

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, March 2, 2010, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Brian Johnson, Craig Johnson and Jerry Zerbel. Commissioner Jeff Albrecht was absent. Lori Jo Mundstock, The Redfield Press, was also in attendance. Chairman Dave Albrecht opened the meeting with the Pledge of Allegiance.

**ADOPT AGENDA**

Motion was made by B. Johnson, seconded by C. Johnson, to adopt the agenda with the additions of the Highway Superintendent's request to apply for a signing grant, two tax abatements by the DOE and an update by Les Helm, Sheriff. All members present voted aye. Motion carried.

**MINUTES APPROVED**

Motion was made by B. Johnson, seconded by C. Johnson, to approve the minutes of February 23, 2010. All members present voted aye. Motion carried.

Vic Fischbach, States Attorney, discussed the Beadle/Spink Intergovernmental Agreement proposed by Beadle County for the maintenance of a ten mile portion of what is designated as Beadle County Highway #2. Commissioners would like to see fewer restrictions in the agreement and to have the Spink County Highway Superintendent approve of it before they vote.

Fischbach will contact Pat Thelen and Theresa Hodges, Welfare Director, regarding amending County burial policy so that it is more clearly defined. Law does indicate that a county can turn to closest relation as a source of payment.

Jeff Haessig, Highway Superintendent, reported that one blade has been repaired but another has blown an engine. The Department is in the process of installing weight/speed limit signs. Some bridges may require rip rap before spring flooding.

**FUNDING AGREEMENT – 2010 COUNTY STRIPING PROGRAM**

Motion was made by C. Johnson, seconded by B. Johnson, to approve the 2010 County Striping Program P 00S(00)301 PCN 00QS Funding Agreement between Spink County and the South Dakota Department of Transportation for approximately 21 miles of Spink County roads at the following:

- Total estimated cost of striping - \$10,992.10
- Program Limit (County's share of \$833,333.00) - \$5,590.18
- State's share (60%) of program limit - \$3,354.11
- County's share (40%) of program limit - \$2,236.07
- County's amount (100%) over limit - \$5,401.92
- Total County's share of project costs - \$7,637.99

All members present voted aye. Motion carried.

Haessig explained that new Federal regulations require signs to meet higher reflectivity standards by the year 2015. He requested that Commissioners approve the application for surface transportation funding which will pay 100% of the cost including engineering.

**FEDERAL AID SURFACE TRANSPORTATION PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS**

Resolution #10-19

WHEREAS, Spink County desires the construction and improvement of the road and/or bridge as hereinafter described:

Spink County Wide Project

TYPE OF CONSTRUCTION:

Traffic Control Signing

Major Collector Route Number        N/A

AND WHEREAS, Spink County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

NOW THEREFORE, BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the project described.

Estimated Cost of Project Including Engineering: \$500,000  
STP Funds: N/A  
Local Funds (if needed to meet construction year): N/A  
Proposed Year of Construction: 2016

Vote of Commissioners: Yes - 5 No - 0

Motion was made by B. Johnson, seconded by C. Johnson, to approve and adopt the above Resolution. All members present voted aye. Motion carried.

Dated at Redfield, SD, this 2nd day of March, 2010.

ATTEST:

Cindy Schultz, Auditor

Dave Albrecht, Chairman  
Spink County Board of Commissioners

Jamie Johnson, Clerk to Auditor, updated the Commissioners on the progress of Auditor & Commissioner offices paint projects. Several items were located (courthouse & jail blueprints, antique hand & leg irons) that could be framed as items of interest.

At 10:00 AM, time set by public notice, a hearing was held for public input on Northwestern Energy's application to renew grant to operate, maintain and erect electric transmission lines on and along the public highways of Spink County, South Dakota. Ron Gogolin, Coordinator of Land & Easement, Northwestern Corporation, attended the hearing and explained the purpose of renewal.

