

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, August 17, 2010 at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson and Gerald Zerbel. Commissioner Craig Johnson was absent. Lori Jo Mundstock, The Redfield Press, was also in attendance. Chairman Dave Albrecht opened the meeting with the Pledge of Allegiance.

ADOPT AGENDAS

Motion was made by B. Johnson, seconded by J. Albrecht, to adopt the agenda with the addition of a cash transfer from County General to the Highway Department. All members present voted aye. Motion carried.

MINUTES APPROVED

Motion was made by Zerbel, seconded by B. Johnson, to approve the minutes of the August 3, 2010 commission meeting. All members present voted aye. Motion carried.

CORRESPONDENCE

- SDML Annual Membership Meeting Agenda
- SD DOT re 2010 Flood Events
- Letter sent by Comm. to Manager of JRWDD re Spink County funding requests
- JRDWW Notice of Meeting on 8/19/10
- August 2010 SD FSA News
- SD Dept. Environment & Natural Resources Lee Gatzke Feedlot Manure Management System Amended Certificate of Compliance & Feedlot Underground Irrigation Piping As-Built Plans Review
- SD Dept. Environment & Natural Resources Riverview, LLP, Plans & Specs Approval Expiration Extension
- Spink County P&Z Notification of Application for Variance at 1st Addn to Parrish's Lt 27, Lake Township, Spink County
- Spink County Ambulance Fund Notice of 2010 \$15,000 Annual Deposit
- FEMA Programmatic Environmental Assessment for Road Grade Raises - SD

Larry Tebben, Emergency Manager, explained the Spink County Emergency Board's request for a Secretarial Disaster Declaration. Letters of support were received from Tebben and Mark Rosenberg, Extension Educator, as well as substantiating Loss Assessment Reports from the USDA.

RESOLUTION REQUESTING SECRETARIAL DISASTER DECLARATION

Resolution #45

WHEREAS, excessive moisture has been a problem in Spink County since the fall of 2009 and continuing into spring and summer of 2010; and,

WHEREAS, excessive moisture has caused extensive damage to roads, buildings, feed, and crops; and

WHEREAS, damage to roads, buildings, feed, and crops will surely add to the financial burden of the farmers and ranchers of Spink County; now therefore,

BE IT RESOLVED, by the Spink County Board of Commissioners to declare Spink County a disaster area due to the excessive moisture; and

BE IT FURTHER RESOLVED to urge the Spink County FSA Committee and the Governor of the State of South Dakota to take appropriate action to prohibit further economic injury to the Spink County producers.

Motion was made by J. Albrecht, seconded by B. Johnson, to approve and adopt the above Resolution. Upon call for vote, all members present voted aye. Resolution passed.

Dated this 17th day of August, 2010.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:
Cindy Schultz, Auditor
Spink County, South Dakota

Kim Markley, Director of Equalization, requested that two ceiling fans be installed in her office. A consensus of Commissioners agreed to the request.

QUOTES

Quotes were received from Chuck’s Body Shop and Redfield Body Shop for damages to an employee’s vehicle. County liability insurance will not cover the repairs unless vehicle is in the County’s name. Cost of insurance is included in mileage reimbursement for employees so County will not pay for repairs.

OPERATING AGREEMENT/SANGER MANAGEMENT & TRAINING LLC

Documents were filed by James Hare, Redfield City Attorney, for Mike Sanger’s Certificate of Organization Limited Liability Company, which the county needed in conjunction with the Ambulance Agreement.

CASH TRANSFER

Motion was made by Zerbel, seconded by B. Johnson, to make a budgeted cash transfer of \$300,000.00 from County General to the Highway Fund for operating expenses. All members present voted aye. Motion carried.

EXPENSE REQUEST

Moved by J. Albrecht, seconded by B. Johnson, to approve the following expense request:
Larry Tebben, Emergency Manager, to EM 101 Training in Chamberlain, Sept. 1 & 2.

