

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, June 2, 2009, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson, Craig Johnson and Jerry Zerbel. Also present was Lori Jo Mundstock, Redfield Press.

ADOPT AGENDA

Motion was made by Zerbel, seconded by J. Albrecht, to adopt the agenda. All members voted aye. Motion carried.

MINUTES APPROVED

Motion was made by C. Johnson, seconded by Zerbel, to approve the minutes of May 26, 2009. All members voted aye. Motion carried.

Commissioner C. Johnson stated that some entities use a grant writing individual and wondered if it would be an advantage for Spink County to look into this.

Johnson also reported that the Personnel Policy Board had met last week and that several revisions are almost complete.

An update was given on the proposed new Fairgrounds building. There is some discussion regarding moving the site north a ways to higher ground.

Vic Fischbach, States Attorney, discussed the letter he had sent to several States Attorneys of counties in proximity to Spink County regarding proposed pipeline ordinances. He is proposing that counties adopt similar ordinances.

The Conde Fire District was then discussed and Fischbach stated that he is checking SDCL pertaining to petitions. Auditor stated that petitions requesting the formation of this District have been turned in to Spink, Brown, Day and Clark Counties.

Jeff Haessig, Highway Superintendent, gave an update on activities including patching roads, hauling rock and roads still under water. His department is preparing an estimate of costs for repairs to the two damaged Federal Aid roads (which have to be over \$5,000 per site in order to qualify for any assistance).

Auditor reported that a Township had contacted her regarding resignations of two supervisors and a dispute over roads. A follow up call from that Township reported the positions filled and the dispute in the process of being settled.

CONTRACT RENEWED

Motion was made by J. Albrecht, seconded by B. Johnson, to renew the contract between Professional Security, Watertown, and Spink County for drug and alcohol testing of commercial drivers as required by the Omnibus Transportation Employee Testing Act of 1991, and the term of said contract commencing on January 1, 2009 through December 31, 2009. All members voted aye. Motion carried.

HEARING FOR FRANCHISE RENEWAL

At 9:30 AM, time set by public notice, a hearing was held for public input regarding the application by Dakota Energy Cooperative, Inc., Huron, SD to renew a 20-year franchise for the County-wide construction and maintenance of rural electrical lines. Mike Moncur, Manager of Finance & Administration, Dakota Energy, attended the hearing and explained that the company's intention is to get all counties affected on the same 20-year franchise time line. He stated that they actually have very little line in Spink County.

RESOLUTION #09-29

FOR THE PLACEMENT AND MAINTENANCE OF TRANSMISSION AND DISTRIBUTION LINES
WHEREAS, Dakota Energy Cooperative, Inc., a corporation of Huron, South Dakota, on the 17th day of April, 2009, filed with the County Auditor of the County of Spink, South Dakota, its duly verified petition for franchise for a grant of the right to construct and maintain lines for rural electrification throughout Spink County, South Dakota, and in accordance with SDCL 31-26-12, hereby applies for County-wide authorization to construct and maintain electrical transmission and distribution lines, for a period of twenty (20) years, commencing upon the execution of said Application dated April 16, 2009.

WHEREAS, said application was heard by the Board of County Commissioners of said County of Spink, on this 2nd day of June, 2009, at the hour of 9:30 o'clock AM at the office of said board in the Court House in the City of Redfield, Spink County, South Dakota, due notice of said hearing having been given by mail, in strict compliance with the requirements of law, to all persons, firms or corporations owning or operating

transmission, telegraph, or telephone lines on or along any part of the highways hereinbefore described which the proposed transmission or distribution line of the applicant is to occupy, all in accordance with the terms and provisions in SDCL Chapter 31-26 and all acts amendatory thereto.

WHEREAS, no person, firm, or corporation has appeared in opposition to the granting of such application, and it appearing to the satisfaction of the Board of County Commissioners that no differences have arisen or exist between the applicant, Dakota Energy Cooperative, Inc., and any person, firm or corporation owning or operating electric, telephone or telegraph lines or underground cable on or along any part of said highway or highways which the proposed lines may occupy; and it further appearing to the satisfaction of the board that the construction, operation and maintenance of the applicant's electrical transmission line as now installed and operating and with additions thereto will not interfere with the maintenance and operation of any other line upon any part of said highways;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Spink and State of South Dakota that Dakota Energy Cooperative, Inc., is hereby granted, in addition to rights previously granted to it, the right to construct and maintain lines for rural electrification throughout Spink County, and across the public highways hereinbefore described in said County of Spink for a period of twenty years from and after the date hereof be, subject to the terms and conditions of SDCL Chapter 31-26 and all acts amendatory thereto.

Dated this 2nd day of June, 2009.

Dave Albrecht
Chairman of the Board of County Commissioners of the County of Spink, State of South Dakota

ATTEST:

Cindy Schultz, County Auditor

Rich Rische, Spink County Executive Director, Farm Service Agency, described the responsibilities of the county when physical loss disasters, as well as production loss disasters have occurred. He provided sample resolutions to be used when applying for either a Presidential or a Secretarial disaster designation and described the programs available under each.

