

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, December 15, 2009, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson, Craig Johnson and Jerry Zerbel.

Lori Jo Mundstock, The Redfield Press, was also in attendance for most of the meeting.

ADOPT AGENDA

Motion was made by J. Albrecht, seconded by B. Johnson, to adopt the agenda with the addition of auto supplements, contingency transfers and cash transfers. All members voted aye. Motion carried.

MINUTES APPROVED

Motion was made by C. Johnson, seconded by Zerbel, to approve the minutes of December 1, 2009. All members voted aye. Motion carried.

COUNTY WELFARE

Theresa Hodges, County Welfare Director, presented an application for assistance from client #171. Motion was made by J. Albrecht, seconded by B. Johnson, to reject the application because client #171 is over the income requirements and because dates of service from 8/13 – 8/14/08 required pre-approval. All members voted aye. Motion carried.

Vic Fischbach, States Attorney, gave an update of current activities and gave the go ahead for the Commissioners to approve Mid-Dakota's Resolution. He stated that much of the form is a reiteration of the 1999 Resolution.

RESOLUTION NO. 09-43 AMENDING RESOLUTION ADOPTED OCTOBER 5, 1999, AND GRANTING MID-DAKOTA RURAL WATER SYSTEM, INC., ADDITIONAL COUNTY-WIDE AUTHORITY FOR THE PURPOSE OF OPERATING AND MAINTAINING THE SPINK COUNTY PORTION OF THE MID-DAKOTA RURAL WATER PROJECT

Resolution #09-43

On October 5, 1999, the Board of County Commissioners of Spink County, South Dakota, adopted a Resolution whereby they granted a county-wide authorization to Mid-Dakota Rural Water System, Inc. for the purpose of constructing the Spink County portion of the Mid-Dakota Rural Water Project.

Mid-Dakota Rural Water System, Inc. has now applied to the Board of County Commissioners of Spink County, South Dakota to amend the above-referenced resolution to include water pipelines and related appurtenances previously constructed and installed by the Southern Spink-Northern Beadle Rural Water System and conveyed to Mid-Dakota Rural Water System, Inc.

Notice was duly given by mail of the application of Mid-Dakota Rural Water System, Inc. to all persons, firms or corporations owning or operating electric, telephone or telegraph lines within Spink County, South Dakota, in compliance with SDCL § 31-26-25 by the Board of County Commissioners of Spink County, South Dakota, at a regular meeting which was held in the Commission Room in the Courthouse in the City of Redfield, Spink County, South Dakota on the 15th day of December, 2009.

The Resolution was published in an official newspaper for this county on August 18, 1999, and became an effective resolution on October 5, 1999, as it was not suspended by operation of referendum.

After discussion, the following Resolution, upon motion duly made, seconded and carried, was unanimously adopted:

BE IT RESOLVED that the Resolution adopted by the Spink County Board of Commissioners on October 5, 1999, is hereby amended to include within its scope underground pipeline and the related appurtenances, used for the purpose of transmitting water acquired by Mid-Dakota Rural Water System, Inc. from Southern Spink/Northern Beadle Rural Water System;

BE IT FURTHER RESOLVED that the terms and conditions of the Resolution adopted on October 5, 1999 shall remain in full force and effect and shall apply with equal force to the pipeline and related appurtenances acquired by Mid-Dakota rural Water System, Inc. from Southern Spink/Northern Beadle Rural Water System.

A motion was made by C. Johnson, seconded by J. Albrecht, that the above Resolution be adopted. All members present voted aye. Motion carried.

Adopted this 15th day of December, 2009.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor
Spink County, South Dakota

EXECUTIVE SESSION

Motion was made by J. Albrecht, seconded by Zerbel, to enter into Executive Session at 8:40 AM for the purpose of discussing litigation, with States Attorney Fischbach present.

Chairman Dave Albrecht declared the Board out of Executive Session at 8:50 AM.

Fischbach then discussed an offer received from Robert Nelson, Attorney for Avera Hospitals, to settle several claims. Commissioners agreed that Fischbach should negotiate a settlement.

Jeff Haessig, Highway Superintendent, reported that the SD Department of Transportation has confirmed the transfer of a Great Bend Township road to the County Road System. Spink County had adopted the Resolution on 4/28/09.