All members present voted aye. Motion carried.

BIDS ON INSULATING HIGHWAY SHOPS

At 9:00 AM, time set by public notice, bids were opened for insulating the Brentford, Doland and Redfield Highway Department shops with Jeff Haessig, Highway Superintendent, present. Bidders were:

Dakota Spray Foam Insulators, Redfield, SD	Open Cell Foam	\$51,011.02
(also included bid using Closed Cell Foam)		\$65,711.26
(bid using Closed Cell at Doland & Brentford & Open at Redfield)		\$56,938.24
Camrose Hutterian Brethren, Inc.		
Triple F Spraying, Frankfort, SD	Spray Foam R19	\$63,078.00
“	Thermal 3H & Spray Foam R27	\$45,052.00

Copies of all bids and specifications are on file in the Auditor's Office and the Highway Department and open for inspection during normal working hours.

Motion by B. Johnson, seconded by Zerbel, to table a decision until the August 31, 2010 meeting so that bid comparisons can be made. All members present voted aye. Motion carried.

Haessig reported that the Highway Department mechanic had looked at the Home Detention vehicle and found the engine to be frozen up and suggested that the vehicle be surplussed.

Commissioners suggested that the area in Garfield Township where a grain elevator is being proposed be checked in the event that the road should be brought up to trucking standards. Haessig will look into this.

Haessig stated that the Department is currently chip sealing in Redfield, reported on roads remaining under water and said he is looking into FEMA’s Programmic Environmental Assessment for road grade raises.

Toby Morris, Northland Securities, met with the Commission to explain Resolution #44, which gives their authorization to issue Economic Development Bonds, not to exceed \$3,400,000.00 (Eastern Star construction and renovation). Mary Rice O’Donnell, Administrator, and Connie Fiedler, Assistant Administrator, were present for the discussion.

RESOLUTION NO. 44

Spink County Commissioner – August 17, 2010

RESOLUTION AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT REVENUE BONDS, (EASTERN STAR HOME OF SOUTH DAKOTA) SERIES 2010, SPINK COUNTY, SOUTH DAKOTA, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,400,000, TO BE LOANED TO EASTERN STAR HOME OF SOUTH DAKOTA, INC., A NONPROFIT CORPORATION PROVIDE FUNDS TO FINANCE THE RENOVATION AND ADDITION TO THE EASTERN STAR HOME OF SOUTH DAKOTA, APPROVING AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING TO THE BONDS; APPROVING AND AUTHORIZING THE EXECUTION OF THE DOCUMENTS AND THE BONDS; AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN RELATED DOCUMENTS.

WHEREAS, a public hearing was held June 1, 2010 providing an opportunity to hear public comment on the request by Eastern Star Home of South Dakota, Inc. ("Borrower"), for the issuance by the County of its bonds, in one or more series, in the maximum aggregate principal dollar amount of \$3,400,000 (the "Bonds");

WHEREAS, the County Commission has heard comment and determines that it is in the best interest of the County to issue the Bonds.

BE IT RESOLVED by Spink County Commissioners, Spink County, South Dakota (the "County"), as follows:

Section 1. Authority. The County is authorized pursuant to the Constitution and laws of the State of South Dakota, including South Dakota Codified Laws Section 7-18-16 and Chapter 9-54, as amended (the "Act"), in order to promote, stimulate and develop the general economic welfare and prosperity of said Spink County (the "County") and of the State of South Dakota (the "State") through the promotion and advancement of commercial and industrial development and to encourage and assist in the expansion of business in said County and State by providing greater employment opportunities, thus promoting the general welfare of the citizens of said County and State, it is necessary and advisable and in the best interest of said County and State to issue bonds for the purpose of providing funds to finance the renovation and addition to the Eastern Star Home of South Dakota, Inc., Redfield, Spink County, South Dakota (the "Project").