ORDINANCE HEARING

At 10:00, time set by public notice, a second hearing was held for public input on Ordinance #7.05 entitled "An Ordinance providing for the process and requirements of an interested party to apply and compete for a Liquor License in Spink County as defined in said Ordinance". No person or their representative appeared for or against the Ordinance.

Upon roll call vote, C. Johnson "aye", B. Johnson "aye", J. Albrecht "aye", J. Zerbel "aye" and D. Albrecht "aye", motion passed.

ORDINANCE #7.05

An ordinance entitled "An Ordinance providing for the process and requirements of an interested party to apply and compete for a Liquor License in Spink County as defined in said Ordinance."

Spink County as authorized by state statute, may issue on-sale liquor licenses. As the ownership of a liquor license has evolved into a valuable commodity, the Spink County Commission has elected to institute a process whereby taxpayers of the county shall receive some benefit of that value as a license fee, which is hereby set at \$1,000.00 for a new liquor license as allowed by state statute. The granting of such liquor license is in the discretion of the Spink County commissioners by simple majority vote. In order to qualify as an applicant for a new license, the interested party shall submit the following to the County Auditor.

1. Certified funds in the amount of \$1,000.00

A letter of intent identifying the party bidding and an affidavit stating the owner and/or management plan. The plan shall show that the applicant acknowledges and accepts the following.

An affidavit identifying the owner(s) and/or officers of a business or corporation applying for the license. The affidavit shall list all persons having an interest in the license and must include a statement of compliance with SDCL 35-2-6.2.

An awareness of contractual obligation as set forth in SDCL 35-2-2.1.

An awareness and understanding of the obligations and risks stated by SDCL 35-2-5.3

An awareness and understanding that SDCL 35-2-5.3 does not entitle the license holder to a refund of the license fee.

An awareness and understanding that an immediate and/or subsequent transfer request of a license pursuant to SDCL 35-2-5.2, is subject to independent reviews by the Board of County Commissioners and the Secretary of Revenue, and therefore is not guaranteed.

An awareness and understanding that the owner(s) or business that receives the license shall be subject to a public hearing pursuant to SDCL 32-2-5.

An awareness and understanding that this application process shall be complete upon a majority vote of the County Commissioners in open session following the discussion at the public hearing on this matter.

An awareness and understanding of SDCL 35-2-5.1 will preclude a denied applicant (person's/business/corporations with interest identified in the original application) from participating for a license for one year.

An awareness and understanding of SDCL 35-2-6.6.

A business plan listing: location of establishment, statement of zoning compliance, statement of compliance with an applicable covenant, square footage/planned square footage, cursory or primary activities associated with planned establishment, a completed Uniform Alcoholic Beverage License Application, all required elements and funds must be submitted to the County Auditor at least 5 days prior to the Commission Hearing on the application

Business plans are subject to review by the commissioners and may be rejected pursuant to SDCL 35-2-1.2.

Unsuccessful applicants shall receive their deposit funds upon closing.

Upon completion of the application process, confirmation of the successful applicant shall be placed on the agenda pursuant to SDCL 35-2-4.

The successful applicant shall then agree that the submitted certified funds for the (license fee) of \$1,000.00 may be kept by the County Auditor in accordance with state statutes.

In order to preserve the process, but not to exercise favoritism, the County Commission reserves the right to reject any and all applications.

The county reserves the right to rescind, amend or otherwise change this process up to and until the closing of the transaction. Such changes shall be made in open session of a County Commission meeting.

Failure of the successful applicant to consummate the purchase of the license fee shall forfeit the fee on deposit. The County Commission reserves the right to set or extend a specific period of time to accept application for a new liquor license; such time frame shall be made in open session of a County Commission meeting.

Severability and saving clause: If any provision of this ordinance shall be held in valid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this saving purpose the provision of this ordinance is hereby declared to be severable.

First Reading: May 26, 2009

Second Reading: June 2, 2009

Published: June 10, 2009

Effective Date: June 30, 2009

Spink County Board of County Commissioners

By Its Chairman: Dave Albrecht

Cindy Schultz
Spink County Auditor

Commissioner Zerbel excused himself from the meeting at 10:05.

Commissioner Johnson excused himself from the meeting at 10:10.

Mike Yost, Code Enforcement Official, reported on nuisance sites in three Spink County townships. He stated that there are County Ordinances and South Dakota laws which address these potential infractions. He is waiting for advisement from the States Attorney.

Yost mentioned that by paying a \$100/year fee to join the International Property Maintenance Association we would receive support in handling these issues.

MALT BEVERAGE LICENSE HEARING

At 10:30 AM, time set by public notice, a hearing was held to consider applications for malt beverage license renewals. No person or their representative appeared for or against the renewals.

Motion was made by B. Johnson, seconded by J. Albrecht, to approve the following renewals of retail (on-off sale) malt beverage licenses to operate outside a municipality for the 2009-2010 licensing period:

The Neighbors, Thompson's Beach Lts 5-7 of 5-115-65, Spink County
Mellette Travel Plaza, Vollmers OL1 & OL2 in SW 35-120-64
Otto's Landing, SE1/4 20-114-64, Spink County

All members present voted aye. Motion carried.