Haessig requested that the Commissioners surplus a 2002 Komatsu motor grader, including snow equipment, to sell by sealed bids and that they approve the renewal with Professional Securities for drug and alcohol testing. Haessig reported that he continues to look into a road mulcher.

Kay Fredrick, SD Department of Legislative Audit, did appear at the meeting to advise on bidding procedures.

SURPLUS PROPERTY DECLARED

Motion was made by B. Johnson, seconded by C. Johnson, to surplus a 2002 Komatsu all wheel drive motor grader with 1990 snow plow and 12' V-plow and 12' wing and post; advertise on December 23 and December 30, 2009 for sealed bids to be opened on January 12, 2010. All members voted aye. Motion carried.

Commissioners appointed three Spink County tax payers to appraise the grader and snow equipment.

CONTRACT FOR DRUG & ALCOHOL TESTING

Motion was made by J. Albrecht, seconded by B. Johnson to renew the drug and alcohol testing contract with Professional Security, Watertown, SD for the January 1, 2010 to December 31, 2010 duration.

HEARING ON TITLE 6 REVISED DRAINAGE ORDINANCES

At 9:30 AM, time set by public notice, the Spink County Commission, acting as the Spink County Drainage Board, met for the second reading of Title 6 Revised Drainage Ordinances for Spink County, South Dakota, with Kim Markley, Director of Equalization, in attendance. Also present for the first reading and discussion were Jessica Avery, Planning & Zoning Administrator, Randy Kuehn, Keith Schroeder, Jim Schroeder, Redfield, and Wayne Binger, Tulare.

Motion was made by C. Johnson, seconded by B. Johnson, to approve the Title 6 Revised Drainage Ordinances, as amended at the December 1, 1009 hearing, which included clarifying a permit extension to be for 2 years, moving the second sentence in Chapter 6.07 (regarding an engineering analysis) to Chapter 6.08 (Hearing Required), moving the last paragraph in Chapter 6.07 (Filing Application) to Chapter 6.08, and to clarify references to affected landowners so that the requirements to be met are stated one time. All members voted aye. Motion carried.

Besides publication of the Title 6 Revised Drainage Ordinances in the County papers on December 23, 2009, the Ordinances are posted for inspection on the County website at www.spinkcounty-sd.org/equalization.html#zoning.

The PHMSA grant application progress was then discussed. Commissioner C. Johnson read a list of budget items he is preparing that he will submit along with the application. Diana Larson, Mellette, is preparing the grant and has offered helpful advice regarding the grant which, if received, will be used in researching pipeline ordinances.

Markley stated that she has received a request from Midcontinent Communications for a GIS layer. Commissioners agreed on charging \$750 for the file.

HEARING UPON APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES

At 10:00 AM, time set by public notice, the Commission met in regular session to consider the following applications for retail (on-sale) liquor licenses to operate outside a municipality for the 2010 licensing period:

The Neighbors, Thompson's Beach Lts 5-7 of 5-115-65, Spink County
Fisher Grove Country Club, SW 1/4 1-116-63
Otto's Landing, SE 1/4 20-114-64, Spink County
Pheasant Phun, Inc., 11-16-114, Spink County, Hitchcock

No person or their representative appeared in favor of or against issuing the applications. Therefore, motion was made by J. Albrecht, seconded by B. Johnson, to approve all four applications to sell alcoholic beverages for the 2010 licensing period. All members voted aye. Motion carried.

AUDITOR'S CLOSING STATEMENTS

Kay Fredrick, SD Department of Legislative Audit, went over her notes and recommendations resulting from the audit of financial statements just completed of the two years ending December 31, 2008.

SPINK COUNTY AMBULANCE

Jim Baloun, Knights of Columbus, and Mike Sanger, Ambulance Director, explained the need for two defibrillators and other cardiac equipment by the Spink County Ambulance Service. Steve Hanson, EMT and Spink County EM/VSO, was also in attendance. A letter of support from the City of Redfield was filed by Baloun. The Redfield Knights of Columbus has accepted the task of soliciting for the remaining funds.

Commissioners stated that they will look at the county's budgetary status and consider the request at their next meeting.

