

December 4, 2012

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

Chairman Butzke led the Pledge of Allegiance.

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

The minutes from the November 20th meeting were sent to Board members for review prior to publication. Chairman Butzke called for approval of same. Motion made by Smith to approve the minutes for publication. Second Dybdahl and motion carried.

Mic Kreutzfeldt, Hwy Supt, presented the bids for a hydrostatically driven self-propelled chip spreader that were opened at a letting held on December 3rd at 9:30 a.m. Present for the bid opening: Hwy Supt Kreutzfeldt, Carol Lauer, Treasurer, (designee of Chairman Butzke), Auditor Sherman, Gary Kruger, Titan Machinery, and Scott Mathison, Lake Co Hwy Supt. Bids received: Sheehan Mack Sales & Equipment, 2013 Etnyre Hydrostatic Front Wheel Drive Chip Spreader \$134,900.00 * spread hopper remote gate control option - standard equipment * option - power seat pedestal \$1989.00. Titan Machinery, 2013 VT Lee Boy CSHF2 Hydrostatic Chip Spreader \$132,499.00 * spread hopper remote gate control option \$10,625.00. Motion made by Dick to accept bid from Sheehan Mack with remote gate control option, total bid: \$134,900.00. Second Dybdahl and motion carried. The award is contingent upon Lake County approval. Motion made by Smith to authorize Chairman Butzke to sign the Chip Spreader Ownership and Sharing Agreement between McCook and Lake Counties. Second

Scharffenberg and motion carried. This agreement was reviewed and approved earlier by the respective States Attorney's and Hagan Benefits, the insurance carrier for both counties.

Commissioner Smith brought up discussion regarding a walkway in Co Rd 03A Right-of-Way to provide a safer pedestrian route between Montrose and Horstman's Addition. Options and costs are to be explored.

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

A brief discussion was held on the Regional Watershed Advisory Task Force meeting that is to be held in Aberdeen on December 10th.

States Attorney, Roger Gerlach, and States Attorney Elect, Mike Fink, were present to discuss violations of the drainage ordinance. Gerlach noted that he has conflict of interest because contractor, Mike Pearson, is a client. Gerlach added that the remedy can be found under Section 504 Violation and Penalty in the Drainage Ordinance.

Section 504: Any person or his contractor draining water without a permit, if a permit is required under the provisions of this ordinance, is guilty of a Class 1 misdemeanor. In addition to or in lieu of any criminal penalty, a court may assess against any person violating the provisions of this section a civil penalty not to exceed one thousand dollars per each day of violation. Gerlach stated that penalties are quite severe, not wise for the County to restrain an individual's trade. Fink suggested sending a letter to contractor and applicant after January 1, 2013 deferring prosecution for 90 days if permit is obtained in this case. The Commissioners agreed with this.

In other business, Kreutzfeldt asked if a POA signature could be accepted for downstream landowner permission. Yes, as long as the POA provides his/her documentation.

At 9:40 a.m. the drainage hearing for Permit D12-074, applicant Robert & Irene Kueter, was held. Legal description: NE4 Ex W990' thereof & Ex E475' of N450' & Ex Tract 1 Kueters Addn 25-102-53 & Ex Tract 3 & Int In and To Tract 2 Kueter's Addn. Kreutzfeldt explained US Fish & Wildlife Service policy is to not sign off on drainage permit applications. Following discussion, motion was made by Smith to approve application and authorize Chairman Butzke to sign same. Second Dick and motion carried.

Benton Township found the culvert on 432nd Ave between sections 16 & 17, previously discussed, and plan to replace it.

Drainage Adm Kreutzfeldt noted that Steven Miles has requested a hearing for Permit D12-105, legal description SE4 25-104-53, due to lack of downstream acceptance signatures. Motion made by Scharffenberg to set 9:30 a.m., January 8, 2013, as time for drainage hearing. Second Dick and motion carried.

