

October 22, 2013

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

Vice-Chairman Dick led the Pledge of Allegiance to the Flag.

Vice-Chairman Dick called for approval of the Agenda. Motion made by Dybdahl to approve the Agenda. Second Butzke and motion carried.

The minutes from the October 8<sup>th</sup> meeting were sent to Board members for review prior to publication. Vice-Chairman Dick called for approval of same. Motion made by Scharffenberg to approve the minutes for publication. Second Dybdahl and motion carried.

Dwayne McIntyre, Custodian, met with the Commissioners to inform them of needed window repairs. With the last rain, water was coming through six of the windows on the 2<sup>nd</sup> floor of the Courthouse. An Anderson Window representative was here on Friday along with Brad Kranz, Salem Lumber, to inspect the windows and it was determined that each window should be checked for needed replacement parts & maintenance upkeep; windows are 30+ years old. The Commissioners approved the repairs and maintenance work. Auditor Sherman will contact Salem Lumber.

Commissioner Smith joined the meeting.

Commission Reports: none.

Karlyn Painter stopped in to register a complaint regarding material added to gravel on 448<sup>th</sup> Ave from 245<sup>th</sup> St to 248<sup>th</sup> St.

Tracy Hofer, Dir of Equalization, joined the meeting. Auditor Sherman noted that a State employee inquired about taking the county vehicle home when there was use for it the next day. Sherman told her no because County employees don't do this. Sherman wanted to verify this with the Board. The Commissioners agreed that the vehicle isn't to be taken to anyone's home. Hofer added that she was told there would be a two day notice for requesting the vehicle. Kreutzfeldt noted that first come, first serve has been working well. The Commissioners agreed this process will continue.

Mic Kreutzfeldt, Hwy Supt, presented a utility permit for approval. Motion made by Butzke to approve Electric Utility Permit for Southeastern Electric. Scope of project: buy lines across road, 24540 – 436<sup>th</sup> Ave. Second Dybdahl and motion carried.

Kreutzfeldt informed the Board that he was elected to another 3 year term on the SD Public Assurance Alliance Board. The adoption of a speed limit ordinance will be revisited next year. Truck purchase in 2014 was discussed. Kreutzfeldt presented an update on Lehrman Lake Outlet costs. Kreutzfeldt presented trucks & weight limits information to the Board.

Motion made by Dick to convene as Drainage Commission. Second made by Butzke and motion carried.

At 9:30 a.m. a Drainage Hearing was held for Permits D13-033 and D13-034, applicant WL Janzen Corp. Legal descriptions: SW4 Ex S2SE4SW4 28-102-54 and SE4 Ex Lot H-1 29-102-54. A letter received from Randall Harms, downstream landowner, was read by Auditor Sherman: I am concerned about the additional water and debris in the water caused by the drainage of land owned by WL Jansen Corp. This drainage may result in filling in the main channel about 300 feet from the highway resulting in water

ponding on our property. This ponding would result in lost productivity and cost to maintain the channel to reduce the risk of lost acres. WL Janzen has not agreed to assume responsibility for the risk caused by more water, more debris and longer flow of water into this waterway. If the main channel is changed it will result in loss of yield and increase the cost to return the main channel to its current drainage condition. Karen Voeltz was present and voiced concern about water coming through and causing damage to a dam on her property; no trickle tube and this is the only access to east field. Eric Tieszen joined the meeting. Following discussion of who is responsible to maintain the waterway, motion was made by Dick to table until November 12<sup>th</sup> meeting, unless Janzen reaches an agreement with both downstream landowners regarding clean-up of waterway and placement of a trickle tube. If agreements are reached, Kreutzfeldt has authority to sign Permits D13-033 and D13-034. Second Scharffenberg and motion carried.

Scharffenberg inquired about remedies when a landowner doesn't maintain a blue stream waterway across their property and is negatively impacting upstream landowners. Kreutzfeldt suggested contacting the Corp of Engineers as far as how to proceed.