Section 2. Authorization of Documents. The County hereby declares a necessity and determines that it is desirable and expedient to and does hereby authorize the issuance of the bonds of the County pursuant to the Act to provide funds to enable Eastern Star Home of South Dakota, Inc. (the "Borrower") to construct and equip the Project.

Section 3. Documents. The following documents collectively referred to as the "Documents" relating to the Bonds are hereby approved and shall be filed when in final form in the office of the County Auditor and open to public inspection:

Loan Agreement. The Loan Agreement, (the "Loan Agreement"), between the County and Borrower, shall provide for the pledging of the loan payments thereunder for security of the Bonds.

Mortgage. A 180 Day Redemption Mortgage on the Project.

Bonds. The County shall issue, in an amount not to exceed \$3,400,000 Economic Development Revenue Bonds (Eastern Star Home of South Dakota) Series 2010 (the "Bonds"), dated in 2010. The Bond form and the Bonds are, in all respects, hereby authorized, approved and confirmed, and the Chairman, Auditor and other appropriate officials shall be and they are hereby authorized and directed to execute and seal the Bonds and to deliver the Bonds to the purchasers thereof, for and on behalf of the County, upon receipt of the purchase price, and to deposit the proceeds thereof in the manner provided for by the Loan Agreement.

Bond Purchase Agreement. The Bond Purchase Agreement (the "Bond Purchase Agreement") shall provide the terms of purchase of the Bonds.

Bond Documents. Collectively, all other documents that may be required by the purchaser of the Bonds or bond counsel for the completion of the transaction.

Section 4. Limited Obligations and Pledge. The Bonds, together with the interest thereon, shall be limited obligations of the County payable solely out of the payments, revenues and receipts received by the County pursuant to the Revenue Agreement, which payments, revenues and receipts are hereby pledged and assigned for the equal and ratable payments of the Bonds and shall be used for no other purpose than to pay the principal of and interest on the Bonds, except as may be otherwise expressly authorized in the Revenue Agreement. The bonds and the interest thereon shall not constitute an indebtedness of the County within the meaning of Article XIII Section 4 or any statutory limitation and

shall not constitute or give rise to a pecuniary liability of the County or its officers, agents or employees, or a charge against the County's general credit or taxing power.

Section 5. Registration Records. The County, as registrar, shall keep registration records which shall set forth the name and registered address of the registered owner of the Bonds from time to time. Transfer of ownership of the Bonds shall be reflected in such registration records, as provided herein. The County shall comply with the provisions of Section 149 of the Internal Revenue Code.

Section 6. Authorization to Execute and Deliver. The Chairman, County Auditor, County State's Attorney and other County officials shall be and they are hereby authorized to execute and deliver for and on behalf of the County any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

Section 7. Elderly Housing and Non Profit. Spink County does hereby find that the project will be owned and operated by a nonprofit in accordance with SDCL 9-54-2.2 and Section 146 of the Code.

Section 8. No Allocation Requirement. The County finds that the Bonds will be 501(c)(3) bonds and will not require allocation of volume cap.

Section 9. Tax Exempt Obligation and Bank Qualified designation. The County hereby designates the Bonds as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended. The County does not expect to issue more than \$30,000,000 of obligations eligible to be designated as "qualified tax-exempt obligations" during calendar year 2010.

Section 10. Conflicts of Interest. No member of the County Commission (i) has a direct or indirect interest in the Project or the Bonds, (ii) owns any capital stock of or other interest in the Project or the Borrower, (iii) is an officer or director of the Borrower, (iv) will be involved in supervising the completion of the Project, or (v) will receive any commission, bonus, or other remuneration for or in respect of the Project or the Bonds.

Section 11. Reimbursement. The proceeds of the Bonds may be used for all costs for which proceeds on such bonds may be used under the Act and the Code, including, but not limited to, reimbursement of the Borrower for such costs incurred subsequent to the date hereof. This Resolution shall be deemed to constitute a declaration of the County's official intent pursuant to Treasury Regulation Section 1.150-2 to permit the Borrower to be reimbursed from proceeds of the bonds for all qualified expenditures for the Project paid during the period beginning sixty (60) days prior to the date hereof until the date of issuance of the bonds.