**NORTHWESTERN ENERGY FRANCHISE RENEWAL, RESOLUTION #10-20 RECITALS**

I. WHEREAS, NorthWestern Corporation, A Delaware Corporation d/b/a Northwestern Energy (NorthWestern), has filed an application with the Spink County Board of Commissioners pursuant to Chapter 31-26 of the South Dakota Codified Laws of 1967 and acts amendatory thereof, seeking the right to erect and maintain electric transmission and distribution lines on and along the county highways located in Spink County, South Dakota.

II. WHEREAS, the Spink County Board of Commissioners has the jurisdiction and authority to grant the application of NorthWestern as set forth in paragraph I, subject to such conditions as it may desire to impose.

NOW, THEREFORE, BE IT RESOLVED by the Spink County Board of Commissioners as follows:

1. That the application of Northwestern dated January 15, 2010, for permission to erect and maintain electric transmission and distribution lines on and along Spink County Roads is granted subject to the conditions set forth herein.
2. That this grant is for twenty (20) years from and after March 2, 2010, or as may be extended by the Spink County Board of Commissioners in writing at a subsequent date.
3. That as consideration for this grant, Northwestern agrees to indemnify and hold harmless Spink County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, operating, inspecting, repairing, maintaining, replacing or removal of the electric transmission or distribution lines along with all appurtenances thereto located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, NorthWestern agrees to restore, at its expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the county road should be rebuilt or construction and maintenance of the county road requires the removal or relocation of the electric transmission or distribution lines, it shall be solely at the expense of NorthWestern.

5. That the rights and conditions by this grant shall be binding upon the successors and assigns of NorthWestern
6. This grant shall further be subject to all rules and regulations as specified in the current edition of the National Electrical Safety Code.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth by an appropriate officer of Northwestern.

Dated this 2nd day of March 2010.

SPINK COUNTY BOARD OF COMMISSIONERS

By Dave Albrecht, Chairman  
Board of Commissioners

ATTEST:

Cindy Schultz  
County Auditor

The foregoing resolution was made by C. Johnson, second by B. Johnson, and upon a vote being taken thereon the following voted yea: D. Albrecht, B. Johnson, C. Johnson and J. Zerbel.

The following nay: none

Whereupon the Chairman declared the resolution adopted.

Kim Markley, Director of Equalization, reported that there will be a drainage hearing on March 16, 2010, for a culvert request. Letters have been sent to neighboring landowners and notice will be published March 3rd and 10th.

Markley explained the 2010 Assessment Changes which consist of raising lots and residential buildings at Cottonwood Lake, raising lots and small acreages residential buildings and land county-wide, raising lots in Athol and Mansfield, raising lots in Redfield City, raising residential buildings in all towns county wide, raising commercial buildings in Redfield City and raising ag land about 20% per revenue numbers.

The above numbers refer to assessments and not taxable valuations.

**APPLICATION FOR ABATEMENT AND/OR REFUND OF PROPERTY TAXES**

Markley filed two applications for the abatement of taxes.

Motion was made by Zerbel, seconded by B. Johnson, to approve the following Abatements and/or Refunds of Property Taxes:

- Abate \$27.39 payable 2010: City of Redfield for OL 62 W of RR, Redfield City (tax exempt)
- Refund \$71.40 payable 2009 and abate \$69.30 payable 2010: Roger Clemensen for NE1/4 (LS bin) 36-120-62 (bin assessed twice)
- Refund \$214.22 payable 2009 and abate \$207.88 payable 2010: Roger Clemensen for SE1/4 (LS bin) 36-120-62 (bin assessed twice)

All members present voted aye. Motion carried.

**PLANNING & ZONING**

At 10:30 AM motion was made by B. Johnson, seconded by C. Johnson, to recess as a Spink County Board of Commissioners and reconvene as a Planning & Zoning Board. All members voted aye. Motion carried.

At 11:20 AM the Spink County Board of Commissioners reconvened after voting to adjourn as a Planning and Zoning Board.