GRANTS/QUOTES

LeRoy Fuerst, Chief Deputy Sheriff, requested the purchase of five radar units using a Highway Safety grant that pays back 80%. He filed a \$12,880 quote from Stalker Radar, Plano, TX for the units.

Fuerst also filed a \$4,858 Department of Justice grant award and stated that the Department wishes to purchase two light bars totaling \$4,198 and two mirror strobe lights totaling \$120 with the grant. The DOJ grant pays back 100%.

Motion was made by C. Johnson, seconded by B. Johnson, to approve the purchase of five radar units from Stalker Radar at \$2,576, each using the 80% payback Highway Safety Grant, and the purchase of two light bars at \$2,099 each plus two mirror strobe lights at \$60 each, all with the 100% pay back Department of Justice grant. All members voted aye. Motion carried.

VSO APPOINTMENT

Motion was made by Zerbel, seconded by J. Albrecht, to reappoint Steve Hanson to a four-year term as Spink County Veterans Service Office through the first Monday in January, 2014 (SDCL 33-16-24). All members voted aye. Motion carried.

HEALTH & MEDICAL SERVICES CONTRACT

Motion was made by C. Johnson, seconded by B. Johnson, to renew the contract between the Spink County Commission and the South Dakota Department of Health, Community Health Services, at \$10,300 for the year January 1, 2010 through December 31, 2010, to be paid in four \$2,575 installments. All members voted aye. Motion carried.

AUTO SUPPLEMENTS, CONTINGENCY & CASH TRANSFERS

Motion was made by B. Johnson, seconded by Zerbel, to make the following automatic supplements:
\$368,981.59 - FEMA grant - Highway Fund for disaster expenses
\$1,937.30 - Unified Judicial System Security Grant to be used to reinforce the Judge's bench

The following Commissioners' Contingency Transfer:

\$17,750 - TIF Debt Service expense

And the following Cash Transfers:

\$2,000 - Law Library

\$22,000 - Emergency Management budgeted cash transfer

\$2,000 - 24/7 Sobriety budgeted cash transfer

\$1,573 - 24/7 Sobriety program revenue transfer from County General

\$20,000 - E911 budgeted cash transfer

\$2,000 - WIC budgeted cash transfer

All members voted aye. Motion carried.

CHRISTMAS EVE HOLIDAY

Motion was made by C. Johnson, seconded by B. Johnson, to close County Offices all day on Thursday, December 24, 2009, with the following policy: each full time employee will be compensated for eight hours regular pay for that day. If an employee is required to work a full shift, eight hours will be added to their vacation record – under no circumstances will premium pay be paid for those hours. All members voted aye. Motion carried.

EXPENSE REQUEST

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

Audrey Helm, Secretary for the Spink County Health Office, to attend a Regional Community Health Services meeting, Aberdeen, 12/18/09.

All members voted aye. Motion carried.

CLAIMS AND REPORTS ALLOWED

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

County General Fund

Salaries and Benefits: Sheriff longevity 450.00; OASI & Medicare 34.43, Ret. 27.00;

Misc: Russell Battey 497.47 court appointed attorney fees, Beadle Co. Sheriff 700.00 Nov. board of juveniles, Center for Independence 833.40 Nov. & Dec. support, Conde Ambulance 556.66 Nov. & Dec. expenses, Donna Dietrich 76.26 MI hearing, Faulk Co. Sheriff 3540.00 Nov. prisoner care, James Hare 519.36 court appointed attorney fees, Pennington Co. 127.50 prisoner transport, Redfield City 1000.00 Code Enf., Mike Sanger 750.00 Dec. ambulance support; SD Dept. of Revenue: 245.00 lab, 493.20 HSC patients; Spink Co. Senior Citizens 2014.00 Dec. support, witness fees & mileage 812.60, Yankton Co. Sheriff 25.00 MI hearing;

