

May 27, 2014

The meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Marc Dick. Members present: Ron Scharffenberg, Sheldon Butzke, Bill Smith. Member absent: Ralph Dybdahl.

Chairman Dick led the Pledge of Allegiance.

Chairman Dick called for approval of the Agenda. Motion made by Butzke to approve the Agenda as sent. Second Smith and motion carried.

The minutes from the May 13<sup>th</sup> meeting were sent to Board members for review prior to publication. Chairman Dick called for approval of same. Motion made by Scharffenberg to approve the minutes for publication. Second Smith and motion carried.

Commissioner Reports: Butzke: County Weed Board meeting held on May 21<sup>st</sup>, only a few townships were represented.

Chairman Dick and Hwy Supt, Mic Kreutzfeldt, met with two Turner County Commissioners and the current Hwy Supt along with the incoming Hwy Supt to discuss weight restrictions and possibility of a road exchange between McCook and Turner County. McCook would take over 2.5 miles of 268<sup>th</sup> St and Turner County would take over 3.1 miles of 447<sup>th</sup> Ave (Co Rd 7A). Kreutzfeldt added they he did ask States Attorney, Mike Fink, if a hold harmless agreement would be needed. Yes it would. Dick and Kreutzfeldt did not attend a Commission Meeting. Following discussion, the consensus of this Board is to move forward with proposed road exchange.

Motion made by Scharffenberg to convene as Drainage Commission. Second by Smith and motion carried.

At 9:30 a.m. a drainage hearing was held for drainage permit D14-013, Steven Miles, applicant, legal description S2SW4 25-104-53. Drainage Administrator Kreutzfeldt noted that a hearing was requested due to lack of downstream acceptance signatures; SD Game Fish & Parks. Present: Steven Miles, Jim Miles and Eric Tieszen, Dakota Tiling. Following discussion, motion was made by Smith to approve the application and authorize Chairman Dick to sign same. Second made by Butzke and motion carried.

Drainage Administrator Kreutzfeldt presented drainage permit applications, noting that downstream landowner signatures were obtained and he has signed off on them:

D14-014	Robert Lee Hofer	SW4 33-101-56
D14-015	Dionn Osterberg	N2NE4 32-104-54
D14-016	James & Lori Hoffman	SW4 31-102-54
D14-017	Gerald Schmeichel	1528' E & W & 680' N & S in SE Corner SE4 29-104-54
D14-018	Dionn Osterberg	SE4 32-104-54
D14-019	K & K Trucking % Kevin Twedt	E1420' of RR ROW running across S2NE4 18-103-56 Ex W158' of N116' of ROW of RR running across S2NE4 & Ex E189' of W647.6' of E1420' of RR ROW running across S2NE4 18-103-56 Ex W685' Ex E189' of W685'
D14-020	Leann Hoenscheid Sowden	W458.6' of E1420' of RR ROW running across S2NE4 18-103-56

Board reconvened as Board of County Commissioners.

Kreutzfeldt presented the Statewide Transportation Improvement Program (STIP) project information for the County. There is \$422,777.00 (including State Match) in McCook County fund which is designated to be used on Federal Aid roads & bridges, only.

Motion made by Smith to declare fixed asset #580, truck box, as surplus property as it is no longer usable for purpose acquired. Second Butzke and motion carried.

Kreutzfeldt presented \$1200 quote from Loren Golder to cut down and remove cottonwood tree from tax deed property located in Bridgewater City. Motion made by Scharffenberg to approve quote for tree removal. Second by Smith and motion carried.

Discussed continued needs for opt out of tax limitation. No action taken at this time.

Motion made by Butzke to approve Alcoholic Beverage License Application for Ports Petroleum Inc d/b/a Fuel Mart and authorize Chairman Dick to sign same. Second Scharffenberg and motion carried.

Auditor Sherman and the Commissioners reviewed Care of Poor cases. One Notice of Hospitalization was received from Avera McKennan Hospital. Four Applications for Poor Relief Assistance were received from Avera McKennan Hospital, on behalf of the patients.