Auditor informed the Commissioners that she had signed a TANF Training Agreement designating the County as a training sight for a participant. The current person has other opportunities for training as well, but the County could sponsor other participants in the future.

Les Helm, Sheriff, inquired about the meeting to be held in Faulkton tomorrow at 6:00 PM. Helm and at least four Commissioners plan to attend. Helm also discussed SB 126 which, among other things, would require at least two Dispatchers to be on duty at all times. Bill was moved to the 41st day which, in effect, killed it.

## **EXPENSE REQUESTS**

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

Kim Markley, Director of Equalization, Diane Tipton & Sally Filipek, Deputy DOE's, to SDAAO Conference, Mitchell, May 25-28, 2010;

Richard Dunsmore, Highway Dept. Mechanic, to SD 2010 Transportation Safety Conf. Pierre, March 24 & 25, 2010.

All members present voted aye. Motion carried.

## **CLAIMS AND REPORTS ALLOWED**

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

February 2010 Salaries and Benefits: Commission 4450.00, Election 351.66, Auditor 8126.45, Treasurer 7117.49, States Attorney 5363.36, Maintenance 4458.30, Director of Equalization 8254.63, Register of Deeds 3846.43, VSO 1265.00, Sheriff 28961.64, Home Detention 1998.03, Coroner 624.00, Poor 398.10, Health 2103.30, Extension 4391.21, Weed 2494.35, Planning & Zoning 1266.54; OASI & Medicare 6450.24; Retirement 5039.26; Insurance 15126.64;

Misc: Adjustment Training Center 6000.00 - 2010 support, Area IV Senior Nutrition Project 2500.00 – 2010 support, Beadle Co. Sheriff 780.00 Feb. board of prisoners, Donna Dietrich 97.06 MI hearing, Foster Grandparent 1000.00 - 2010 support, Glacial Lakes & Prairies Tourism 745.00 - 2010 support, Grow Spink 17519.00 1st 1/2 - 2010 support, James Hare 287.01 court appointed attorney fees, David Knoff 41.00 MI hearing, Nelva Kooistra 15.00 MI hearing, NE Council of Governments 8565.03 County & 1390.43 Redfield 2010 dues, NESDCAP 3500.00 - 2010 support, Cathy Rehfuß 15.00 MI hearing, Gina Rogers 615.00 court appointed attorney fees, Spink/Faulk Inter Agency 4050.00 - 2010 support, Luci Youngberg 195.76 MI hearing;

Supplies and Repairs: A&B Computer Solutions 60.00, Chuck's Body 51.60, Brian Johnson 50.87 reimbursement, OK Tire Store 134.37, Quality Quick Print 510.00, Quill.com 45.44, Cindy Schultz 138.40 reimbursement, Shawn Chase Ford 306.18, Swanson Elec. 1048.92;

Travel: Commissioners: SDACC 450.00 registration, Brian Johnson 26.64 mileage; Coroner: Pat Thelen 155.40 mileage; Director of Equalization: SDAAO 300.00 registration; Extension: Becky Leonard 77.70 mileage & 9.00 registration; Extension Board mileage: Gary Gilbert 27.38, Lindsey Haskell 8.88, Terri Roth 8.88; Home Detention: Donna Kegler 51.80, Mavis Ludemann 53.65; VSO: Steve Hanson 139.86 mileage & 9.00 meal; Weed: Best Western 46.50 lodging; Weed Board mileage: Gary Felderman 25.90, Lannie Mielke 21.46, Robert Woodring 11.10; Welfare: SDACC 50.00 registration & 4619.00 Catastrophic Pool;

Utilities: Steve Hanson 10.00, Midcontinent Communications 71.04, Northern Valley Communications 166.78, Northwestern Energy 5.04, Redfield City 137.75;

### **Highway Department**

February 2010 Salaries and Benefits: Hwy. Admin. 6134.97, Hwy. Const. 38944.20; OASI & Medicare 3381.04; Retirement 2705.05; Insurance 10162.37;