Section 12. Borrower Reliance. The Borrower may proceed with the acquisition, construction, installation and equipping of the Project in reliance on this Resolution.

Section 13. Partial Invalidity. If any one or more of the provisions of this Resolution shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be August 17, 2010.

Motion by B. Johnson, seconded by J. Albrecht to approve the above Resolution. All members present voted aye. Motion carried.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:

Cindy Schultz
Spink County Auditor

HEARING

At 9:30 AM, time set by public notice, a hearing was held for public input on rezoning the SE1/4 34-114-64 & E 20 acres of SW1/4 34-114-64, Garfield Township, Spink County, from Agricultural to Industrial so that a grain elevator and/or fertilizer storage and railroad terminal can be constructed. Toby Morris, Northland Securities, Todd Bushong & Nick Ihnen, Tulare, Terry, Glen & Maxine

Marshall and Casey Buchholz, Hitchcock, Jessica Avery, Planning & Zoning Administrator and Kim Markley, Director of Equalization, attended the hearing.

There was no one present protesting the zoning change. However, Toby Morris reported that he'd received word of possible foundation issues. Todd Bushong elaborated further regarding concerns.

Motion was made by J. Albrecht, seconded by Zerbel that a decision be tabled until September 14, 2010 at 9:30 AM. All members present voted aye. Motion carried.

At 10:00 AM motion was made by B. Johnson, seconded by Zerbel, to recess as a Board of County Commissioners and convene as a County Drainage Board with Jessica Avery and Kim Markley present. All members present voted aye. Motion carried.

The Board of County Commissioners reconvened at 11:00 AM after having adjourned as a Drainage Board and as a Planning and Zoning Board.

Joni Mommaerts, Sioux Falls, would like to purchase Outlot 165' E&W by 133' N&S in OL F & Outlot F beginning 165' E of SW corner 50' E&W 133' N&S, Turton Town, and requested that a lien against the property be forgiven. Mommaerts stated that she will pay judgments owing as well as back taxes and would be willing to settle a portion of the lien. Vic Fischbach was present for the discussion and would like to research the matter before arranging any agreement.

GROUP MEDICAL INSURANCE

Dave Willis, BW Insurance, and Shellie Boskey, Avera Health Plans, explained Grandfathered Health Plans under the Patient Protection and Affordability Care Act. They also outlined the differences between a Flex Plan and a Health Savings Account. Commissioners will take the information into consideration and decide at the August 31, 2010 Commission meeting.

Mark Rosenberg, Extension Educator, met with the Commissioners regarding user fees at the Fairgrounds. He stated that the Fairgrounds Board has been working on a fee schedule but it is not yet completed. Commissioners would like for the Extension Office to be in charge of collecting those fees.

Rosenberg also mentioned that he would like \$500 restored to his 2011 budget because that line item is used for paying 4-H judges. Commissioners will consider that request.

Commissioners then stated that they would like to subscribe to Dakota Disk for the Law Library as a cost savings to the County. They asked whether the sale price for a Dell computer, like the one purchased by the VSO, would still be available for the program.

