

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, January 31, 2012, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson, Craig Johnson and Gerald Zerbel. Chairman Dave Albrecht opened the meeting with the Pledge of Allegiance.

**ADOPT AGENDAS**

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

**MINUTES APPROVED**

Motion was made by J. Albrecht, seconded by Zerbel, to approve the minutes of the January 17, 2012 Commission meeting. All members voted aye. Motion carried.

**CORRESPONDENCE:**

- Memo and magazine article from Ed Fischbach re the Keystone Pipeline
- SD Dept Environment & Natural Resources: Armadale Farms Inc Manure Management System Revised Plans & Specs Review
- SD Dept Environment & Natural Resources: Robinson Feedlot Manure Management System As-Build Plans & Permeability Test Results Review
- Memo From Sheriff Dept re hiring of 2 new Deputies
- Fair Board Minutes – 1/18/12
- SD Pipeline Association – invitation to a pipeline safety emergency response program, 2/7/2012 in Aberdeen
- Notice of Entry of Order Confirming Sale of Real Property and Notice of Entry of Order to Shorten Redemption Period

**LIABILITY INSURANCE**

Commissioners would like to advertise for liability insurance quotes for the April 1, 2012 renewal.

**SALARY/CERTIFICATION**

Motion was made by C. Johnson, seconded by B. Johnson, to approve a salary increase for Deputy Sheriff Andrew Rindelaub from \$15.08 to \$15.57 per hour effective 1/13/12 because he has earned his law enforcement certification. All members voted aye. Motion carried.

**APPOINTMENT TO BOARD**

Motion was made by B. Johnson, seconded by J. Albrecht, to re-appoint Deb Schultz, Tulare, to a four-year term on the Spink County Weed & Pest Board effective January 1, 2012 through December 31, 2015. All members voted aye. Motion carried.

**COUNTY WELFARE**

Theresa Hodges, Welfare Director, asked that Commissioners address a request that had previously been tabled.

Motion was made by J. Albrecht, seconded by B. Johnson, to consider a claim made by applicant #15 which had been tabled on December 29, 2011. All members voted aye. Motion carried.

Motion was made by C. Johnson, seconded by B. Johnson, to reject payment of claims incurred by applicant #15 because individual is indigent by design and has an ability to pay. All members voted aye. Motion carried.

**STATES ATTORNEY**

Vic Fischbach, States Attorney, discussed Resolution #12-14 which supports the revision of county membership in the James River Water Development District and the creation of the North Central Water Development District. Fischbach also explained reasons for the Commissioners to support Resolution #12-13 which revises certain provisions regarding habeas corpus.

**RESOLUTION 12-13 SPINK COUNTY COMMISSIONERS IN SUPPORT OF SENATE BILL 42 (AN ACT TO REVISE CERTAIN PROVISIONS REGARDING HABEAS CORPUS)**

**WHEREAS**, because Senate Bill 42 strikes a proper balance between the rights of defendants and victims while reducing the burden on taxpayers of South Dakota; and

**WHEREAS**, the proposed legislation would not affect or otherwise limit a defendant's right to a jury trial or any direct appeal from conviction or sentence; and

**WHEREAS**, the primary purpose of the Bill is to afford defendants a reasonable period of time, after direct appeal rights have been exercised, to petition for habeas corpus relief without causing unreasonable delay or repetition of claims; and

**WHEREAS**, Senate Bill 42 is modeled after federal limitations on post-conviction remedies, providing consistency in how this remedy is administered in the courts and not limiting any other Constitutional or statutory rights or remedies afforded defendants; and

**WHEREAS**, it is expected that the removal of unreasonable delays and repetitive court proceedings will result in considerable cost savings to county and state taxpayers and reduce agonizing delays endured by countless victims who suffer through decades of repetitive legal proceedings; therefore

**BE IT NOW RESOLVED** that the County Commission of Spink County hereby supports Senate Bill 42.

It was moved by J. Albrecht, seconded by Zerbel, and approved this 31st day of January, 2012 by the Spink County Commission in regular session at the Spink County Commission Chamber, Spink County Courthouse, 210 East 7th Avenue, Redfield, South Dakota.

Dave Albrecht, Chairman  
Spink County Board of Commissioners  
ATTEST:

Cindy Schultz, Auditor  
Spink County, South Dakota

Commissioners then discussed with Fischbach the SD Legislative audit of County records which took place last October and November.

