

January 8, 2013

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. Member absent: Marc Dick.

Chairman Butzke led the Pledge of Allegiance.

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

The minutes from the December 18th and December 28th meetings 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.

At this time, the meeting was turned over to Auditor Sherman to reorganize as the 2013 Board of County Commissioners. The Auditor called for nominations for a Chairman.

Dybdahl nominated Smith as Chairman. Second Scharffenberg. Dybdahl moved that nominations cease and Smith be declared Chairman. All voted aye.

Butzke nominated Dick as Vice-Chairman. Second Smith. Scharffenberg moved that nominations cease and Dick be declared Vice-Chairman. All voted aye.

Scharffenberg nominated Butzke as Official Stamper. Second Dybdahl. Smith moved that nominations cease and Butzke be declared Official Stamper. All voted aye.

Chairman Smith assumed control of the meeting.

Motion made by Dybdahl, second Scharffenberg, carried, to make the following appointments and designations for 2013. Authorize all county officials to attend meetings

and workshops within the State of South Dakota, which are beneficial to McCook County. Note: Commissioner Meetings will be held the 2nd and 4th Tuesday of each month.

APPOINTMENTS: Smith: 4-H Youth Advisory Board, Minnehaha County Regional Juvenile Detention Center Board. Dybdahl: Inter-Lakes Community Action Board, South Eastern Council of Governments Board. Scharffenberg: Bridgewater Ambulance Board, Hanson-McCook Regional Library Board. Dick: Southeastern Behavioral Healthcare, Volunteers of America, Dakotas. Butzke: Weed Board, Emergency & Disasters Service, Greater McCook Development Alliance Board. County Health Board: SD Department of Health and States Attorney Mike Fink. Planning & Zoning Board: Board of County Commissioners. Drainage Board: Board of County Commissioners. Public Health Physician: State Health Board. Highway Superintendent: Michael Kreutzfeldt. Custodian: Dwayne McIntyre. Weed Supervisor: John Heiberger. County Coroner: Andrew Kinzley. Weed Board Members: Irvin Dykstra, Bill Lehrman, Lyle Hetland, and Mark Meyers.

DESIGNATIONS: Official county newspapers: Montrose Herald, Salem Special and Canistota Clipper. Depositories for county monies: Farmers State Bank, Bridgewater; The Security State Bank, Canistota; Security State Bank, Montrose; First Dakota National Bank, Salem; Security State Bank, Spencer.

Election Board workers will receive \$125.00 compensation for Election Day and \$25.00 for attending the election school.

Mileage will be paid at State rate and receipts will be required for meal reimbursement which will be paid through payroll according to IRS rules.

McCook County does not discriminate on the basis of handicapped status in the admission or access to, treatment of employment in, its programs or activities.

The wage scale for McCook County employees for fiscal year 2013 follows:

Salaried (includes longevity):