Randy Sabers, Sabers & Associates, and Andy Carlson, Mutual Med, met with the Commissioners to review changes to the County's group health plan with implementation of the Affordable Care Act. The supplemental plan to our major medical plan, offered by Transamerica, is not affected by ACA. Both of these plans will be reviewed upon renewal. The Affordable Care Act did change the open enrollment process; a qualified event has to occur, no longer able to offer late enrollment. County group can remain in current plan through December 2016 and can also check into plans offered through the Affordable Care Act.

Motion made by Smith to enter into Executive Session at 11:20 a.m. to discuss pending litigation on a hospital claim with States Attorney, Mike Fink. Auditor Sherman was also present. Second made by Butzke and motion carried. Chairman declared out of Executive Session at 11:40 a.m. for next Agenda item.

Motion made by Butzke to convene as Board of Adjustment. Second made by Scharffenberg and motion carried.

Zoning Administrator, Tracy Hofer, presented a Conditional Use Permit Application for Darrin Hofer. A building eligibility needs to be moved for a home being built in NE4 Ex Lots H1 & H2, 24-101-55. Motion was made by Smith to approve request for conditional use and authorize Chairman Dick to sign application. Second made by Scharffenberg and motion carried.

Board reconvened as Board of County Commissioners.

Mike Fink, States Attorney, Carol Lauer, Treasurer, and Roger Gerlach, Attorney representing Andrew & Danielle Kinzley, met with the Commissioners to discuss court ruling regarding tax deed property sold to the Kinzley's. The Deutsche Bank, Pennsylvania, petitioned the Court as to tax deed process that was followed. The Court determined that, even though Deutsche Bank acknowledged receipt of the County's Notice of Intent to take Tax Deed, the County was further required to either publish such notice in a local paper or serve Deutsche Bank directly. As a result, the Court is expected to make void the tax deed that was recorded in the fall of 2012. Gerlach requested that the \$7500.00 paid by Kinzley's for Lots 1, 2, 3 & 4, Blk 41, Pettigrew's 2<sup>nd</sup> Addition, Salem City, be returned to them and that his attorney fees be paid by the County. States Attorney Fink recommends that following the Court order being filed, the County move

forward with tax deed process again and if Kinzley's want their attorney fees paid or reimbursed, they need to file that request.

States Attorney, Mike Fink, met with the Commission to discuss property taken by Tax Deed, September 4, 2012. Fink noted that the Commissioners have the authority to convey by Quit Claim Deed property to the record owner and presented a resolution to that effect. Motion was made by Scharffenberg to approve the following resolution, authorizing Chairman Dick to sign same. Second made by Smith and motion carried.

**RESOLUTION OF THE MCOOK COUNTY BOARD OF  
COUNTY COMMISSIONERS FOR RECONVEYANCE TO  
RECORD OWNER BY QUIT CLAIM DEED**

**WHEREAS**, the County Commissioners, pursuant to SDCL 10-25-41, have the authority to authorize a reconveyance by Quit Claim Deed to the record owner or his assignees or successors only of any real estate held by the County under Tax Deed title only, and

**WHEREAS**, the County holds the following property by Tax Deed dated September 4, 2012, and recorded at the office of the Register of Deeds, for the State of South Dakota, County of McCook, in Book 185 of Deeds, Page 597:

**The North 444.5 Feet (N.444.5') of the South 1026.5' (S.1026.5') of the  
East 490  
Feet (E.490') of the Southeast Quarter (SE 1/4) of Section Eighteen  
(18), Township  
One Hundred Three (103), Range Fifty Five (55), West of the 5<sup>th</sup> P.M.,  
McCook  
County, South Dakota, and**

**WHEREAS**, all delinquent real estate taxes have been paid upon the subject real property,

**NOW THEREFORE BE IT RESOLVED:**

That pursuant to SDCL 10-25-41 and SDCL 10-25-43, the McCook County Board of County Commissioners direct that a Quit Claim Deed be executed by the Treasurer and attested by the Auditor under seal, thereby effecting a release of the title and claim which the County has under Tax Deed. Such conveyance shall be made upon payment of no consideration by Grantee. Such reconveyance shall be made following publication of the minutes containing this resolution (and only after the time for appealing this resolution

has expired).

