

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, June 16, 2009, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson, Craig Johnson and Jerry Zerbel. Chairman Dave Albrecht opened the meeting with the Pledge of Allegiance.

Lori Jo Mundstock, Redfield Press, was also in attendance.

**ADOPT AGENDA**

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

**MINUTES APPROVED**

Motion was made by Zerbel, seconded by B. Johnson, to approve the minutes of June 2, 2009. All members voted aye. Motion carried.

**BUILDING PERMITS/REMOVALS**

<b>NAME</b>	<b>TWP/TOWN</b>	<b>LEGAL</b>	<b>PROJECT</b>
Mark Steinhauser	Tulare Town	Smith's S-D OL11 Lts 2-3	add 28x32 grg
Oscar Solheim	Frankfort	NE1/4 21-116-62	destroy house & bins
Robert & Audra Heidenreich	Brentford Town	Orig B19 Lts 1-2	install drain tile, new gutters & fascia; possibly add bath & bedroom in basement
Terry & Donna Thomas	Lake	Thomas OL A&B in SE1/4 6-115-65	demolish old cabin & remove old MH
Daryl & Darla Steward	Northville	NW1/4 NE1/4 19-119-65	new siding, windows & back entry; addition onto MH
Ryan Neu	Lake	Dawson's S-D Lts 6-7	siding on MH
Steve & Rebecca Woodring	Redfield	Woodring OL1 in SW1/4 19-116-64	new 30x60 home w/full basement; possible grg & deck
Shawn Evans	Three Rivers	Evans S-D S1/2 SE1/4 22-117-64	move 2 sheds & house; basement, grg, decks
Mark Piehl	Northville Town	Balance OL's 55 & 56	continue remodeling lean-to; possible grg
Jim & Deborah Burdick	Redfield	Shar Winn Estates #26	new siding & windows
Scott & Susan Vogel	Prairie Center	NE1/4 less Vogel OL A in 5-117-61	10x24 deck
Jerry Brand	Lake	Thompson Beach Lts 28-30	9x12 shed; may remove bldgs on lot 29; recheck measurements of 12x10x7 shed
Steve & Nora Kramp	Brentford Town	Original B20 Lts 1-2	8x14 breezeway
Rick & Jane Whitley	Tulare Town	Schultz S-D OL 10 ...	remodel main floor bath
Tandy & Brenda Roth	Northville Town	Blks5&6 & OL K Blk5 Lts 1-2	new roof & fencing; repair fencing around trailers & cars
Todd & Nancy Schwartz	Athol	13.83A in NW1/4 SW1/4 in 30-118-64	30x50 new home, in floor heat, no basement
William & Zeld Klebsch	Three Rivers	SE1/4 24-117-64	new cupboards in kitchen; paint
Water Wageman	Ashton Town	Original B9 Lts 14-15	12x16 storage shed; tear down old shed
Ted Pazour	Prairie Center	SE1/4 SW1/4 30-117-61	42x7 bin
John P Cass	Redfield	Shar-Winn Estates #19	reshingle house

Kim Peterson	Northville	Peterson Lt 1 in SE1/4 31-120-64	10 -12x30 storage rental units
Mike Christenson	Northville	Hahler Lt 1 in SE1/4 6-120-65	2220 sq ft home; 1/2 basement; 2 stall grg; 12x14 well house
Vogele Land, LLC	Clifton	NE1/4 1-118-62	destroyed grg May 18, 2009
Curtis Rahm	Sumner	NE1/4 5-118-61	summer '09 destroy all bldgs
Curtis Rahm	Sumner	SW1/4 3-118-61	2 - 30,000 bu bins
Joe Jungwirth	Redfield	Sante's OL1 in NW1/4 9-114-64	shingle house at 38444; add 7x12 deck w/roof to house at 38442
Mason-Knox Ranch	Belle Plaine	NW1/4 30-116-61	reside part of barn
Sal Hager	Richfield	SW1/4 26-116-60	May '09 destroyed 2 grain bins
Kim Markley	Lake	Thompson Beach Lts 8-11	misc repair; remodel; add bath to summer house; possible grg
Dennis Murray	Frankfort	Manning Lot 2	12x16 shed w/sand/gravel floor
Rob Spear	Lake	Thompson Beach part Lt 81	reshingle home
Max Hammer	Mellette	SE1/4 30-120-63	23x54 pole bldg
Linda Hofer	Capitola	SW1/4 6-115-60	move home; pour new basement; add addition

Vic Fischbach, States Attorney, answered Commissioners' questions pertaining to pipeline ordinances currently being drafted and to proper procedure for handling petitions, joint meeting and election for the proposed formation of a Conde Fire District.