**RESOLUTION 12-14  
SPINK COUNTY COMMISSIONERS IN SUPPORT OF SENATE BILL 160 (AN ACT TO REVISE COUNTY MEMBERSHIP IN THE JAMES RIVER WATER DEVELOPMENT DISTRICT AND TO CREATE THE NORTH CENTRAL WATER DEVELOPMENT DISTRICT)**

**WHEREAS**, SB 160 is an Act to create the North Central Water Development District, and

**WHEREAS**, the proposed legislation would remove Brown, Spink and Marshall Counties from the James River Water Development District; and

**WHEREAS**, the Act further would create the North Central Water Development District made up of Brown, Spink and Marshall Counties; and

**WHEREAS**, the creation of the North Central Water Development District would better meet the needs of residents in these three counties, all of which are faced with very similar water and flooding issues; and

**WHEREAS**, taxes generated by this new water district would better be used to meet their like needs; and

**WHEREAS**, the Spink County Commissioners are in agreement that these needs are not currently being met and local taxes are being distributed and used by counties which are physically, geographically and population wise dissimilar; therefore

**BE IT RESOLVED** that the County Commission of Spink County is hereby in support of Senate Bill 160.

It was moved by C. Johnson, seconded by J. Albrecht, and approved this 31st day of January, 2012 by the Spink County Commission in regular session at the Spink County Commission Chambers, Spink County Courthouse, 210 East 7th Avenue, Redfield, South Dakota.

Dave Albrecht, Chairman  
Spink County Board of Commissioners

ATTEST:

Cindy Schultz, Auditor  
Spink County, South Dakota

### **HIGHWAY SUPERINTENDENT**

Jeff Haessig, Highway Superintendent, requested that Beadle County's bid for metal pipe and bridge materials be approved. Haessig filed a quote from Dakota Electronics for narrow band radio equipment.

### **BID ACCEPTED**

Motion was made by J. Albrecht, seconded by Zerbel, to accept Beadle County's low bid from TrueNorth Steel, Huron, SD, for metal pipe (culverts) and bridge materials, effective 1/6/12 through 1/31/13. All members voted aye. Motion carried.

Bid specs, minutes, affidavit of publication and award letter are on file in the offices of the Spink County Highway Superintendent and the Spink County Auditor and are available for review during regular working hours.

### **QUOTE ON NARROW BAND RADIO EQUIPMENT**

Motion was made by C. Johnson, seconded by J. Albrecht, to purchase 20 mobile units, base, panel and interface, antenna, cable and connectors, repeater w/remote control, duplexer, power and antenna surge protection plus labor, all totaling \$18,392.50, from Dakota Electronics, Aberdeen, SD. All members voted aye. Motion carried.

### **CUSTODIAL/MAINTENANCE**

In the absence of a Courthouse Maintenance Supervisor, Highway Department personnel will perform maintenance and custodial work in the courthouse as needed.

Haessig reported that Trent Kahre, Thermal Solutions, is inspecting the boiler and registers. Old valves are leaking and traps need to be inspected. Kahre will submit an estimation of the cost for repairs.

### **FIRST READING/ORDINANCE re COMMISSIONER DISTRICT BOUNDARIES**

At 9:30 AM, time set by public notice, the first reading of Ordinance Title 22, an ordinance to change Commissioner District Boundaries in Spink County, South Dakota, in order that each district shall be as regular and compact in form as practicable and contain as near as possible an equal number of residents, as determined by the 2010 federal decennial census (SDCL 7-8-10). No person or their representative appeared for or against the ordinance. The second and final reading of Ordinance Title 22 will be held at 9:30 AM, February 7, 2012 in the Spink County Commission Chambers, Redfield, SD.

### **DIRECTOR OF EQUALIZATION**

Kim Markley, Director of Equalization, filed three applications for abatement of 2012 taxes.

### **ABATEMENT OF TAXES**

Motion was made by B. Johnson, seconded by C. Johnson, to approve the following requests for abatement of taxes because exemption application had been filed on time but not applied to the parcels:

- \$957.68 on parcel #8563
- \$717.00 on parcel #9205
- \$888.42 parcel #8246

All members voted aye. Motion carried.

### **PERSONNEL/SALARY**

Motion was made by C. Johnson, seconded by B. Johnson, to hire Heather Jordan as the new Planning & Zoning Administrator, effective February 2, 2012 at the Beginning Clerk \$13.09/hour wage and work 30 hours per week until April 1, 2012, when regular hours worked will be 20 per week unless Commissioners approve more. Hours worked will qualify for South Dakota Retirement. All members voted aye. Motion carried.

**PLANNING & ZONING**

Motion was made at 10:00 AM by B. Johnson, seconded by Zerbel, to recess as a Board of County Commissioners and to convene as a Planning and Zoning Board. All members voted aye. Motion carried.

At 10:15 AM the Board of County Commissioners meeting resumed after having adjourned as a Planning and Zoning Board.

Motion was made by B. Johnson, seconded by C. Johnson, to advertise a public zoning request hearing to rezone Herman’s 2nd Block 6 Lots 1-3, Conde City, from Rural Urban to Industrial. All members voted aye. Motion carried..