Supplies & Repairs: Crawford Trucks & Equip. 1811.47, Kimball Midwest 19.92, Master Blaster 32.48;

Travel: SD DOT 40.00 conference registration, MSHA training 135.00 meals: Jeff Haessig, Doug Carter, Mike Esser, Roger Metzinger, Willie Rothacker, Delwin Bierman, Jim Coats, Randy Woodward, Ryan Anderson, Greg Drayer, Travis Fast, Jason Murray, Dennis Baird Barry Bawek, Monty Wipf;

Utilities: Doland City 30.50, Northwestern Energy 2071.84, Redfield City 32.00;

### **E911**

February 2010 Salaries and Benefits: 8650.23; OASI & Medicare 651.16; Retirement 518.99; Insurance 1977.55;

Utilities: James Valley Telecommunications 248.44;

### **Emergency Management Fund**

February 2010 Salaries and Benefits: 1485.00; OASI & Medicare 112.58; Retirement 89.10; Insurance 333.22;

Travel: Steve Hanson 111.74 mileage & 9.00 meal;

Utilities: Steve Hanson 10.00;

### WIC

February 2010 Salaries and Benefits: 338.39; OASI & Medicare 25.68; Retirement 20.30; Insurance 84.61;

### 24/7 Sobriety

February 2010 Salaries and Benefits: 384.45; OASI & Medicare 29.12; Retirement 23.09; Insurance 84.09.

### REPORTS

YTD 2010 Comp & OT Earned by Department

Redfield Rural Fire Department Statement of Changes in Cash Balances & Cash Assets as of 12/31/09

Auditor's Report of Monies Received for Copies, etc. from 12/29/09-2/23/10: \$67.38

### FEBRUARY BUILDING PERMITS

Ron & Mary Gilbert	Belmont	knock out wall
Chuck & JoLynn Hahler	Ashton Cy	4 season rm addn; remodel basement
Jerry & Janet Eaton	Lake	remodel kitchen, new cupboards, etc
Shane & Kristy Wright	Ashton Cy	contin. BP 67-07; new siding on home
Tulare United Church	Tulare Town	finish basement/family room & bath
Esser Farms	Groveland	bin 36x9 rings; dryer
Kathleen Dykes	Doland Cy	new furnace & general repairs due to burst pipe; possible siding in spring
Terry Ford	Mellette Twp	GSI bin 36 diam & steel roof on home
Geraldine Robinson	Frankfort Twp	re-sheetrock 1/2 story
Diann Brenner	Belmont	barn burned down in 2/2010
Wal-Di	Mellette Twp	contin. BP 79-08 - finish basement
David & Jonny Wanner	Lincoln	contin. BP 19-08 - remodel home; work on basement

### CORRESPONDENCE

SD Dept Environment & Natural Resources: Shamrock Colony Revised Phosphorus-based Nutrient Management Plan

SDACC notice of zero interest loans for energy projects available to schools & non-profit organizations

SDACO *Excellent Service to SD County Officials* award to be presented at Spring Workshop

Brown Co's notice of public hearing on amending their ordinance by replacing their Title 7 with 7.01, Adult Business Ordinance

SDACO: Legislative Update

US Census Bureau, "Take 10" challenge asking that public officials encourage the public to return their census forms

Invitation to Drainage Water Management-Benefits, Conflicts & Resolutions, Hamlin Co. Extension Auditorium, 2/18/10

SD Department of Public Safety, Office of Emergency Management, notification that Spink County is likely to have moderate to major flooding including maps indicating particular areas of concern (as indicated by Spink County Emergency Manager).

### EXECUTIVE SESSION

At 11:55 motion was made by B. Johnson, seconded by J. Zerbel, to enter into executive session to discuss personnel.

Chairman declared the Board out of Executive Session at 12:05 PM.

Chairman Albrecht declared the meeting adjourned at 12:08 PM until 8:30 AM, Tuesday, March 16, 2010.

Dave Albrecht, Chairman

Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor

Spink County, South Dakota