#### **EXECUTIVE SESSION**

Motion was made by B. Johnson, seconded by J. Albrecht, at 10:55 AM to enter into executive session to discuss legal matters with Fischbach. All members voted aye. Motion carried.

At 11:05 AM Chairman Albrecht declared the board out of Executive Session.

Fischbach reported that he is working on a settlement of claims with Robert Nelson, Attorney for Avera Hospitals.

Jeff Haessig, Highway Superintendent, reported that he has been in contact with representatives for Keystone Pipeline about a reasonable reimbursement before signing a Release of Damage Claim with them. Haessig stated that \$15,000 had been offered but he is seeking more so that hauling expense is covered as well.

Commissioners gave permission for an insurance agent to meet with highway personnel after hours as long as Personnel Policy is followed, which includes overtime not being turned in. They also approved Haessig's request to allow the VFW use of a department pickup in the July 4th parade.

Haessig will discuss the plugged drain in the courthouse south parking lot with Lannie Arthurs, Maintenance Engineer.

#### **RESOLUTION TO AWARD BRIDGE CONSTRUCTION CONTRACT (#09-30)**

Item 1, June 3, 2009 Letting  
BRO 8058(16), PCN 00JV, Spink County  
Structure and Approach Grading (65' Prestressed Concrete Double Tee)

Be it resolved by the County Commission of Spink County, South Dakota, that the bid submitted by Hollaway Construction Co. Inc., Mitchell, SD, whose \$248,105 proposal is the low combination bid of three, being \$23,285 or 8.6% below the South Dakota Department of Transportation Engineer's estimate of \$271,300, be accepted.

#### **RESOLUTION TO AWARD BRIDGE CONSTRUCTION CONTRACT (#09-31)**

Item 1, June 3, 2009 Letting  
BRO 8058(15), PCN 00JV, Spink County  
Structure and Approach Grading (65' Prestressed Concrete Double Tee)

Be it resolved by the County Commission of Spink County, South Dakota, that the bid submitted by Hollaway Construction Co. Inc., Mitchell, SD, whose \$254,731 proposal is the low combination bid of three, being \$7,627 or 2.9% below the South Dakota Department of Transportation Engineer's estimate of \$262,358, be accepted.

Dated at Redfield, South Dakota, this 16th day of June, 2009.

Motion by B. Johnson, second by C. Johnson, to approve and adopt the above two Resolutions. All members present voted aye. Motion carried.

Dave Albrecht, Chairman  
Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor  
Spink County, South Dakota

#### **SALARIES/HIRE DATES**

Department Summer Help, salaries and starting dates are as follows:

Highway:	Tom Leinen	\$12.00/hr	5/04/09
	Mark Schaffer	\$12.00/hr	5/26/09
	Don Paulson	\$10.00/hr	5/26/09

Weed:	Jarret Anderson	\$ 9.00/hr	5/20/09
	Theresa Esser	\$10.00/hr	5/12/09
	Shane Gross	\$ 9.00/hr	5/07/09
	Brandi Lambert	\$10.00/hr	5/11/09

#### **PURCHASE APPROVED**

Sharon Jungwirth, Register of Deeds, requested permission to purchase a Concurrent Retrieval License for her software. Motion was made by Zerbel, seconded by J. Albrecht, to approve the purchase of a File Director Concurrent Retrieval License from Active Data Systems at \$980.16, to be paid for from the DOE and ROD budgets. All members voted aye. Motion carried.

Commissioners gave permission for Jungwirth to have her Deputy cover the office when she can't be there.

#### **BUDGET**

James River Water Development District was discussed and a newspaper clipping from April 14, 1966 filed showing James River flooding at that time.

Commissioner B. Johnson will do more research on the county's group policy and options available to keep monthly premiums the same. Projection for the remainder of 2009 will remain as budgeted.

Code Enforcement was also discussed.

The Calendar for the Establishment of the Conde Rural Fire Protection District was discussed. A joint meeting of counties affected, including Brown, Clark, Day and Spink, will need to be held. Motion was made by J. Albrecht, seconded by B. Johnson, to advertise for a hearing to decide on the proposed plan. All members voted aye. Motion carried.

#### **NOTICE OF COUNTY COMMISSIONERS HEARING ON ORGANIZATION OF PROPOSED CONDE RURAL FIRE PROTECTION DISTRICT**

As per SDCL 34-31A-8, the Spink, Brown, Day and Clark Boards of County Commissioners shall meet, on July 7, 2009, at 2:00 PM, at the Conde Community Center, 125 Broadway Street SW, Conde, SD to determine whether the proposed Conde Rural Fire Protection District is suited to the general fire protection policy of each of such counties, as a whole, determine the boundaries of the proposed district, whether as suggested in the petition or otherwise, and make a written order of such determination which shall describe the boundaries of the district and be filed in the office of the county auditors of each county in which such district is situated. All persons residing in or owning taxable property within the proposed district shall have an opportunity to be heard respecting the formation of such district or the location of the boundaries as herein listed:

The area in square miles to be included in the district is 252 square miles.