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

D13-035	Greg or Bonnie Nugteren	S2NE4 33-101-53 & SE4NW4 33-101-53
D13-036	Eric and Amy Tieszen	N2SW4 13-101-53
D13-041	Barney Roling	SW4 ex Lot H2 & Road ROW & ex N269' of W809' 25-103-55

Board reconvened as Board of County Commissioners.

The Commissioners did not inspect tax deed property located in Salem. The Contract for Deed offer made by Aaron Stroud was revisited. States Attorney, Mike Fink, informed the Board that according to SDCL 6-13-9, the governing board shall determine the terms and conditions of the installment contract including the number of installments, date of payment and rate of interest. Following discussion, motion was made by Butzke to accept \$8550 as payment in full (no installment contract). Auditor Sherman is to contact Aaron Stroud letting him know that he has until November 1, 2013 to make this payment if he so chooses. The legal description is Lots 1, 2, 3 and 4, Blk 41, Pettigrew's Second Addition, Salem City. Second Dick and motion carried.

Laurie Schwans, Register of Deeds, met with the Commission informing them that she hasn't recorded a plat approved at the October 8<sup>th</sup> meeting because it didn't go to the section line and it will be easier to record with changes she has noted. Schwans did speak with landowner, surveyor and States Attorney Fink with regard to how she felt the plat should be. Schwans presented an Authorization to Make Change form to the Board signed by Patricia Waechter. Motion made by Dick to accept changed plat presented by Schwans; Tract 9 of Battle Creek Shores 2<sup>nd</sup> Addition in the South Half of the Southwest Quarter of Section 34, Township 102 North, Range 53 West of the 5<sup>TH</sup> Principal Meridian, McCook County, South Dakota. Second Scharffenberg and motion carried.

Auditor Sherman presented a request from Don Rowley, to add \$100 to taxes on Pheasant Creek for failure to mow ditches. Knowing this has been an issue in the past, Sherman asked States Attorney Fink how to best handle the situation. Fink recommended that a copy of the Jefferson Twp minutes authorizing the special assessment and a copy of the public notice that is to inform landowners, be filed with the

Auditor's Office. Sherman will notify Rowley and copy in Dan Stahl, Jefferson Twp Board Chairman.

Motion made by Dybdahl to convene as Planning Commission. Second made by Butzke and motion carried.

Tracy Hofer, Dir of Equalization, and Toby Brown, SE Council of Governments, met with the Commission to continue review of proposed revisions to the existing 2007 Zoning Regulations. States Attorney, Mike Fink, was present. Items discussed: building eligibilities, wind energy, CAFO definition, requiring Class A Animal Feeding Units under conditional use permits, temporary use permits and waivers. Secog Planner Brown asked the Commissioners to continue review of the proposed changes so discussion can continue at their November 12<sup>th</sup> meeting.

Board reconvened as Board of County Commissioners.

Auditor Sherman, Mariann Oyen, Benefits Specialist, Mike Fink, States Attorney, and the Commissioners discussed Care of Poor cases. Two Notices of Hospitalization were received from Avera McKennan Hospital. Two Notices of Hospitalization were received from Avera Queen of Peace Hospital. An Application for Assistance for delinquent water bill and Xcel Energy bill was denied because individual has made no payments in months on these bills and numerous other bills. Following discussion, Auditor Sherman will recommend a payee and case management to the family. An Application for Assistance for county burial was denied pending submission of asset information.

Motion made by Butzke to declare XTL 1500 Mobile 10-50 Watt Radio as surplus property (lightning strike) as it is no longer usable for purpose acquired; fixed asset #904A. Second Dybdahl and motion carried.

The September 16<sup>th</sup> minutes and the September Financial Statement of the Hanson-McCook Regional Library were noted and filed.

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1 which states: "The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year." The total unreserved, undesignated fund balance of the general fund of the county as of September 30, 2013 is \$656,007.38; resulting in a fund balance percentage of 15.82%.