Supplies and Repairs: Appel Oil 29.06, Burdick Bros. 2.86, Conde News 402.52, Crop Production Svcs. 7875.00, Dakota Security 10197.00, District Court Records 2.00, Duckwall-Alco 116.82, ESRI Inc. 666.67, Hedahls 60.06, Johnson Oil 2352.62, Locators 98.51, NADA Appraisal Guides 154.00, Office Equipment 6187.38, Postage by Phone 5550.00, Power Plan (RDO) 64.38, Redfield Press 396.84, Schneider Corp. 5233.33, Soliant Consulting 3000.00, SD Dept. Revenue 9.00, SD Federal Property 75.00, Spink Co. Farm & Hardware 44.20, Superior Lamp 183.23, Swanson Electric 336.95, Terra Scan 3790.00, Times Record 402.52, True Value 205.61, US Postal 52.40, Van Diest 8266.30, Wells Fargo Remittance 908.87, Dennis Wiedmeier Constr. 1871.34;

Travel: Election: Comfort Inn 420.00 lodging; Director of Equalization: IAAO 175.00 membership; Extension: Becky Leonard 131.35 mileage; States Attorney: SDSAA 724.00 dues;

Utilities: Clausen Sanitation 352.00, Executive Management (BIT) 209.91, Northern Wireless 106.69, Northern Valley 166.78, Northwestern Energy 6.20, Qwest 352.23, Redfield City 126.75;

Welfare (claim denied): HRMC \$14080.24;

Highway Department

Construction Materials: Bawek Constr. 9027.72, Beckler's 357.00, Huron Culvert & Tank 17384.25;

Equipment Rental: Diesel Machinery 500.00;

Supplies & Repairs: Diesel Machinery 3122.38, Duckwall-Alco 23.97, ESRI Inc. 333.33, JD Evans 503.50, Farnams 4.72, Harvey's 4883.74, Hedahls Inc. 346.55, JCK Service 134.00, Johnson Oil Co. 97.90, Locators 749.23, Lyle Signs 1904.10, McGillvrey Oil 11169.39, Odland's 4736.50, Office Equipment 9.54, Postage by Phone 150.00, Power Plan (RDO) 1635.19, Redfield Press 12.90, Schneider Corp. 2616.67, True Value 37.63, Wells Fargo Remittance 269.24;

Utilities: Clausen Sanitation 106.00, Doland City 25.75, Executive Management (BIT) 25.95, Northern Wireless 39.95, Northwestern Energy 162.86, Qwest 125.38, Redfield City 37.50;

E911

Supplies & Repairs: Lyle Signs 352.50;

Utilities: James Valley Telecommunication 248.44, Qwest 906.69;

Emergency Management Fund

Utilities: Executive Management (BIT) 6.14, Northern Wireless 5.26, Qwest 33.97;

24/7 Sobriety

Supplies & Repairs: Intoximeters 600.00;

Law Library

Supplies: West Group Payment Center 355.00;

REPORTS

- Nov. 2009 Auditor's Account with the County Treasurer

County General Fund	\$2,555,596.22
Special Revenue Funds	815,226.51
TIF Debt Service	1,683.34
Amount Held for Trust & Agency Funds	189,126.19
Amount Held for Schools	885,232.45
Amount Held for Townships	85,369.16
Amount Held for Municipalities	<u>232,927.20</u>
Total	\$4,765,161.07
- SDMC WC Fund – Open Claims Report as of 11/30/09
- Nov. 2009 Register of Deeds State of Fees Collected: \$4,096.45
- Nov. 2009 Highway Superintendent's Report of Collections:

Road & Bridge Fund (201)	0.00
Weed Department (101)	\$3,315.34
- Nov. 2009 Sheriff's Report of Fees Collected: \$2,532.80
- Nov. 2009 Spink County Ambulance Activity Report
- Worker's Compensation Experience Rating eff. 4/1/2010: 1.17
- Nov. 2009 Auditor's Report of Poor Lien Reimbursements: \$795.00
- YTD Comp & OT Earned by Department

CORRESPONDENCE

- Natural Resources Conservation Service request for information identifying historic properties
- Information entitled New View of Tiling
- Determination from the SD State Historic Preservation Office of "No Historic Properties Affected" by the county's Energy Efficiency & Conservation Block Grant application

Meeting dates for the month of January 2010 will be on the 5th, 12th and the 26th.

Chairman D. Albrecht declared the meeting adjourned at 12:10 PM. Next meeting of the Spink County Commissioners will be at 8:30 AM, Tuesday, December 29, 2009.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor
Spink County, South Dakota

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