In Conde Township: Sections 1 - 36, Township 120N, Range 60, West of the 5th P.M., Spink County, South Dakota including the City of Conde;

In Benton Township: Sections 1 - 36, Township 119N, Range 61, West of the 5th P.M., Spink County, South Dakota;

In Beotia Township: Sections 1 – 36, Township 120N, Range 61 West of the 5th P.M., Spink County, South Dakota;

In Olean Township: Sections 1 – 36, Township 124N, Range 61, West of the 5th P.M., Spink County, South Dakota;

In Oak Gulch Township: Sections 1 – 36, Township 120N, Range 59, West of the 5th P.M., Day County, South Dakota;

In Warren Township: Section 1 – 36, Township 119N, Range 59, West of the 5th P.M., Clark County, South Dakota;

In Bates Township: Sections 1 – 35, Township 121N, Range 60, West of the 5th P.M., Brown County, South Dakota;

City of Verdon, Brown County, South Dakota.

Dated at Redfield, Spink County, South Dakota, this 11th day of June, 2009.

Cindy Schultz, County Auditor  
Spink County, South Dakota

Two publications: June 17 & 24, 2009

#### **HOMELAND SECURITY GRANT FUNDING**

Commissioners discussed a request made by the SD Department of Public Safety that counties support the upgrading of the state digital radio network by releasing their FY2009 HS Grant Funds. The Commissioners all agree that Spink County is set up to use the network, but also feel that several reasons exist to refuse the request including: lack of support for county fee increases, concern over technological advances making the new system obsolete and the need of those funds for updating our own county's equipment.

Motion was made by C. Johnson, seconded by J. Albrecht, to release Spink County's FY2009 Homeland Security Grant Funds, as requested by the South Dakota Department of Public Safety, but relate to them the Board's concerns. Upon Jeff Albrecht, C. Johnson and D. Albrecht voting "aye" and B. Johnson and Zerbel voting "nay", motion passed.

#### **COMMITTEE REPORTS:**

Craig Johnson, representing Grow Spink, gave an update on the Pheasantennial and filed a real estate acquisition report for S-D S1/2 Blk 10 & Blk 19-28 inclusive & OL1 Blk 27 Lts 5&6, Conde City.

Jerry Zerbel gave an update on the progress of the Fairgrounds building project.

#### **EXPENSE REQUEST**

Motion was made by C. Johnson, seconded by Zerbel, to approve the following expense request:

Kim Markley, Director of Equalization, to District 7 & 9 meeting, Faulkton, July 21, 2009 (date change).

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**

Misc: Avera McKennan 58.80 medical records, Russell Battey 586.30 court appointed attorney fees, Beadle County Sheriff 2600.00 April board & care, Clayton Blanchford 375.00 dive rescue training, Cindy Brace 20.00 special food judge, Brown County Sheriff 300.00 May prisoner care, Center for Independence 416.66 May support, Community Memorial 13.50 records & 2085.00 Feb. & Mar. blood

draws, Tammy Erickson Court Reporting 112.90, Faulk Co. Sheriff 660.00 May prisoner care, James Hare 2777.73 court appointed attorney fees, Pennington County Sheriff 226.00 transport prisoners, Redfield City 1000.00 June County Wide Law Enforcement, Mike Sanger 750.00 June ambulance support, State of South Dakota: 245.00 lab services & 3183.35 predatory animal, witness fees 120.72;

Supplies and Repairs: Appel Oil 8.00, Chuck's Body Shop 879.66, Dakota Air Spray 96.36, Duckwall-Alco 241.12, Farnams 87.12, Gempler's Inc. 363.25, Hedahl's 42.37, Johnson Oil 1828.96, Jurgens Printing 109.02, Leaf 79.24, Marshall & Swift 789.82, Tracey Millar 41.09, Mobile Electronic 142.50, The Redfield Press 391.88, Shawn Chase Ford 5258.60, SD Wheat Growers 62.40, True Value 118.55;

Travel: Director of Equalization: Best Western Ramkota 395.00 Kim Markley & Diane Tipton lodging; Extension: Mark Rosenberg 111.00 mileage, 12.00 meals, 90.00 SDCAA dues & 55.00 registration; Sheriff: Cindy Geary 68.00 meals & 218.30 mileage; Welfare: SDACC 55.00 registration/summer workshop;

Utilities: Executive Management (BIT) 292.49, Northern Wireless 106.69, Northwestern Energy 59.53, Northern Valley Communications 454.70, Redfield City 184.75;

### **Highway Department**

Construction Material: Lien Transportation 12706.83;

