

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, September 29, 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.

ADOPT AGENDA

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

MINUTES APPROVED

Motion was made by C. Johnson, seconded by B. Johnson, to approve the minutes of September 15, 2009. All members present voted aye. Motion carried.

Commissioner C. Johnson reported on a landowner's complaint that the James River Water Development District left several piles of woodchips following a project to clear out dead trees in the late 1990's. Commissioners agreed to send a letter to the District Office in Huron asking that the rubble be removed.

Vic Fischbach, States Attorney, answered questions pertaining to a Right of Way in 31-117-63, Great Bend Township.

Fischbach and Kim Markley, Director of Equalization, outlined proposed changes to Chapter 6.0 – Drainage Ordinances. Markley will make the requested changes and present a draft at the October 6, 2009 meeting.

Fischbach is researching potential tax deed properties and discussed a mortgage to Beadle & Spink Enterprises against Lots 12 & 13, Block 8, Doland City. This may be a paid mortgage.

Jeff Haessig, Highway Superintendent, requested that Grant County's bid for gravel crushing be used and filed the notice of Bid Letting, Grant County's minutes of April 2, 2009 and Sibson Construction's bid.

BID ACCEPTED

Motion was made by B. Johnson, seconded by J. Albrecht, to accept Grant County's low bid from Sibson Construction at \$1.34/per ton for 3/4' crushed gravel. All members voted aye. Motion carried.

FUEL QUOTES

Motion was made by C. Johnson, seconded by J. Albrecht, to approve the following quotes:

Redfield:	E85, Ethanol and Unleaded:	18.3¢ below pump price & additional 2¢ credit with card use (as per Johnson bid for 1 year)	
	Regular Bulk	2.145	Appel
	#2 Diesel	1.99	Appel
Tulare:	#1 Diesel	2.08	McGillvrey
	#2 Diesel	2.00	McGillvrey
Brentford, Doland and Northville:			
	#1 Diesel	2.11	McGillvrey
	#2 Diesel	2.03	McGillvrey
Conde:	#2 Diesel	2.04	Harvey

All members present voted aye. Motion carried.

Haessig discussed bid specs for a new motor grader budgeted in 2010. Also, he reported that mandatory drug testing had been done last week and in the near future he plans to hold safety meetings & training.

RESOLUTIONS TO APPROVE PLAT

(#09-39)

Be it resolved by the County Commission of Spink County, South Dakota, that the plat showing "Lee Outlot in NW1/4 Sec. 7-T115N-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.

(#09-40)

Be it resolved by the Board of County Commissioners of Spink County, South Dakota, that the plat showing Waldner Subdivision in the SE1/4 of Section 30-T115N-R60W 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.

Dated at Redfield, South Dakota, this 29th day of September, 2009.

Motion by Zerbel, second by B. 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

Kathy Ludwig, Treasurer, and Robin Harty, Deputy, met with the Commissioners regarding Harty's half time position and to file four partial payment requests.

PERSONNEL/SALARY

Motion was made by C. Johnson, seconded by Zerbel, to change Robin Harty's half time Deputy Treasurer position to three quarter time, effective 9/30/09 at her current rate of pay (\$12.72/hour). All members voted aye. Motion carried.

REPAYMENT OF TAXES AGREEMENTS

Motion was made by J. Albrecht, seconded by Zerbel, to approve the following partial payments against:
L 13 & 14 B 6 Original Addition, Conde City, totaling \$5,287.11, paying \$355/month due the 10th of each month, beginning October 10, 2009 and thereafter until balance, including accrued interest, is paid in full;

L 1 & 2 B 6 Place's, Conde City, totaling \$1289.61, paying \$500 now, and the remaining balance of \$789.61 on or before October 31, 2009;

Harms Addition L 2 in NW1/4 Crandon Township, totaling \$880.20, paying \$200/month due the 3rd of each month, beginning October 3, 2009 and thereafter until balance, including accrued interest, is paid in full;

L 3 & 4 B 1 East Side Addn., Redfield City, totaling \$5,954.23, paying a \$1,000 deposit and remaining balance at \$200/month due the 20th of each month, beginning October 20, 2009 and thereafter until balance, including accrued interest, is paid in full;

All members voted aye. Motion carried.

Randy Kuehn and Kim Markley, Director of Equalization, met to file Mr. Kuehn's petition for a drainage hearing. He wishes to lay tile in Sections 7 & 8, Crandon Township. Kuehn also filed a water analysis from a different drainage tile outlet showing levels of chemicals in the water as compared with a cautionary level.