Geralyn Sherman, Auditor	\$37921
Geralyn Sherman, Welfare Director	\$ 2000
Michele Eichacker, Deputy Auditor	\$29632
Michele Eichacker, Welfare Billing	\$ 1000
Carol Lauer, Treasurer	\$37521
Rebecca Hoiten, Deputy Treasurer	\$26582
Annette VanEmmerik, Deputy Treasurer/Extension Secretary	\$25982
Laurie Schwans, Register of Deeds	\$37921
Beverly Bartling, Deputy Register of Deeds	\$29432
Tracy Hofer, Director of Equalization	\$37621
Tracy Hofer, Planning & Zoning Administrator	\$ 4000
Louise Hohn, Staff Appraiser	\$27782
Louise Hohn, Planning & Zoning Secretary	\$ 1000
Mike Fink, States Attorney	\$33000
Tammera Hofer, States Attorney Secretary	\$19000
Karen Fendrich, CHN Secretary	\$29232
Mark Norris, Sheriff	\$44950
Matt Bormann, Deputy Sheriff	\$34450
Casey Urrutia, Deputy Sheriff	\$31200
Jeremy Van Tassel, Deputy Sheriff	\$34250
Josh Stoltenberg, Deputy Sheriff	\$34100
Megan Jansma, Deputy Sheriff	\$34250
Lisa Kampshoff, Sheriff's Secretary/Dispatcher	\$29432
Lisa Kampshoff, 24/7	\$ 2500
Michael Kreutzfeldt, Hwy. Supt.	\$44182
Michael Kreutzfeldt, Drainage Administrator	\$ 5000
Michelle Zelmer, Hwy Dept Secretary	\$29532
Michelle Zelmer, Drainage Secretary	\$ 3000
Bradley Stiefvater, EDS Director	\$31398
Dwayne McIntyre, Custodian	\$27565
John Heiberger, Weed Supervisor	\$ 8400
Ralph Dybdahl, Commissioner	\$ 6850
Sheldon Butzke, Commissioner	\$ 6850
Ronald Scharffenberg, Commissioner	\$ 6750
Marc Dick, Commissioner	\$ 6850
William Smith, Commissioner	\$ 6950

Hourly:

Part-Time	
Kay McCormick, Auditor's Office	\$11.88
Cleta Lentsch, Register of Deeds	\$11.88
Jim Lentsch, Courtroom Security Officer	\$11.88
Susanne Arnold, Assessor's Office	\$11.88
Keith Aden, Veteran's Service Officer	\$11.88

Highway Department employees:

Sam Boecker, Laborer	\$15.44
James Fecko, Heavy Equipment Operator longevity	\$15.79 + \$250
Ron Heumiller, Light Equipment Operator	\$15.64
Heath Koepsell, Heavy Equipment Operator longevity	\$15.79 + \$150
Doug Mokros, Heavy Equipment Operator longevity	\$15.79 + \$350
Travis Raap, Shop Foreman longevity	\$16.79 + \$250
Donnie Theel, Heavy Equipment Operator longevity	\$15.79 + \$550
Brian Weber, Road Foreman longevity	\$17.04 + \$650
Joshua Zens, Heavy Equipment Operator longevity	\$15.79 + \$150

John Heiberger, Weed Supervisor, and Irvin Dykstra, Lyle Hetland, Bill Lehrman,

Weed Board Members, met with the Commission to discuss weed & pest designations for McCook County. Mic Kreutzfeldt, Hwy Supt, was also present. Following discussion, it was decided to designate Wormwood Sage, Bull Thistle and Musk & Plumless Thistle as locally noxious weeds in McCook County.

Commissioner Marc Dick joined the meeting.

Hwy Supt, Mic Kreutzfeldt, reported the present worth of inventory \$633,276.71; present worth gravel pit inventories \$439,161.53; present worth of fixed assets \$1,119,018.19. The 2012 expenditures on major projects and the ending budgets for Hwy Dept and Weed Dept were reviewed. Kreutzfeldt recommended setting the material

rates/pit royalties for 2013 as follows: gravel .90/ton; sand .90/ton; rock .90/ton; black dirt 1.50/cubic yard; clay .75/cubic yard. Kreutzfeldt recommended using the current FEMA "Schedule of Equipment Rates" as adopted in September 2011. Kreutzfeldt recommended using the 2012 rates for unscheduled equipment for 2013 as follows:

Brillion Seeder	\$120.00 per day
Sheepfoot Roller	\$50.00 per day
Broadcast Seeder	\$25.00 per day
Trash Pump – 3"	\$20.00 per day or \$60.00 per week
Air Compressor	\$26.00 per hour
Labor	\$25.00 per hour
Minimum charge of 1 hour per day on all rates.	

Kreutzfeldt recommended using the 2012 rates for Moving Permits (non-divisible loads only) for 2013:

Over Dimension: \$10.00 per day per vehicle
\$25.00 per year per vehicle
The overweight permits must be approved by the Hwy Superintendent.
Overweight: \$20.00 per day per vehicle
Overweight for 1 year (May 1 – February 14) \$100.00 for gravel roads, approved by Supt (construction companies only).