**NOTICE OF PUBLIC REZONING REQUEST HEARING**

A Public Hearing will be held during the Spink County Commissioners’ meeting to be held February 28, 2012, at 10:00 am in the Spink County Commissioner’s Room, Spink County Courthouse, Redfield, South Dakota, to consider the following request.

Petition for Rezoning from Rural Urban to Industrial for Jerry Taylor, located at the legal: Herman’s 2<sup>nd</sup> Block 6 Lots 1-3, Conde City.

Notice is further given that any person, or persons, who are interested in the approval or rejection of such application, or their attorney, may appear and be heard at said scheduled public hearing.

One Publication: February 15, 2012

**COUNTY CASH**

Commissioners discussed facilities where county cash is currently being held, fees being charged and interest earned.

**EMERGENCY MANAGER**

Larry Tebben, Emergency Manager, stated that there is mitigation funding available. Two of the targeted mitigation projects are for warning sirens and generators. Currently the cities of Ashton, Doland and Turton do not have sirens capable of being activated by Spink County Dispatch and the goal is to have all towns and cities in Spink County handled that way. City of Redfield is looking to expand it's siren coverage. Funds would be paid at a 75/25 match.

Tebben is also working to obtain from the National Weather Service a "Storm Ready" designation for the County.

**COUNTY HEALTH NURSE**

Amy Rothacker, Spink County Health Nurse, gave her fourth quarter report which included shots administered by the department, formation of a policy manual for the new defibrillator, transition of electronic WIC records, developmental screening on children and WIC services provided.

**DRAINAGE**

At 10:45 AM motion was made by C. Johnson, seconded by Zerbel, to recess as a Board of County Commissioners and to convene as a Drainage Board. All members voted aye. Motion carried.

At 11:15 AM Commission reconvened following adjournment as a Drainage Board.

**CLAIMS ALLOWED**

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

**County General Fund**

Misc: Russell Battey 1849.10 court appointed attorney fees, Tom Cogley 738.00 court appointed attorney fees, Faulkton Rexall Drug 32.64 prisoner care, Laurie Marcus 70.00 blood draw, Primero Ins 40.00 notary bond fee, City of Redfield 500.00 fairgrounds lease, SD Secretary of State 30.00 notary renewal, SDSU Extension 8375.00 contract for 4-H advisor;

Payroll: SDRS 45.00 participant fee;

Supplies and Repairs: A&B Business Solutions, Inc 430.00, Dakota Electronics 380.00, Leaf 79.24, McLeod's 347.03, Pheasant Country Repair 54.52, Pioneer Designs 275.00, Pitney Bowes 212.48, Shawn Chase Ford 213.11, State Radio Communications (BIT) 2250.00;

Travel: Commissioners' mileage: Brian Johnson 26.64, Jerry Zerbel 42.18;

Utilities: AT&T Mobility 31.27, Century Link 398.79, Midcontinent Comm 55.00, Northwestern Energy 1567.45, Verizon Wireless 95.05;

#### **Highway Department**

Capitol Equipment: Butler Machinery 521442.00 - 2 motor graders;

Construction Material: F.J. McLaughlin Co 1375.00, True North Steel 11829.81;

Supplies and Repairs: Butler Machinery 5258.62, Chuck's Body Shop 195.00, Crawford Trucks & Equip 2853.67, Dakota Fluid Power 1392.35;

Utilities: AT&T Mobility 123.46, Century Link 47.81, Northwestern Energy 885.14;

#### **E911**

Utilities: CenturyLink 859.15, Venture Communications 164.78;

#### **Emergency Management**

Grant: Light & Siren 59.12;

Supplies & Repairs: Quality Quick Print 215.00;

Utilities: Century Link 31.87, Verizon Wireless 73.21.

#### **REPORTS**

- Weighted 2012 Spink County Salaries
- 2011 Year End Treasurer's Balance Sheet
- Spink County Certificates of Deposit as of January 19, 2012

#### **EXPENSE REQUESTS**

Motion was made by Zerbel, seconded by B. Johnson to approve travel expense requests for the following:

- Larry Tebben, Emergency Manager, to a pipeline safety emergency response program hosted by the SD Pipeline Association in Aberdeen, 2/7/12 and to an EM meeting and exercise in Huron on 2/8/12.

All members voted aye. Motion carried.

#### **COMMITTEE REPORT**

Commissioner Jerry Zerbel inquired of Craig Johnson, Commissioner Representative on the Aberdeen, Brown, Spink County Railroad Authority, about the application for a loan that was approved by that board last week. Zerbel said that several people in his District asked about a Brown County farmer who is planning to build a railroad loop track west of Aberdeen.

Chairman Dave Albrecht declared the meeting adjourned at 12:05 PM. The next regular meeting of the Spink County Commissioners will be held on February 7, 2012 at 8:30 AM.

Dave Albrecht, Chairman  
Spink County Board of Commissioners

ATTEST:

Tamara Suchor, Deputy Auditor  
Spink County, South Dakota

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