Motion was made by B. Johnson, seconded by Zerbel, to advertise Notice of Hearing to Petition for Drainage to lay drainage tile in 7-115-63 and in 8-115-63. All members voted aye. Motion carried.

NOTICE OF PUBLIC DRAINAGE HEARING

According to Drainage Ordinance as provided by Title 6.04 (First Reading)

NOTICE IS HEREBY GIVEN THAT A PUBLIC DRAINAGE HEARING will be held on Friday, October 16, 2009, at 8:30 AM, in the Commissioners Room of the Spink County Courthouse, 210 East 7th Avenue, Redfield, wherein all interested persons may appear and be heard. The hearing is being held pursuant to SDCL 46A-10A-62 & 63.

The following petition has been filed with the Spink County Drainage Board:

Petition for Drainage Project #1 (2009)
Applicant: Randy Kuehn, 17940 389th Avenue, Redfield, SD 57469

"There would be an underground tile in SW1/4 of Section 8-115-63. This tile would drain to the north to the NW1/4 of Section 8-115-63, the west 1/2 on my own land. This tile would be approximately 3' deep.

There would be an 8' main and several 4" to 5" branches going to the main tile. This would drain into the slough and follow the waterway to the east.

There would be an underground tile in the NE1/4 & NW1/4 of Section 7-115-63. This tile would drain to the east and end up in the same slough as mentioned in other project; this would be a 6" tile."

A map of this project is available in the Spink County Equalization office.

Should this request be of concern to you, you or your representative may appear at the Hearing. If you cannot attend the Planning and Zoning Hearing, you may send your comments to:

Spink County Drainage Administrator, % Kimberly Markley, 210 E 7th Avenue, Redfield, SD 57469-1283

Dated this 29th day of September, 2009,
at Redfield, South Dakota.

Dave Albrecht, Chairman
Spink County Board of Commissioners

Two Publications: October 7 & 14, 2009

Markley filed Title 17.25, Hazardous Pipeline Ordinances, adopted September 22, 2009 by the Planning and Zoning Board at their regular meeting.

Motion was made by B. Johnson, seconded by Zerbel, to advertise First Reading of Title 17.25, Hazardous Pipeline ordinances. All members voted aye. Motion carried.

NOTICE OF PUBLIC HEARING

First Reading - Zoning Ordinances for Spink County, South Dakota

Notice is hereby given that the Spink County Board of Commissioners will hold a public meeting to receive public input concerning the proposed adoption of Title 17.25 Hazardous Pipeline Ordinances. The hearing will be held in the Commissioners' Chambers at the County Court House in Redfield at 10:00 AM on Tuesday, the 27th day of October, 2009.

Copies of the proposed ordinances are available for public review during normal business hours in the offices of the County Auditor and the Equalization Office. They are also posted on the County WEB site at www.spinkcounty-sd.org.

At the Public Hearing, all persons will be given a full, fair and complete hearing and are encouraged to attend and make their views known. Those not able to attend are invited and encouraged to send written comments to the Spink County Board of Commissioners, 210 East Seventh Avenue, Redfield, SD 57469.

Cindy Schultz
Spink County Auditor

One Publication: October 14, 2009

BUDGET HEARING

At 10:30 AM, time set by public notice, the final hearing on the 2009 Spink County Annual Budget was held. No one appeared at the hearing nor had any correspondence been filed. Motion was made by J. Albrecht, seconded by C. Johnson, to adopt the Annual Budget with the following amendments to the Provisional:

1. Increase the Current Property Tax Levy from \$2,622,575.00 to \$2,625,643.00 to include allowable growth of \$12,962 and to use the Consumer Price Index 3.0 rather than last year's 2.9.
2. Decrease anticipated revenue in 342.13, Deputy Sheriff Services, by \$12,000 to account for a decrease in the 2010 Law Enforcement Agreement with Redfield City.

All members voted aye. Motion carried.

Markley then stated she would like to hire Jessica Avery for the Planning and Zoning Administrator position.

PLANNING AND ZONING ADMINISTRATOR/SALARY

Motion was made by J. Albrecht, seconded by C. Johnson, to hire Jessica Avery half time, to begin 9/30/09 as the Planning and Zoning Administrator, at the \$12.11 beginning Clerk salary. All members voted aye. Motion carried.

