians: Lannie Arthurs 14.06/hr, Peggy Haskell-Assistant 12.84/hr;

Elected and Appointed Officials: Commissioners: David Albrecht 9540.00, Jeffrey Albrecht 9540.00, Brian Johnson 9540.00, Craig Johnson 9540.00, Gerald Zerbel 9540.00; States Attorney: Victor Fischbach 33125.00, Sheriff: Les Helm 39418.00, Register of Deeds: Sharon Jungwirth 32518.00, Highway Superintendent: Tom Leinen 39110.00, Auditor: Cindy Schultz 32518.00, Treasurer: Kathy Ludwig 32518.00, Director of Equalization: Kimberly Markley 34610.00, Coroner: Pat Thelen 58.00 per inquest and 50.00 per hr for transport; VSO/EMS: Steve Hanson 32100.00;

Planning & Zoning Administrator: Tracey Millar 12.84/hr;

Crossing Guards 12.00 hour; Home Detention Monitors 12.18/hr; Dispatcher serving as Matron regular hourly wage; Temps will receive \$9-\$12/hr depending upon experience upon discretion of supervisor; Museum Curator as set by Historical Society.

A plaque was shown to the Commissioners which recognizes Jane Pearson, Deputy Treasurer, for her 36 years with the County. Commissioners stated that they are grateful for the excellent work Jane did while working for the County and wish her the best in her retirement.

Tom Leinen, Highway Superintendent, filed a quote from Diesel Machinery, Inc., Aberdeen, for rental of a 24', 12 cu. yd. Ranco belly-dump pup trailer at \$1,700.00 for four weeks. 100% of rent paid would be applied against the approximately \$32,000.00 purchase price. Commissioners all agreed that the Highway Department should rent two of the pups for hauling this year to see how they work out.

Leinen also requested that a 5% handling fee be added to culverts and other materials when sold to Townships, etc. Commissioners stated that the County Fee Schedule should be amended to include these fees and any other changes. Auditor will contact other departments to see if they have adjustments that need to be made.

#### **AGREEMENTS**

Motion was made by J. Albrecht, seconded by Johnson, to approve the following agreements pertaining to Project No. BRO 8058(16) in Buffalo Township, Spink County:

Agreement for Voluntary Right of Way Donation of 0.10 acre in SW1/4 21-114-65, signed 12/22/08 by Bruce & Alice MacNeill;

Agreement for Voluntary Right-of-Way Donation of 0.10 acre in NW1/4 28-114-65, signed 12/30/08 by Patty Nelson;

Utility Certificate signed by Dave Albrecht, Chairman, on 12/31/08;

Letting Authorization for Project No. BRO 8058(16) signed by Dave Albrecht on 12/31/08;

Certification that the Board of County Commissioners have acquired all necessary right of way and temporary construction easements required for Project No. BRO 8058(16).

All members present voted aye. Motion carried.

#### **EXPENSE REQUEST**

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

Rich Dunsmore, Dennis Baird, Barry Bawek, Delwin Bierman, Doug Carter, Jim Coats, Greg Drayer, Mike Esser, Travis Fast, Jeff Haessig, Jim Hurst, Roger Metzinger, Willie Rothacker, Monty Wipf and Randy Woodward to attend SD Public Assurance Alliance, SDML WC Fund Annual Safety Training Classes to be held on January 27, 28, 29 or 30, 2009 in Aberdeen.

All members voted aye. Motion carried.

Mike Yost, Code Official, filed pictures of structures he would like to have torn down and asked whether the county plans to do any clean up this year. Commissioners stated that the County does this upon the request by a city or township and only when the department isn't busy with their regular County duties. If individuals have complaints or concerns about nuisance sites they need to go through their township or city officials.

There is a grant in the works through NECOG for clean up of blighted areas, but it is not currently available. Yost also reported that his office is now upstairs in the Gillette Law Office building and that he has acquired a 4-wheel drive vehicle.

#### **RESIGNATION**

Sandi McNeill, Highway Secretary, filed her resignation stating that January 29, 2009 will be her last day.

#### **EXECUTIVE SESSION**

At 10:00 AM motion was made by Zerbel, seconded by J. Albrecht, to go into Executive Session to discuss personnel. All members voted aye. Motion carried.

Chairman D. Albrecht declared the Board out of Executive Session.

**QUOTE FILED**

Kim Markley, Director of Equalization, filed a quote for an HP Compaq dc5800 Microtower, including Office Pro, Visio and media, and installation. Total cost will be about \$1985.00 depending upon networking labor.

Motion was made by C. Johnson, seconded by D. Albrecht to approve the Director of Equalization's request to purchase an HP Compaq dc5800 Microtower PC at \$955.00, Office Pro at \$325.00, Visio and media \$205.00 and approximately \$500.00 to network from Connecting Point, Watertown. All members voted aye. Motion carried.