Supplies and Repairs: Appel Oil 12829.95, Butler Machinery 423.96, Dakota Dust-Tex 19.60, Diesel Machinery 232.04, Duckwall-Alco 16.47, Hedahl's 363.65, JCK Service Inc. 236.34, McGillvrey Oil 6872.86, Northern Con-Agg 3901.34, Office Equipment 75.96, Power Plan (RDO) 322.24, The Redfield Press 14.94, South Dakota Wheat Growers 8.48, Spink Co. Farm & Hardware 20.69, Titan Access 119.87;

Utilities: Executive Management (BIT) 14.33, Northern Wireless 79.90, Northwestern Energy 609.31, Redfield City 46.50;

### **E911**

Utilities: James Valley Telecommunications 248.44;

### **Emergency Management**

Utilities: Executive Management (BIT) 6.00, Northern Wireless 5.26;

### **Law Library**

Supplies and Repairs: West Group Payment Center 355.00.

## **REPORTS**

- May 2009 Register of Deeds Statement of Fees Collected: \$2,977.90
- May 2009 Report of Court Appointed Attorney Reimbursements: \$415.85
- May 2009 Spink County Sheriff's Office Fees Collected: \$18,700.57
- May 2009 Auditor's Report of Poor Lien Reimbursements: \$200.00
- May 2009 Highway Department Report of Collections:

Road & Bridge Fund	\$3,308.61
Weed Department	<u>\$4,280.00</u>
Total	\$5,588.61
- May 2009 Spink County Ambulance Activity Report
- 2009 YTD Comp and Overtime Earned by Department
- Budget Expenditure Totals Report Period Ending 5/31/09
- Auditor's Account with the County Treasurer as of May 31, 2009:

County General Fund	\$2,812,950.61
Special Revenue Funds	240,995.85
TIF Debt Service	1,019.55
Trust & Agency Funds	230,952.29
Amount Held for School Districts	1,000,086.79
Amount Held for Townships	100,685.95
Amount Held for Municipalities	264,443.85
TOTAL	\$4,651,134.89

## **SALARIES/HIRE DATES**

Department summer help, salaries and starting dates are as follows:

Highway:	Tom Leinen	\$12.00/hr	5/04/09
	Mark Schaffer	\$12.00/hr	5/26/09
	Don Paulson	\$10.00/hr	5/26/09

Weed:	Jarret Anderson	\$ 9.00/hr	5/20/09
	Theresa Esser	\$10.00/hr	5/12/09
	Shane Gross	\$ 9.00/hr	5/07/09
	Brandi Lambert	\$10.00/hr	5/11/09

**AUTO SUPPLEMENTS/CASH TRANSFERS**

Motion was made by Johnson, seconded by B. Johnson, to make the following Automatic Budget Supplements:

- Emergency Management                    \$4,586.78    HLS Grant – wiring/Conde & Northville sirens  
(226/222/426.81)
- “    \$4,270.08    HLS Public Safety Grant – 2 digital radios  
(226/211/426.81)
- “    \$28,278.88    HLS Public Safety Grant – 5 digital radios  
(226/211/426.81)
- Weed    \$2,200.00    Weed Grant – chemical (101)615/416

And to make the following cash transfers from the General Fund (101):

- 24/7 Sobriety Program                    \$737.00    March, April & May Revenue (248 Fund)
- “    \$3,000.00    Budgeted (248 Fund)
- Highway    \$500,000.00    Budgeted (201 Fund)
- Domestic Abuse                                \$1,700.00    Budgeted (229 Fund)

All members voted aye. Motion carried.

**CORRESPONDENCE:**

- SD Dept. of Environment & Natural Resources: Lee Gatzke Feedlot Underground Irrigation Piping Plans & Specs
- SD Dept. of Environment & Natural Resources: Bixler Farms Underground Irrigation Piping Plans & Specs
- SD Dept. of Human Services memo regarding County Board of Mental Illness Training
- Notice of a Pictometry Meeting/Materials introduction/demonstration to be held in Aberdeen
- SDACC Notice of Public Hearing for Administrative Rules changes to Catastrophic County Poor Relief Program
- SDACC Notice of Sale of Surplus Motorgrader
- US Department of the Interior notice of FY2009 PILT entitlement of \$1,730
- City of Redfield copy of their Annual Water Quality Report as required by the EPA
- South Dakota Retirement System Employer Certification Statement (signed by Chairman Albrecht)

Meeting dates for the month of July will be on the 7th, 14th and 28th.

Chairman Dave Albrecht declared the meeting adjourned at 12:00 noon. The next Commissioner meeting will be 8:30 AM, Tuesday, June 30, 2009.

Dave Albrecht, Chairman  
Spink County Board of Commissioners

ATTEST:  
Cindy Schultz, Auditor  
Spink County, South Dakota