

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

The Spink County Board of Commissioners met at 8:30 AM on Tuesday, July 25, 2023, at the Spink County Courthouse. Present were Commissioners Dave Albrecht, Brian Johnson, Brett Knox, Kevin Siebrecht and Suzanne Smith. Chair Suzanne Smith opened the meeting with the Pledge of Allegiance.

ADOPT AGENDA

Motion was made by Knox, seconded by Johnson, to adopt the agenda with the addition of eminent domain reform discussion. All members voted aye. Motion carried.

MINUTES APPROVED

Motion was made by Siebrecht, seconded by Johnson, to approve the minutes of the July 11, 2023 Commission meeting. All members voted aye. Motion carried.

CORRESPONDENCE

- Ziebach County Board of Commissioners Re: opposition to the use of eminent domain for private gain Docket #HP22-001 & 002 - Summit Carbon Solutions & Navigator
- Perkins County Board of Commissioners Re: opposition to the use of eminent domain for private gain Docket #HP22-001 & 002 – Summit Carbon Solutions & Navigator
- SD Dept of Ag & Natural Resources Re: Spink Hutterian Brethren, Inc. (Spink Colony) Manure Management System Certificate of Compliance and Amended State General Permit Coverage
- Notice & Admission of Service of Summons & Complaint

The Chair signed the Notice and Admission of Service.

PUBLIC COMMENT

Jamie Fisk, resident, discussed Summit Carbon Solutions' proposed carbon dioxide pipeline.

SHERIFF

Jenna Appel, Chief Deputy Sheriff, gave an update of activities, reported a new hire; requested a departmental promotion and reviewed patrol vehicles statuses and maintenance.

PERSONNEL

Motion was made by Knox, seconded by Johnson, to approve the hire of Richard Brand, E-911 Dispatcher, effective 7/26/23 at \$19.43/hr. All members voted aye. Motion carried. Motion was made by Albrecht, seconded by Knox, to approve the departmental promotion of Brett Christman to Chief Deputy Sheriff effective 7/4/23 at \$26.63/hr. All members voted aye. Motion carried.

VEHICLE PURCHASE

Motion was made by Knox, seconded by Siebrecht, to approve canceling the order for a 2022 Ford Interceptor SUV with Harr Motors due to the order being unable to be fulfilled, and to approve purchasing an in stock 2023 Ford Interceptor SUV from Nelson Auto Center, Fergus Falls, MN for \$42,832. All members voted aye. Motion carried.

PURPLE HEART COUNTY

Ken Teunissen and Buck Underwood, SD Purple Heart organization, presented highway signs to the board identifying Spink County as part of the Purple Heart Trail. The signs will be posted on US Highways 212 and 281 at the county line.

HIGHWAY SUPERINTENDENT

Jeff Haessig, Highway Superintendent, gave an update of activities, reported a new hire, discussed a disaster declaration for damages caused by spring flooding, requested approval on 9 right of way certificates and authorizations for bid letting, and requested approval to apply for local federal bridge program funds for four structures. Mike Gutenkauf, IMEG civil engineer, was present to discuss the applications for the bridge structures. Notice from the SD Dept. of Public Safety was also received that Spink County expenditures for 2019 spring blizzard and flooding repairs have been approved and reimbursement will be \$294,390.11.

PERSONNEL

Motion was made by Knox, seconded by Johnson, to approve the hire of Todd Miner, Equipment Operator, at \$21.30/hr effective 7/26/23. All members voted aye. Motion carried.

RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER (#23-12)

WHEREAS, Spink County, South Dakota, has suffered severe damage, brought on by a severe winter storm event. On the date and around the dates of April 16, 2023 and ongoing;

WHEREAS, Spink County, Spink County Townships and other public entities have had flooding, causing damage to public infrastructure;

WHEREAS, Spink County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster, local resources are not adequate to cope with the situation;

NOW THEREFORE BE IT RESOLVED, by the Spink County Commission at a regular meeting held on July 25, 2023, it is hereby requested that the Governor declare an emergency/disaster to exist for the County of Spink.

Dated at Redfield, South Dakota, this 25th day of July 2023.

Suzanne Smith, Chair
Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Auditor
Spink County, South Dakota

Motion was made by Knox, seconded by Johnson, to adopt the above resolution. All members voted aye. Motion carried.

RIGHT OF WAY CERTIFICATES

Motion was made by Siebrecht, seconded by Johnson, to certify Spink County, South Dakota has acquired all necessary right of way and temporary construction easements required for the construction of project numbers: BRO-B 8058(23) PCN 086A; BRF-B 6173(07) PCN 086C; BRO-B 8058(24) PCN 086D; BRO-B 8058(25) PCN 086E; BRO-B 8058(26) PCN 086F; BRO-B 8058(27) PCN 086G; BRO-B 8058(28) PCN 086J; BRO-B 8058(29) PCN 086K; and BRO-B 8058(30) PCN 086L. All members voted aye. Motion carried.