Commissioners then discussed budget matters including group insurance and salaries.

Kathy Ludwig, Spink County Treasurer, met with the Commissioners to discuss Wednesday office closings.

EXPENSE REQUESTS

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

Kim Markley, DOE, Tammy Bahr and Robin Harty, Deputy Treasurers, Cindy Schultz, Auditor and Tammy Suchor, Deputy Auditor, and Theresa Hodges, Welfare Director, to the Ultra Users Meeting, Pierre, June 25, 2009;

Cindy Geary, Deputy Sheriff, to Criminal Addiction course, National Training Center, Sioux City, IA, June 8 – 11, 2009.

All members present voted aye. Motion carried.

CLAIMS AND REPORTS ALLOWED

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

County General Fund

May 2009 Salaries and Benefits: Commission 3975.00, Election 186.18, Auditor 7350.59, Treasurer 5796.24, States Attorney 4917.54, Maintenance 3235.20, Director of Equalization 7245.45, Register of Deeds 3839.75, VSO 1177.00, Sheriff 28108.92, Home Detention 1570.10, Poor 494.34, Health 1784.76, Fair 105.00, Museum 705.00, Extension 3184.32, Weed 5291.48, Planning 1140.10; OASI & Medicare 6055.67; Retirement 4626.71; Insurance 17605.25;

Misc: Beadle County Sheriff 3315.00 board of prisoners, Great Western Bank 121086.24 TIF Debt Service, Christy Griffin Serr 453.00, Spink County Senior Citizens 2014.00 June support;

Supplies and Repairs: Chief 76.93, Cole Papers 86.15, Crop Production Services 10531.50, Dakota Electronics 107.00, Fedex 18.82, Office Equipment 729.61, OK Tire Store 722.46, Tel Serv 110.98, Van Diest Supply 5844.10, Wells Fargo Remittance 128.85;

Travel: Auditor: Connecting Point 60.00 registration, Tammy Suchor 88.80 mileage & 12.00 meal; Commissioners: Jeff Albrecht 46.62 mileage, Brian Johnson 26.64 mileage, Craig Johnson 40.70 mileage & 9.00 meal; Director of Equalization: Connecting Point 20.00 registration, Kim Markley 18.00 meals; Extension: Becky Leonard 66.60 mileage; Fair Board mileage: Darla Knox 14.80, Deanna Koester 11.10; Home Detention mileage: Darcy Harford 81.40, Donna Kegler 389.98, Mavis Ludemann 312.28; Sheriff: Kathy Adams 26.00 meals, Jason Kraft 26.00 meals, Jonathan Waldner 26.00 meals; Treasurer: Connecting Point 40.00 registration, Tammy Bahr 88.80 mileage & 12.00 meal; VSO: Steve Hanson 58.09 mileage; Weed & Pest Board mileage: Harold Loewen 29.60, Deb Schultz 19.24;

Utilities: Steve Hanson 10.00, Verizon Wireless 124.64;

Highway Department

May 2009 Salaries and Benefits: Hwy. Admin. 6039.27, Hwy. Const. 31637.81; OASI & Medicare 2807.78; Retirement 2190.82; Insurance 10569.76;

Equipment Rental: 3400.00 bottom dump trailer;

Supplies & Repairs: Harvey's Sinclair 976.14, Northern Conn-Agg 3340.63, OK Tire Store 253.20, Redfield Body 278.80, Share Corp 74.88;

Utilities: Doland City 30.50;

E911

May 2009 Salaries and Benefits: 7827.35; OASI & Medicare 588.38; Retirement 469.63; Insurance 1992.26;

Emergency Management Fund

May 2009 Salaries and Benefits: 1498.00; OASI & Medicare 114.91; Retirement 90.35; Insurance 364.16;

Travel: Steve Hanson 18.00 meal & 27.38 mileage;

Utilities: Steve Hanson 10.00;

WIC

May 2009 Salaries and Benefits: 372.36; OASI & Medicare 28.37; Retirement 22.34; Insurance 111.66;

24/7 Sobriety

May 2009 Salaries and Benefits: 330.18; OASI & Medicare 24.96; Retirement 19.82; Insurance 84.73;

CORRESPONDENCE

- Thank you from Jan Heinzerling, SDLPNA, for allowing their Association to the use Community Room
- SD Association of Towns & Township notification that fire station construction grant application just went live at FEMA's website
- Invitation to the State Historic Preservation Office's presentation of the Deadwood Grant to the Turton Congregational Church, June 8
- Memorandum from the SD Dept. of Public Safety re upgrading the South Dakota Interoperable Digital Radio Network and the request by SDDPS for counties to release their FY2009 Homeland Security Grant Funds
- Pennington County Sheriff's Office letter regarding the daily rate fee for housing inmates

Chairman D. Albrecht declared the meeting adjourned at 11:55 AM until 8:30 AM, Tuesday, June 16, 2009.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:
Cindy Schultz, Auditor
Spink County, South Dakota