VOTE OF THE MCCOOK COUNTY COMMISSION:

4 votes in favor

0 votes opposed

Dated this 27<sup>th</sup> day of May, 2014, at Salem, South Dakota.

By: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

(SEAL)

Motion was made by Smith to enter into Executive Session at 12:15 p.m. to continue discussion of hospital claim litigation. Second by Butzke and motion carried. States Attorney Fink and Auditor Sherman were present. Chairman Dick declared out of Executive Session at 12:20 p.m. Based upon recommendation of States Attorney to pay hospital claim in order to get a lien filed on property, motion was made by Butzke to pay \$6340.47 to Sanford Medical Center for Case #2014-13 upon Stipulation being .....

The April 14<sup>th</sup> minutes of the Hanson-McCook Regional Library meeting were noted and filed.

Motion made by Butzke, second Scharffenberg, and carried, to pay claims:  
GENERAL FUND: Transamerica Life Insurance, May healthpak premium, 4544.30; A & B Business Solutions, 2 monthly copier contracts, 66.31, office supplies, 247.35; Advanced Systems, monthly copier contract, 40.80; C & R Supply, sprayer & pump, 145.60; Card Service Center, law enforcement fuel, 314.00; Children's Inn, 2014 appropriation, 850.00; CHS Credit Card, law enforcement fuel, 174.17; Davison County

Jail, April jail services, 1376.00; Eich Law Office, court appt atty for Charity Stephens, 1539.51; Election Systems & Software, ballot layout & coding, 1409.33; Lyle Hetland, weed meeting & mileage, 31.29; Bill Lehrman, weed meeting & mileage, 34.62; The Lodge at Deadwood, conference lodging, 237.00; McCook Central School, land judging travel expense, 800.00; McLeod's Printing, address labels, 303.58; Mark Meyers, weed meeting & mileage, 36.10; MidAmerican Energy, utilities, 284.82; Neve's Uniforms & Equipment, law enforcement supplies, 164.80; Office Depot, toner & ink cartridges, 720.83, office supplies, 116.24; SD Sheriff's Assn, MOCIC registration, 390.00; Siegel Barnett & Schutz, court appt atty for Juan Rodriguez, 644.05; Tinan Smith & Bucher, court appt atty for Brooklyn Degroot, 393.86; Michael Unke, court appt atty for Lane Maher, 159.09, for Joseph Williams, 345.68; Van Diest Supply, weed spray, 6382.90; Verizon Wireless, cell phone service, 76.77; Judy Weber, court reporting, 153.00.

COUNTY ROAD & BRIDGE FUND: Transamerica Life Insurance, May healthpak premium, 2096.30. Concrete Materials, asphalt, 366.08; I-State Truck Center, starter, 317.50; Lawson Products, degreaser, 225.38; Lentsch Tree Service, sharpen chains, 22.50; MidAmerican Energy, utilities, 67.72; Northern Truck Equipment, parts, 57.44; Servall Towel & Linen, towel & mat rental, 66.66; Stern Oil Co, supplies, 622.62.

911 EMERGENCY REPORTING SYSTEM FUND: CenturyLink, 911 telephone service, 302.45.

EMERGENCY & DISASTER SERVICES FUND: Transamerica Life Insurance, May healthpak premium, 314.59.

DOMESTIC ABUSE FUND: Children's Inn, 2013 collections, 1190.00.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 3/16/14: Dir of IRS, county share of FICA 2674.84, Medicare 625.60; SD Retirement System, county share of retirement contribution, 2926.43; Wellmark Blue Cross/Blue Shield, county share of health insurance premium, 8474.10.

The meeting adjourned subject to call.

Dated this 27<sup>th</sup> day of May, 2014.

Marc Dick \_\_\_\_\_  
Chairman, McCook  
County Commission

ATTEST:

Geralyn Sherman \_\_\_\_\_  
Auditor, McCook County