LETTING AUTHORIZATION

Motion was made Johnson, seconded by Knox, to request and authorize the SDDOT to advertise the following projects for bids: BRO-B 8058(23) PCN 086A; BRF-B 6173(07) PCN 086C; BRO-B 8058(24) PCN 086D; BRO-B 8058(25) PCN 086E; BRO-B 8058(26) PCN 086F; BRO-B 8058(27) PCN 086G; BRO-B 8058(28) PCN 086J; BRO-B 8058(29) PCN 086K; and BRO-B 8058(30) PCN 086L. All members voted aye. Motion carried.

RESOLUTION AUTHORIZAING SUBMISSION OF APPLICATION FOR LOCAL FEDERAL BRIDGE PROGRAM (#23-13)

WHEREAS, Spink County wishes to submit an application for consideration of award for the Local Federal Bridge Program for Structure 58-050-330 – 5.0 miles east and 2.0 miles north of Tulare, SD and

WHEREAS, Spink County agrees to pay the 0% match on the Local Federal Bridge funds;

and WHEREAS, Spink County hereby authorizes the Local Federal Bridge application and required funding commitments.

NOW THEREFORE BE IT RESOLVED: That the South Department of Transportation be and hereby is requested to accept the attached Local Federal Bridge application.

Dated at Redfield, South Dakota, this 25th day of July 2023.

Suzanne Smith, Chair
Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Auditor
Spink County, South Dakota

RESOLUTION AUTHORIZAING SUBMISSION OF APPLICATION FOR LOCAL FEDERAL BRIDGE PROGRAM (#23-14)

WHEREAS, Spink County wishes to submit an application for consideration of award for the Local Federal Bridge Program for Structure 58-120-231 – 1.9 miles north and 2.0 miles east of Redfield, SD and

WHEREAS, Spink County agrees to pay the 0% match on the Local Federal Bridge funds;

and WHEREAS, Spink County hereby authorizes the Local Federal Bridge application and required funding commitments.

NOW THEREFORE BE IT RESOLVED: That the South Department of Transportation be and hereby is requested to accept the attached Local Federal Bridge application.

Dated at Redfield, South Dakota, this 25th day of July 2023.

Suzanne Smith, Chair
Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Auditor
Spink County, South Dakota

RESOLUTION AUTHORIZAING SUBMISSION OF APPLICATION FOR LOCAL FEDERAL BRIDGE PROGRAM (#23-15)

WHEREAS, Spink County wishes to submit an application for consideration of award for the Local Federal Bridge Program for Structure 58-160-042 – 3.4 miles west and 1.8 miles north of Brentford, SD and
WHEREAS, Spink County agrees to pay the 0% match on the Local Federal Bridge funds;
and WHEREAS, Spink County hereby authorizes the Local Federal Bridge application and required funding commitments.

NOW THEREFORE BE IT RESOLVED: That the South Department of Transportation be and hereby is requested to accept the attached Local Federal Bridge application.

Dated at Redfield, South Dakota, this 25th day of July 2023.

Suzanne Smith, Chair
Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Auditor
Spink County, South Dakota

RESOLUTION AUTHORIZAING SUBMISSION OF APPLICATION FOR LOCAL FEDERAL BRIDGE PROGRAM (#23-16)

WHEREAS, Spink County wishes to submit an application for consideration of award for the Local Federal Bridge Program for Structure 58-290-388 – 1.0 miles west and 3.2 miles north of Bloomfield, SD and
WHEREAS, Spink County agrees to pay the 0% match on the Local Federal Bridge funds;
and WHEREAS, Spink County hereby authorizes the Local Federal Bridge application and required funding commitments.

NOW THEREFORE BE IT RESOLVED: That the South Department of Transportation be and hereby is requested to accept the attached Local Federal Bridge application.

Dated at Redfield, South Dakota, this 25th day of July 2023.

Suzanne Smith, Chair
Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Auditor
Spink County, South Dakota

Motion was made by Albrecht, seconded by Siebrecht, to adopt the above four resolutions. All members voted aye. Motion carried.

TREASURER/QUOTE

Amy Michlitsch, Treasurer, filed a quote for the purchase of a computer. Motion was made by Albrecht, seconded by Knox, to approve the quote from Connecting Point, Watertown, SD, of \$1,457 for an HP Elite mini 600 G9 workstation with licensing and setup. All members voted aye. Motion carried.

FINANCIAL REPORT

Financials for Northeaster Mental Health Center, a supported entity, were filed.