Motion made by Dybdahl, second Scharffenberg, and carried, to pay claims:

GENERAL FUND: Bi-Weekly Payroll: 10/13/13: Commissioners 1269.25, mileage 62.90; Auditor 2548.19; Treasurer 3168.58; States Attorney 2000.00; Custodian 1054.42; Dir of Equalization 3121.16; Register of Deeds 2548.19; Veterans Service Officer 302.94; Sheriff 6283.90, travel expense 32.04; Contract Law 3823.06; Care of Poor 115.38; Welfare, 240.00; Community Health Nurse Secretary 1114.69; Extension 332.77; Weed Dept 323.07; Drainage 307.69; Planning & Zoning 192.31. SD Remittance Center, lab services, 35.00; A & B Business, 2 monthly copier contracts, 66.31; Advanced Systems, monthly copier contract, 31.03; Bertsch Law Office, court appt attorney for Christian Disbrow, 1158.27; Card Service Center, sheriff auto fuel, 144.00, gun supplies & fuel, 187.68, travel expense-Fire Arms Training, 55.32; CHS Credit Card, law enforcement auto fuel, 69.00; Data Spec, annual software maintenance, 399.00; Davison

County Jail, September jail services, 2322.00; Freeman Regional Health Services, blood alcohol, 30.00; Roger Gerlach, Deputy States Attorney September expenses, 126.00; John Heiberger, mileage, 246.42; Heiman Fire Equipment, fire extinguisher service, 46.58; Kingsbury County Sheriff, serving subpoena, 16.88; Manatron, software training, 819.67; Microfilm Imaging, film, 39.61; MidAmerican Energy, utilities, 67.56; Minnehaha County Regional JDC, 27 days juvenile care, 4050.00; Minnehaha County Treasurer, 2<sup>nd</sup> ½ juvenile detention payment, 1911.31; Noll Collection Service, lien collection fee, 231.29; Alicia Reif, October mileage, 69.56; Safety Benefits, conference registration, 65.00; SD Planners Assn, conference registration, 80.00; SDACC, CLERP assessment, 1332.79; Tyler Technologies, annual software maintenance, 3240.00; Verizon Wireless, cell phone service, 76.53.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 10/13/13: Hwy Dept 17287.70. Iron Wheel Sales & Service, furnace filters, 71.85; Lyle Signs, road signs, 2987.00; Meridian Grain, road salt, 3064.13; MidAmerican Energy, utilities, 25.42; Northwestern Energy, utilities, 10.00; Rockmount Research, zeta strips, 990.88; Safety Benefits, conference registration, 130.00; Servall Towel & Linen, towel & mat rental, 42.90; Sioux Falls Two Way Radio, mobile radio, 2099.98; Stern Oil, diesel fuel, 22608.83; Verizon Wireless, cell phone service, 62.56.

911 EMERGENCY REPORTING SYSTEM FUND: CenturyLink, 911 telephone service, 302.45; Golden West Telecommunications, 911 telephone service, 371.72.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 10/13/13: EDS Director 1174.92.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 10/13/13: Sheriff

Secretary/Dispatcher 96.15.

PAYROLL CONTRIBUTIONS – ALL FUNDS: Dir of IRS, county share of FICA 2659.79, Medicare 622.07; SD Retirement System, county share of retirement contribution, 2889.97; Wellmark BlueCross/Blue Shield, county share of health insurance premium, 4896.76.

Motion made by Butzke, second Dick, and carried, to adopt the following resolution:

RESOLUTION 2013-17

Whereas, insufficient appropriations were made in the 2013 budget for Juvenile Detention to discharge just obligations of said appropriation;

Whereas, SDCL 7-21-32.2 provides that transfers may be made by Resolution of the Board from the Contingency appropriation established pursuant to SDCL 7-21-6.1 to other appropriations;

Therefore be it resolved that appropriation of \$5,000.00 be transferred from Contingency to Juvenile Detention.

Dated this 22<sup>nd</sup> day of October, 2013.

William  
Smith \_\_\_\_\_  
\_\_\_\_\_  
Chairman, McCook  
County Commission

ATTEST:

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

Motion made by Butzke to approve \$30,000.00 Cash Transfer from General Fund to Hwy Rd & Bridge Fund. Second made by Dick and motion carried.

The meeting adjourned subject to call.

Dated this 22<sup>nd</sup> day of October, 2013.

William Smith

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County Commission Chairman, McCook

ATTEST:

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