Markley also explained a quote from Tel Serv Communication, Inc., Aberdeen, to pull new network cables from 2nd floor computer room to the Sheriff's Office on the main level and to the Community Room in the basement. Commissioners will discuss this quote further.

**HIGHWAY SUPERINTENDENT REAPPOINTED**

Motion was made by Zerbel, seconded by J. Albrecht, to reappoint Tom Leinen as Highway Superintendent for an additional two years, as per SDCL 31-11-1, beginning January 1, 2009.

**RESOLUTION DESIGNATING SPINK COUNTY BANK DEPOSITORIES FOR 2009 (#09-1)**

WHEREAS, the Spink County Board of Commissioners is to designate the bank depositories for all County funds each year,

BE IT RESOLVED that the following financial banking systems within Spink County be named as bank depositories for county funds:

- Wells Fargo, Redfield Branch, Redfield
- Bank of the West, Redfield Branch, Redfield
- Great Western Bank, Redfield Branch, Redfield
- American Bank & Trust, Mellette
- Farmers State Bank, Turton
- Mansfield State Bank, Mansfield
- Plains Commerce Bank, Conde
- Heartland State Bank, Redfield Branch, Redfield
- Turtle Creek Federal Credit Union, Redfield
- and South Dakota Public Funds Investment Trust, Sioux Falls, SD;

BE IT FURTHER RESOLVED, that the following banking systems within Spink County are active depositories for deposits and withdrawals of daily receipts of cash, checks, drafts and other cash items:

- Wells Fargo, Redfield Branch, Redfield
- Bank of the West, Redfield Branch, Redfield
- Great Western Bank, Redfield Branch, Redfield
- Heartland State Bank, Redfield Branch, Redfield

**RESOLUTION TO CANCEL CHECKS (#09-2)**

WHEREAS, no Spink County Treasurer's checks, which were issued prior to January 1, 2007 have been presented for payment:

BE IT HEREBY RESOLVED by the Spink County Board of Commissioners, in session this 6th day of January, 2009, that no checks will be cancelled in accordance with SDCL 7-22-17.

**RESOLUTION REGARDING PROCESSING TAX DEEDS AND NOTICES (09-4)**

WHEREAS, Spink County has acquired tax certificates on property with delinquent real estate taxes for which tax deeds and notices can be served;

BE IT RESOLVED, that the Spink County Commission authorizes the Spink County Treasurer to request States Attorney to act as agent to process said tax deeds and notices. This Resolution will remain in effect until revoked or amended by the Spink County Commission.

**RESOLUTION ESTABLISHING COMPENSATION FOR ELECTION BOARDS (#09-5)**

WHEREAS, it is the duty of the Spink County Board of Commissioners to annually establish an hourly rate to be paid to Superintendent and Deputies of each election and additional canvassing board, if appointed, in accordance with SDCL 12-15-11 and any amendments thereto; therefore,

BE IT RESOLVED by the Spink County Board of Commissioners, in session this 6th day of January, 2009, that the rate be set at \$8.00 per hour and that the person delivering the poll books and ballot boxes to the proper authority to and from polling place shall receive, in addition, the current County mileage rate for miles necessarily traveled in going to and returning from making such delivery, and

BE IT RESOLVED that the Superintendent and Deputies who attend the Election School shall receive \$8.00 per hour in accordance with SDCL 12-15-7 and the current County mileage rate for miles necessarily traveled in going to and returning from such school, and

BE IT RESOLVED that the Resolution Board shall receive \$9.00 per hour, and

BE IT RESOLVED that aids providing assistance at the polling places shall receive \$7.00 per hour, and

BE RESOLVED that the polling places shall receive compensation of \$50.00 each for the Primary and General Elections.

**RESOLUTION SETTING NUMBER OF DEPUTIES AND CLERKS (#09-6)**

WHEREAS, law requires the Board of Commissioners to fix the number of deputies and clerks that shall be employed in the offices of the County Treasurer, Auditor, Coroner and Register of Deeds, the time of employment and the compensation which they shall receive,

NOW, THEREFORE, BE IT RESOLVED by the Spink County Board of Commissioners, in session this 6th day of January 2009, that in accordance with SDCL 7-7-20 deputies and clerks may be employed in these offices as follows:

- Treasurer – one full-time deputy and one permanent part-time deputy;
- Auditor – two full-time deputies and one permanent part-time clerk;
- Coroner – one part-time deputy as needed;
- Register of Deeds – one part-time deputy.

BE IT FURTHER RESOLVED that a part-time clerk may be employed at times in any of the offices, as deemed necessary by the elected officer. Salaries are to be as set by this Board.

This Resolution is to be in effect January 1, 2009, and until revoked by the Board of County Commissioners.