CLAIMS 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: Achievement Days Judges compensation & mileage: Mari Jo Alexander 65.70, Mary Bohn 124.75, Susan Busk 60.00, Darlene Grant 54.60, Cynthia Marzahn 37.58, Deb Pauli 167.30, Clinton Rusk 303.87, Emily Schaefer 26.64, Dale Schoemaker 59.60, Lowell Stanley 69.40, Carol Stobbs 58.30; Brown County Sheriff 140.00 juvenile detention, Center for Independence 416.66 July support, Denise Cody 15.00 MI Board, Community Memorial 1946.00 July blood draws, Donna Dietrich 137.64 MI Board, Faulk Co. Sheriff 8580.00 July prisoner care, LaCroix Law Office 67.10 MI Board, NE Mental Health 333.33 July support, Pennington Co. Jail 26.00 transport, Cathy Rehffuss 15.00 MI Board, Gina Rogers 1575.50 court appointed attorney fees, SDACC 482.23 CLERP, SD Human Services Center 600.00 prisoner evaluation, Christy Griffin Serr 225.50 MI hearing; SD Secretary of State 30.00 notary renewal, State of SD: Lab Services 367.00; witness fees: 71.84, Yankton Co. Sheriff 25.00 serve papers;

Supplies and Repairs: A&B Computer 40.00, Brown & Saenger 56.00, Burdick Bros. 165.77, Crop Production Services 15582.20, Dakota Air Spray 480.24, Duckwall-Alco 121.82, Express Police Supply 29.97, Farnams 4.99, Four Seasons Coop 12.30, Hedahls 567.74, Johnson Oil 2385.25, Office Equipment 1706.15, Pheasant Country Repair 352.01, The Redfield Press 511.29, SD Wheat Growers 981.16, Sheehan's 165.23, Siegling's 27.54, Soliant Consulting 586.45, Spink Co. Farm & Hardware 441.29, True Value 138.58, Van Diest Supply 2955.79, Warne Chemical 190.81;

Travel: Auditor: Comfort Inn 93.00 lodging; Register of Deeds 46.50 lodging;

Utilities: Executive Management (BIT) 218.83, Northern Wireless 95.40, Northwestern Energy 102.16, Redfield City 1421.75;

Welfare: Avera St. Luke's 90.58;

Highway Department

Construction Material/Contract Labor: Lien Transportation Co. 3041.64;

Supplies and Repairs: Appel Oil 14373.30, Bierman Repair 438.20, Burdick Bros. 156.00, Diesel Machinery 499.44, Duckwall-Alco 6.99, Farnams 25.82, G&K Services 14.58, Hedahls 841.44, Johnson Oil 129.56, McGillvrey Oil 5750.51, North Central Farmers Elevator 6337.15, Office Equipment 85.61, SD Federal Property 154.75, Sheehan Mack 570.96, Spink Co. Farm & Hardware 54.99, True Value 6.58, Turfwerks 289.77;

Utilities: Executive Management (BIT) 20.61, Northern Wireless 39.95, Northwestern Energy 48.34, Redfield City 43.00;

E911

Utilities: Northwestern Energy 518.26;

Emergency Management

Supplies and Repairs: True Value 22.99;

Travel: SDEMA 30.00 registration;

Utilities: Executive Management (BIT) 6.00, Northern Wireless 4.55.

REPORTS

- July 2009 Budget Expenditures Report
- July 2009 YTD Revenue Report
- Spink County Highway Asset Code Report of Fairgrounds Labor Hours
- July 2010 Sheriff's Report of Fees Collected: \$2,984.20
- July 2010 Auditor's Account with the County Treasurer
 - County General Fund \$2,732,061.91
 - Special Revenue Funds 239,584.93
 - TIF Debt Service 580.92
 - Amount Held for Trust & Agency Funds 226,405.53
 - Amount Held for Schools 23,186.03
 - Amount Held for Townships 1,752.90
 - Amount Held for Municipalities 5,593.32
 - Total \$3,229,165.24
- SDML WC Fund Open Claims Report as of 7/31/10
- July 2010 Spink County Ambulance Activity Report
- July 2010 Register of Deeds Statement of Fees Collected: \$3,859.90

Chairman Dave Albrecht declared the meeting adjourned at 12:30 PM. The next Commissioner meeting will be 8:30 AM, Tuesday, August 31, 2010.

Dave Albrecht, Chairman
Spink County Board of Commissioners

ATTEST:
Cindy Schultz, Auditor
Spink County, South Dakota

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