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

D12-046	Mark Eickman	N1/3 NE4 34-104-55
D12-047	Bob Ahlers	NW4 34-104-55
D12-087	C & E Family Farms	NW4 3-104-54
D12-088	C & E Family Farms	NE4 3-104-54
D12-089	Steven & Catherine Peterson	NE4 1-104-54
D12-092	Paul & Bonnie Smith	NW4 24-103-53
D12-095	Kevin & Betty Peterson	NE4 Ex Tract 1 of Peterson's Addn
22-104-54		
D12-096	Milton Peterson	SE4 23-104-54

D12-097	Ronald Addy	W2SW4 Less Morrows First Addn
23-102-54		
D12-098	Ronald Addy	NW4 23-102-54
D12-099	Ronald Addy	NE4 23-102-54
D12-100	Lincoln & Gail DeKramer	NW4 26-102-54 of Tract 1 of Parry's
	Addn in NW4	
D12-102	Herman Stubbe	SE4 27-104-53
D12-103	Roger & Rose Mary Morrow	E2SW4 23-102-54
D12-104	Charles & Diane Ortman	SW4 26-106-54 Ex Tr 3 & 4 Collins
	Grove Addn in SW4SE4 & SE4SW4 & Ex	Tr 1 Althoff's Addn & Ex W660' of
	S660' lying within City	

The Board reconvened as Board of County Commissioners.

At 10:30 a.m. motion was made by Dybdahl to enter into Executive Session to discuss pending litigation. Present: Mark Norris, Sheriff, Roger Gerlach, States Attorney, Mike Fink, States Attorney Elect, and Dave Sendelbach, Claims Associates (via conference call). Second Scharffenberg and motion carried. Chairman Butzke declared out of Executive Session at 11:05 a.m.

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

Tracy Hofer, Zoning Administrator, presented a plat for approval. Motion made by Smith, to approve Plat of Tract 1 of Peters Addition in the Southeast Quarter of Section 3, Township 103 North, Range 53 West of the 5TH Principal Meridian, McCook County, South Dakota. Second Scharffenberg and motion carried.

The Board reconvened as Board of County Commissioners.

Motion made by Smith to approve 2013 Alcoholic Beverage License Application for SP Enterprises d/b/a Battle Creek Resort. The license applied for is Retail (on-sale) Liquor. Second Dybdahl and motion carried.

Auditor Sherman, Mariann Oyen, Benefits Specialist, and the Commissioners reviewed Care of Poor cases. Two Notices of Hospitalization were received from Avera McKennan Hospital. An Application for Assistance will be denied because the individual had/has discretionary income at month end and a \$25,000 lump sum payment was received in January 2012 which was squandered with smoking, drinking and some gambling according to the deposition taken. Health insurance could have been purchased.

Auditor Sherman presented Sub-Agreement between SD Secretary of State Office and McCook County for the development and usage of a statewide voter registration filing system, referred to as TotalVote. Sherman noted that she signed the agreement on 11/17/12 and returned it to the Secretary of State Office.

Notification was received from First Judicial Circuit Court that the court appointed attorney rate for 2013 has been increased to \$84.00 per hour (\$1.00 increase) and the mileage reimbursement rate remains at \$1.00 per mile.

The October 15th minutes of the Hanson-McCook Regional Library were noted and filed.

Motion made by Smith to authorize Chairman Butzke to sign 2 originals of the 2013 contract between McCook County and the SD Dept of Health, Community Health Services. The contract amount remains at \$5,150.00 for 2013. Second Dybdahl and motion carried.

Motion made by Smith to authorize Chairman Butzke to sign 3 originals of the 2013 Juvenile Detention Per Diem Contract between McCook and Minnehaha counties. The rate for secure and non-secure detention at the JDC is \$150.00 per day, increased by

\$5.00 from 2012. The rate for non-secure detention at the Volunteers of America, Dakotas facility is \$110.00 per day, the same as 2012. Second Scharffenberg and motion carried.

The 2012 Quick Stats Report from Southeast Enterprise Facilitation Project was noted and filed.

Motion made by Dybdahl, second Smith, and carried, to pay claims: GENERAL FUND: Bi-Weekly Payroll: 11/25/12: Commissioners 1269.25, mileage, 22.20; Auditor 2486.65; Treasurer 2874.83; States Attorney 2280.80; Custodian 1023.65; Dir of Equalization 2646.42; Louise Hohn, step increase of \$46.15/bi-weekly; Register of Deeds 2498.09; Veterans Service Officer 640.64; Sheriff 5619.12; Contract Law 3834.61; Care of Poor 115.38; Community Health Nurse Secretary 1083.92; Weed Dept 587.86, travel expense, 30.00; Drainage 307.69; Planning & Zoning 192.31. Dir of IRS, county share of FICA 1532.94, Medicare 358.53; SD Retirement System, county share of retirement contribution 1668.51; Wellmark Blue Cross/Blue Shield, county share of health insurance contribution 3222.16. Transamerica, health insurance gap billing, 4462.40; A & B Business, monthly copier contract, 35.28; A B Real Estate Holding, December Food Pantry rent, 175.00; Advanced Systems, 3 months copier contract, 135.45; Avera McKennan Hospital, 2 care of poor hospital claims, 8534.28; Best Western Ramkota-Pierre, Safety Conference lodging, 91.99; Best Western Ramkota-Watertown, Sheriff's Conference lodging, 316.00; Card Service Center, auto fuel, sheriff conference expenses, office supplies, 490.81; City of Bridgewater, December ambulance appropriation, 2382.50; CNA Surety, Notary Public bond, 50.00; Davison County Jail, October jail services, 2250.00; Dust-Tex Service, dust mop rental, 26.42; Eich Law Office, court appt