EMERGENCY MANAGEMENT

The Commission Chair signed the Emergency Manager's LEMPG 3rd quarter report.

PLANNING & ZONING

At 9:59 AM a motion was made by Johnson, seconded by Siebrecht, to recess as a Board of Commissioners and convene as a County Planning & Zoning Board. All members voted aye. Motion carried.

The Board of County Commissioners reconvened at 10:05 AM after having adjourned as the Planning and Zoning Board.

LIGHTING QUOTES

Lisa Otto, Custodian, addressed the need to update lighting in the courthouse due to the current fluorescent bulbs no longer being manufactured, three quotes were filed. Quotes filed: Swanson Electric for the replacement of 279 light fixtures \$49,444; Jessen Electric Inc. for the replacement of 78 light fixtures and single pin bulb direct replacement of all other fixtures \$43,912.33; Jessen Electric Inc. for the replacement of 229 light fixtures \$130,864.39. Motion was made by Siebrecht, seconded by Johnson, to approve Swanson Electric's quote of \$49,444. All members voted aye. Motion carried.

WELFARE/EXECUTIVE SESSION

At 10:30 AM, motion was made by Siebrecht, seconded by Johnson, to enter into executive session to discuss HIPAA sensitive information, with Heather Jatton, Welfare Director, and Theresa Hodges, Auditor, also present. At 10:33 AM, Chair Smith declared the board out of executive session with the following action taken: Motion was made by Johnson, seconded by Knox, to deny the application for Applicant #265. All members voted aye. Motion carried.

RESOLUTION IN SUPPORT OF EMINENT DOMAIN REFORM (#23-17)

WHEREAS, the Fifth Amendment to the United States Constitution states that "Nor shall private property be taken for *public use*, without just compensation." *U.S. Const. Amend. V. (emphasis added)*.

WHEREAS, the South Dakota State Constitution provides that "Private property shall not be taken *public use*, or damaged, without just compensation[.]" *SD CONST Art. 6 § 13 (emphasis added)*.

WHEREAS, the omission of "private use" from these laws implies a complete prohibition on the taking of private property for non-public purposes.

WHEREAS, on July 6, 2023, hundreds of citizens held a rally in Pierre in support of revisions to the South Dakota eminent domain law, culminating with approximately 2,000 signatures in support of eminent domain reform.

WHEREAS, the Spink County Board of Commissioners is in support of the Constitutional rights of property owners.

NOW THEREFORE BE IT RESOLVED, that the Board of Spink County Commissioners is in support of the Governor and Legislature revising South Dakota law to eliminate the taking of private property for non-public use.

Dated at Redfield, South Dakota, this 25th day of July 2023.

Motion was made by Johnson, seconded by Knox, to approve and adopt the resolution. Roll call vote: Knox-aye; Johnson-aye; Albrecht-nay; Siebrecht-aye; Smith-aye. Resolution adopted.

Suzanne Smith, Chair
Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Auditor
Spink County, South Dakota

PROVISIONAL BUDGET

The board reviewed and revised the 2024 budget. The provisional budget will be finalized 7/31/23.

Johnson exited at 11:25 AM.

CLAIMS AND REPORTS ALLOWED

Motion was made by Knox, seconded by Albrecht, to approve the following claims and reports. All members voted aye. Motion carried.

COMMISSIONERS		NORTHERN VALLEY COMMUNICATIONS	12.15
SANDRA MCNEILL	100.00	STATES ATTORNEY	
MIDCONTINENT COMMUNICATIONS	41.75	A & B BUSINESS SOLUTIONS, INC	158.63
AUDITOR		MIDCONTINENT COMMUNICATIONS	132.18
A & B BUSINESS SOLUTIONS, INC	45.68	NORTHERN VALLEY COMMUNICATIONS	4.05
MIDCONTINENT COMMUNICATIONS	43.79	SD DEPARTMENT OF HEALTH	440.00
NORTHERN VALLEY COMMUNICATIONS	12.15	GOVERNMENT BUILDINGS	
TREASURER		ALLIED CLIMATE PROFESSIONALS	2566.33
MIDCONTINENT COMMUNICATIONS	45.63	CINTAS CORPORATION	229.17