Paul Gillette, Attorney, and Vic Fischbach, States Attorney, explained an agreement made on June 8, 1883, between the landowner and Spink County. Said agreement conveyed a 66' strip of land to Spink County for the purpose of constructing a bridge. Both attorneys agree that, because a bridge was never constructed and no road exists, the agreement has not been met and current landowner is justified in requesting the parcel to clear up title.

QUIT CLAIM DEED

Motion was made by C. Johnson, seconded by Zerbel, to deed "a strip of land 66' wide along the west side of the E1/2 31-117-63, West of the 5th P.M." to Kevin Siebrecht of 17168 - 388 Avenue, Redfield, South Dakota, because the June 8, 1883 Indenture Agreement's requirement to build a bridge was not fulfilled by Spink County. All members voted aye. Motion carried.

Lannie Arthurs, Maintenance Supervisor, filed a quote from Titan Machinery on a Cub Cadet Commercial Enforcer 54, 23 HP, 54" deck, with 8 bu. collection system & fan assist at \$6,515.00. Also discussed by the Commissioners were concerns regarding lapses in custodial availability on Friday afternoons and at other times.

CASH RESERVED

Motion was made by Zerbel, seconded by C. Johnson, to transfer \$10.00 from General Undesignated Cash (272.90) to Cash Reserved for HAVA Grant (272.02) to account for interest earned. All members voted aye. Motion carried.

CLAIMS ALLOWED

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

County General Fund

Misc: Denise Cody 15.00 hearing, Donna Dietrich 96.81 hearing, Marv Ekeren 15.00 hearing, Faulkton Area Medical Center 86.00 care of prisoners, James Hare 287.00 court appointed attorney fees, NE Mental Health 666.66 July & Sept. care, Jerry Pollard 41.00 hearing, Gina Rogers 528.50 court appointed attorney fees, Christy Griffin Serr 410.00 MI reviews;

Supplies and Repairs: A & B Computer Solutions 40.00, Cole Papers 1035.67, Consumer Reports 44.00, Inventory Trading Co. 83.00, OK Tire 46.94, Pitney Bowes 536.76, Public Safety Center 111.52, SDACO 30.00, Wholesale Electronics 260.58;

Travel: Auditor: Best Western Ramkota 246.00 lodging; Commissioners' mileage: Jeff Albrecht 157.62, Brian Johnson 26.64, Craig Johnson 85.10, Gerald Zerbel 109.52; Director of Equalization: Holiday Inn Rushmore Plaza 370.00 lodging, Sally Filipek 130.00 meals; Extension: SDSU 90.00 registration, Mark Rosenberg 90.00 meals, 45.00 registration & 85.84 mileage; Register of Deeds: 64.38 mileage & 12.00 meal; Sheriff: LeRoy Fuerst 6.40 prisoner meal; VSO: Steve Hanson 39.22 mileage & 25.00 registration; Welfare: Best Western Ramkota 82.00 lodging;

Utilities: Alltel 13.79, Executive Management (BIT) 240.66, Steve Hanson 10.00, Midcontinent Comm. 71.04, Northwestern Energy 1572.77, Qwest 389.71, Verizon 106.09;

Highway Department

Construction Material & Contract Labor: Beckler Constr. 2712.50;

Supplies and Repairs: OK Tire 1898.36, SD Dept. of Revenue 9.00;

Utilities: Alltel 105.19, Executive Management (BIT) 15.00, Northwestern Energy 338.60, Qwest 125.38;

E911

Misc: Well Fargo Brokerage 19678.12 E911 equip. pmt #5;

Utilities: Qwest 906.84, Venture Communications 164.78;

Emergency Management

Travel: Steve Hanson mileage: 186.48 mileage, 30.00 registration & 43.00 meals;

Utilities: Executive Management (BIT) 6.00, Steve Hanson 10.00, Qwest 33.97;

Law Library

Supplies & Repairs: West Group Payment Center 953.50.

CORRESPONDENCE:

- Filing by the City of Redfield of their Restricted Use Site permit for the site one mile west & 3/4 mile north of the City
- Hillside Colony P-NMP Manure Management System – Additional Information Received
- Lee Gatzke Feedlot Manure Management System Revised Plans & Specs Review

Chairman Dave Albrecht declared the meeting adjourned at 11:40 AM. The next Commissioner meeting will be 8:30 AM, Tuesday, October 6, 2009.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:
Cindy Schultz, Auditor
Spink County, South Dakota