**RESOLUTION SETTING PER DIEM FOR BOARDS (#09-7)**

WHEREAS, the Spink County Board of Commissioners is to set a per diem for the boards, such as Weed, County Fair, Extension, County Planning and Zoning, E-911, and any other board pertaining to County, and

BE IT RESOLVED that each member of the boards shall receive the amount of \$35.00 per diem for each and every meeting attended, plus the amount of .37 per mile to and from each meeting, and

BE IT RESOLVED that when a telephone conference call is made instead of a meeting each Board member shall receive \$5.00 if contacted on telephone conference call, and

BE IT FURTHER RESOLVED that the County Commissioner who is a member of such board shall receive mileage at the County rate, but Commissioner's membership on such Board is part of the duties as a County Commissioner.

**RESOLUTION TO DESIGNATE PLACE TO HOLD CHATTEL MORTGAGE SALES (#09-8)**

WHEREAS, it is the duty of the Spink County Board of Commissioners to designate the place at which Chattel Mortgage sales may be held in Spink County,

THEREFORE, BE IT RESOLVED by the Spink County Board of Commissioners that the Court House in the City of Redfield is hereby designated as the place for holding Chattel Mortgage sales in Spink County.

**RESOLUTION DESIGNATING OFFICIAL COUNTY NEWSPAPERS - SDCL 7-18-3 (#09-9)**

WHEREAS, it is the duty of the Spink County Board of Commissioners to designate and appoint the Spink County Official Newspapers,

THEREFORE, BE IT RESOLVED by the Board of Spink County Commissioners that The Redfield Press, Redfield, South Dakota, The Conde News, Conde, South Dakota, and The Times-Record, Conde, South Dakota, be designated and appointed the Official Legal Newspapers for Spink County, South Dakota, for the year 2009;

BE IT FURTHER RESOLVED, that such proceedings shall be published as soon after any meeting as practicable.

**SPINK COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION (#09-10)**

WHEREAS, seasonal climatic changes can be detrimental to our highways, and

WHEREAS, the Spink County Board of Commissioners desire to protect existing Spink County highways, ultimately saving tax dollars and,

WHEREAS, the Spink County Board of Commissioners desires the enforcement of weight limitation of Spink County roads as set forth and posted by the Spink County Highway Superintendent,

WHEREAS, the limits on Spink County Highways shall be set at seven (7) ton per axle and 40 MPH on all asphalt surface roads and on six miles of gravel on County Road #4 from Day County west to State Highway 37 during the spring thaw period and when limit signs are in place,

NOW, THEREFORE BE IT RESOLVED, that the South Dakota Highway Patrol be, and hereby is, authorized and requested to enforce weight limitations on Spink County roads.

BE IT FURTHER RESOLVED that the penalty for the violation of load restrictions shall be as set forth in SDCL 32-22-55.

**RESOLUTION SETTING BURIAL FEES FOR 2009 (#09-11)**

WHEREAS, it is the duty of the Spink County Board of Commissioners to establish an amount to be paid for services for County burial in accordance with SDCL 28-17-4 and any amendments thereof,

BE IT HEREBY RESOLVED by the Spink County Board of Commissioners in regular session this 6th day of January 2009, that for a casket and the burial services the sum of \$1500.00 shall be allowed plus the necessary cost for an outside container and opening and closing the grave.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SPINK COUNTY, SOUTH DAKOTA, APPROVING THE APPOINTMENT OF COMMISSIONERS OF THE HOUSING AND REDEVELOPMENT COMMISSION OF SPINK COUNTY, SOUTH DAKOTA (09-12)**

WHEREAS, the Honorable Chairman of the Board of Commissioners of Spink County, South Dakota, has named and appointed the following as Members of the Housing and Redevelopment Commission of Spink County, South Dakota, to serve from the date of this certificate of appointment for five year terms (limit-two terms) until December 31 of the year appearing after his or her name.

Trena Helsper	2009 (1)
Marjorie Gallup	2010 (1)
Duane Sanger	2011 (1)
Craig Johnson	2012 (1)
Gerald Zerbel	2013 (2)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Spink County, South Dakota, that the appointments of Members of the Housing and Redevelopment Commission by the Chairman of Spink County are hereby approved.

Motion was made by Zerbel, seconded by B. Johnson to approve and adopt the above eleven Resolutions. All members voted aye. Motion carried.

Dated this 6th day of January, 2009,  
at Redfield, South Dakota.