atty for Desera Lunn, 556.20; Election Systems & Software, ballot layout & coding, 1650.94; Hillyard/Sioux Falls, janitorial supplies, 127.26; Krempges Home Repair, install baby changing table, 89.90; McCook County EMS, December ambulance appropriation, 5909.27; McCook County Treasurer, postage, 347.36; Microfilm Imaging System, scanning equipment rent, 305.00; Office Depot, office supplies, 555.85; R & S Sanitation, garbage service 43.74; Record Keepers Inc, vault box storage, 19.25; Salem City, utilities, 64.60; Salem Community Drug, office supplies, 12.56; Salem Sales, law enforcement auto fuel & towing, 2231.32; Salem Special, statements, 63.00; Salem Veterinary Service, drug dog services, 86.79; SDSU Extension, 4th qtr appropriation, 6300.00; Brenda Stadel, website design change & postings, 50.00; T & C's Pit Stop, law enforcement auto fuel, 496.72; Total Stop Food Store, law enforcement auto fuel, 723.04; Triotel Communications, telephone & internet service, 898.03; Tyler Technologies, software maintenance contract, 14358.67; West Payment Center, law books, 87.00; Zapp Hardware, supplies, 222.57.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 11/25/12: Hwy Dept 15745.64; travel expense, 7.78; Dir of IRS, county share of FICA 878.51, Medicare 205.47; SD Retirement System, county share of retirement contribution 944.30; Wellmark Blue Cross/Blue Shield, county share of health insurance contribution 1452.01. Transamerica, health insurance gap billing, 1884.42; Best Western Ramkota-Pierre, Safety Conference lodging, 91.99; Boyer Trucks, belt tensioner, 193.49; Butler Machinery, parts, 723.51; Card Service Center, office supplies & Droid Razr cell phone, 256.94; Gessner Welding & Repair, supplies & labor, 823.67; Lawson Products, supplies, 155.54; Mac's Inc, supplies, 88.96; Puthoff Repair, supplies, 70.99; R & S Sanitation,

garbage service, 43.74; Salem City, utilities, 60.00; SD Dept of Transportation, share of State project costs, 49755.23; Sheehan Mack Sales & Equipment, parts, 182.20; Southeastern Electric, utilities, 21.00; Stern Oil, oil, 1084.69; Triotel Communications, telephone & internet service, 107.95; Vulcan Inc, supplies, 440.00; Xcel Energy, utilities, 383.49; Zapp Hardware, supplies, 129.91.

911 EMERGENCY REPORTING SYSTEM FUND: Bridgewater/Canistota Independent Telephone, E911 billing system, 371.72; Triotel Communications, 911 telephone service, 237.20.

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 11/25/12: EDS Director 1144.15; Dir of IRS, county share of FICA 63.00, Medicare 14.73; SD Retirement System, county share of retirement contribution 68.65; Wellmark Blue Cross/Blue Shield, county share of health insurance contribution 206.94. Transamerica, health insurance gap billing, 314.59; Sturdevant's Auto Supply, thermal imaging supplies, 5.23; Triotel Communications, internet service & fax line, 77.43.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 11/25/12: Sheriff Secretary/Dispatcher 96.15; Dir of IRS, county share of FICA 5.59, Medicare 1.31; SD Retirement System, county share of retirement contribution 5.77.

LAW LIBRARY FUND: West Payment Center, law books, 87.00.

The Auditor's Account with the County Treasurer for the month of November, 2012: deposits in banks, \$2,989,853.70; cash to deposit, \$2,258.09; checks to deposit, \$32,977.41; Cash Items (postage) \$347.36; Treasurer's Cash, \$1,322.64; Register of Deeds, \$450.00; Sheriff, \$500.00; Passbook Savings, \$21,084.30; CD's, \$800,000.00. The total deposits on hand: \$3,848,793.50.

The meeting adjourned subject to call.

Dated this 4th day of December, 2012.

Butzke _____ Sheldon
Chairman,
McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County