COLE PAPERS, INC.	639.23	FOX LAW FIRM PLLC	172.85
INMAN IRRIGATION	2076.88	VAL LARSON	24.00
JESSEN HEATING, REFRIGERATION	215.00	LUCY LEWNO	136.60
MIDCONTINENT COMMUNICATIONS	83.88	DARCY LOCKWOOD	24.00
NORTHERN VALLEY COMMUNICATIONS	4.05	YANKTON COUNTY TREASURER	248.60
NORTHWESTERN ENERGY	2540.72		
REDFIELD ACE HARDWARE	359.56	COUNTY FAIR	
STATE FLAG ACCOUNT	158.32	SANDRA MCNEILL	12.50
TRUGREEN	370.00	NORTHWESTERN ENERGY	247.12
DIRECTOR EQUALIZ.		EXTENSION	
A & B BUSINESS SOLUTIONS, INC	68.74	A & B BUSINESS SOLUTIONS, INC	215.91
APPEL OIL COMPANY	37.20	SUSAN BUSK	165.36
MIDCONTINENT COMMUNICATIONS	85.54	JANEY CRONIN	99.98
NORTHERN VALLEY COMMUNICATIONS	16.20	JIM EFFLING	91.00
		LINDSAY ERICKSON	166.38
REGISTER OF DEEDS		CHRIS HOWARD	70.90
A & B BUSINESS SOLUTIONS, INC	58.96	MICHELLE MEHLBERG	56.62
MIDCONTINENT COMMUNICATIONS	86.99	MIDCONTINENT COMMUNICATIONS	84.80
NORTHERN VALLEY COMMUNICATIONS	8.10	CATIE NOETHLICH	25.00
		NORTHERN VALLEY COMMUNICATIONS	8.10
VETERANS SERVICE		GRACE OLINGER	373.42
MIDCONTINENT COMMUNICATIONS	84.04	PAM RAEDER	98.44
NORTHERN VALLEY COMMUNICATIONS	4.05	THE REDFIELD PRESS	58.00
		BOB RENNOLET	162.00
SHERIFF		KAY SOLBERG	25.00
A & B BUSINESS SOLUTIONS, INC	132.63		
APPEL OIL COMPANY	1527.03	PLANNING BOARD	
CENTURY LINK	85.28	A & B BUSINESS SOLUTIONS, INC	68.74
GALLS, LLC	15.99	SANDRA MCNEILL	331.25
HARR'S REDFIELD	222.14	MIDCONTINENT COMMUNICATIONS	41.75
SANDRA MCNEILL	6.25	NORTHERN VALLEY COMMUNICATIONS	4.05
MIDCONTINENT COMMUNICATIONS	443.48		
TURNER COUNTY SHERIFF	76.00	RD & BRG - ADMIN	
TWO WAY SOLUTIONS, INC	725.00	A & B BUSINESS SOLUTIONS, INC	53.49
WAGNER AUTO CO., INC	41848.00	APPEL OIL COMPANY	23044.50
		ASPHALT PAVING & MATERIALS CO.	156453.70
JAIL		CHUCK'S BODY SHOP LLC	227.96
JENNA APPEL	12.74	JCK SERVICE, INC	8.00
FAULK CO. SHERIFF'S OFFICE	10980.00	JEBRO INC	217043.92
LEWIS DRUG INC	35.67	JENSEN ROCK & SAND, INC	5272.84
MINNEHAHA COUNTY	717.36	MATHESON TRI-GAS INC	356.50
ROBERTS COUNTY SHERIFF'S OFFIC	7500.00	MIDCONTINENT COMMUNICATIONS	129.71
		NORTHERN CON-AGG LLP.	2657.92
CARE OF POOR		NORTHERN VALLEY COMMUNICATIONS	40.00
MIDCONTINENT COMMUNICATIONS	41.75	NORTHWESTERN ENERGY	668.47
NORTHERN VALLEY COMMUNICATIONS	4.05	POWER PLAN (RDO)	4236.84
		SBS LUMBER & HARDWARE	200.00
MENTALLY HANDICAPPED		REDFIELD ACE HARDWARE	249.75
LEWIS & CLARK BHS	426.00	SD DEPT OF TRANSPORTATION	442.95
SCHAEFER COURT REPORTING	66.00	TRANSOURCE TRUCK & EQP	5733.82
DEVELOPMENTALLY DISA		E-911	
SD DEPARTMENT OF REVENUE	60.00	VENTURE COMMUNICATIONS COOP	164.78
MENTAL HEALTH CENTER		EMERGENCY MANAGEMENT	
NE MENTAL HEALTH CENTER	4000.00	APPEL OIL COMPANY	412.90
		SANDRA MCNEILL	25.00
MENTAL ILLNESS BOARD		MIDCONTINENT COMMUNICATIONS	83.49
BIRMINGHAM & CWACH LAW OFFICES	413.25	NORTHERN VALLEY COMMUNICATIONS	4.05

REPORTS

- June 2023 Highway Superintendent Report of Collections Made:
Road & Bridge Fund \$145,699.49
Weed Department 5,100.00

Chair Smith declared the meeting adjourned at 12:31 PM until 8:30 AM, Monday, July 31, 2023.

Suzanne Smith, Chairman
Spink County Board of Commissioners

ATTEST:
Theresa Hodges, Auditor
Spink County, South Dakota

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