Dave Albrecht, Chairman  
Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor  
Spink County, South Dakota

**COMMISSION APPOINTMENTS:**

Motion was made by B. Johnson, seconded by J. Albrecht, to approve the appointments of Commissioners to the following Boards for 2009:

County Employees Health Insurance	Brian Johnson
Drainage	All Commissioners & Tracey Millar, Administrator
E911	All Commissioners
Extension	Jeff Albrecht
Fair	Gerald Zerbel
Glacial Lakes & Prairies	Craig Johnson
Grow Spink	Jeff Albrecht
Law Enforcement	Brian Johnson and Craig Johnson
LEPC	Brian Johnson
Planning & Zoning	Dave Albrecht

Northeast Council of Governments	Jeff Albrecht, Craig Johnson & Scott Thompson (member at large)
Personnel Policy Board	Craig Johnson
Spink County Ambulance	Jerry Zerbel
Weed Board	Gerald Zerbel

All members voted aye. Motion carried.

**REAPPOINTMENTS TO COUNTY BOARDS**

Motion was made by J. Albrecht, seconded by Johnson, to approve reappointments to the following Boards. All members voted aye. Motion carried.

**County Extension Board (4 members, 4-year terms):**

Gary Gilbert December 31, 2012  
 Commissioner Jeff Albrecht until December 31, 2009

**Fair Board (6 members, 2-year terms):**

Deanna Koester 2010  
 John Buchholz 2010  
 Darla Knox 2010  
 Commissioner Gerald Zerbel until December 31, 2009

**Weed Board (5 members, 4-year terms):**

District #1 Lannie Mielke, Mellette 2012  
 Commissioner Gerald Zerbel until December 31, 2009

**Planning and Zoning (4 members, 4-year terms)**

Kam Deslauriers 2012  
 Commissioner Dave Albrecht until December 31, 2009

**VOLUNTEERS**

LEPC: Hennery Zens, Ryan Hammer, Lannie Mielke, Philip Overby, Terry Dejong, Mathew Owens, Edith Bertch, Pat Kramp, Stuart Bell, Craig Schroeder, Roger Vick, Kellie Blume, Lisa Heathman, Dawn Oakley, Sheri Zens, Craig Oberle, Leonard Oberle, Darvin Dickhaut, Terry Bohl, Rich Gruenwald, Kerry Baird, Peggy Tisdell, Wendy Beckler, Bob Schutte, Russel Jessen, Kristin Miller, Mike Sanger, Gerald Zerbel, Steven Hanson, Ted Price, Les Helm, Marleen Huckabay, Jason Marzolf, Bill Jockheck, George Dooley, Larry Hoekman, Brent Schneider, Rory Troske and the Editor, Redfield Press.

TEEN COURT VOLUNTEER JUDGES: Russ Battey, Vic Fischbach, Paul Gillette, Margo Gillette and Gina Rogers.

TEEN COURT PARTICIPANTS: varies each session.

DEPUTY STATE’S ATTORNEYS: Harvey Oliver and Kim Dorsett.

**CLAIMS AND REPORTS ALLOWED**

Motion was made by Johnson, seconded by J. Albrecht, to approve the following claims and reports. All members present voted aye. Motion carried.

**County General Fund**

Misc: Beadle County Sheriff 2850.00 Dec. board of prisoners, Dakotabilities 180.00 Dec. funding, James Hare 730.65 court appointed attorney fees;

Supplies and Repairs: Aberdeen Awards 15.00, Avaya 256.59, SDWG 37.95;

Travel: Sheriff: Mid-States Organized Crime 100.00 membership;

**Highway Department**

Supplies & Repairs: Harvey’s 1317.96, SDWG 40.34;

Utilities: Doland City 28.50;

**E911**

Utilities: James Valley Telecommunications 248.44;

**Emergency Management**

Supplies & Repairs: Cunningham Elec. 4586.78.

**REPORTS**

- 2008 Annual Report of the Register of Deeds Collections: \$66,506.65
- December 2008 Sheriff's Department Report of Collections: \$3,133.10
- 2008 YTD Comp and OT Earned by Department
- 2008 YTD Leave Without Pay Hours
- Cell Phone Usage by County Employees

**OATHS OF OFFICE FILED**

Brian G. Johnson, Commissioner

Gerald K. Zerbel, Commissioner

Victor B. Fischbach, States Attorney

Kathy J. Ludwig, Treasurer

**REAPPOINTMENT OF DEPUTY**

Tammy J. Bahr, Deputy Treasurer

**CORRESPONDENCE:**

- Spink County States Attorney Vic Fischbach re information/statistics received by him compiled by the Office of Legislative Audit and SD Supreme Court: Comparison of State fine receipts by County and Circuit; County expenditures and repayment for court-appointed attorneys; Per Capita by county of costs
- Copy of memo from States Attorney regarding meetings
- NESDCAP/NESDEC Newsletter
- SD Housing Authority 2008 Annual Report
- Eastern SD Foster Grandparent Newsletter

Chairman Albrecht declared the meeting adjourned at 12:05 PM until 8:30 AM, Tuesday, January 13, 2009.

Dave Albrecht, Chairman

Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor

Spink County, South Dakota