Flying: \$25.00 per 6 months

Motion was made by Butzke to follow the recommendations of Hwy Supt Kreutzfeldt. Second Scharffenberg and motion carried.

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

At 9:30 a.m. a drainage hearing was held for Permit D12-105, applicant Steve Miles. Legal description: SE4 25-104-53. Steve Miles, Jim Miles and Eric Tieszen, Dakota Tiling, were present. Drainage Adm Kreutzfeldt noted that a hearing was requested due to lack of downstream acceptance signatures; SD Game, Fish & Parks.

Following review & discussion of the proposed project, motion was made by Dick to approve the drainage permit application. Second Dybdahl and motion carried.

The Board reconvened as Board of County Commissioners.

The meeting was moved to the Community Room located in the Courthouse basement. A group of individuals met with the Commissioners and Hwy Supt Kreutzfeldt to discuss plans for 245th St. Mike Fink, States Attorney, was present. Kreutzfeldt presented and explained information from 2003, 2008 and 2012 regarding annual maintenance & snow removal costs for asphalt and gravel surfacing. Typically an asphalt road is three times more costly on an annual basis. Kreutzfeldt noted that in 2003 48% of Hwy budget was spent for maintenance & snow removal, in 2012 that number rose to 77% with little budget growth due to tax limitation, leaving little for bridge & road construction projects. The County long range road plan from 2009 includes allowing twenty (20) miles of asphalt road to be reverted to gravel surfacing at the end of the asphalt's useful life. Blotter and stabilized surfacing as well as regrading were discussed. Kevin Peterson, spokesperson, asked how people know what roads are in this plan because individuals aren't familiar with the Co Rd number system and suggested using 911 names in the Commission minutes. Comments: Commission should do what it can to keep 245th St an oil road (LTAP recommendations are for gravel surfacing with vehicle counts below 150 vehicles per day and count history falls below this); make McCook County progressive not regressive; 3 church congregations use this road; raise the mill levy for roads (cannot be done due to tax limitation, County can only increase tax dollars requested by the CPI (Consumer Price Index) maximum of 3% plus growth and some years CPI has been zero; opt out of tax limitation for roads (McCook County did

opt out of the tax limitation in 2009; which goes through taxes payable 2014); this area has seen drainage improvements and community development. Pastor Sue Grinde added that churches used to be the center of everyone's life and is concerned that road concerns may cause attendance to drop. The Commission thanked the group for their input and time.

States Attorney, Mike Fink, presented information regarding appointment of a limited Deputy State's Attorney/'s to the Board. Following discussion, motion was made by Dybdahl, second by Dick, and carried, to approve the following resolution:

RESOLUTION 2013-01

RESOLUTION APPOINTING LIMITED DEPUTY STATE'S ATTORNEY

WHEREAS, SDCL 7-16-3 allows the McCook County State's Attorney to appoint limited deputy state's attorneys; and

WHEREAS, it is necessary to have limited deputy state's attorneys when the McCook County State's Attorney is unavailable or there exists a conflict of interest in a particular matter; and

WHEREAS, the former McCook County State's Attorney, Roger R Gerlach, and the Hanson County State's Attorney, James R Davies, have agreed to act as limited deputy state's attorneys for McCook County, South Dakota; and

WHEREAS, the limited deputy state's attorneys shall perform duties as state's attorney without compensation for the following matters:

1. To represent the State of South Dakota in magistrate court on regularly held Magistrate Court dates, which includes initial appearances, appeals, order to show cause hearings, sentencing hearings, court trials, and preliminary hearings;
2. To be available to answer questions from county law enforcement officials or other law enforcement agencies when Mike C Fink is unavailable or when a conflict of interest arises and to aid in preliminary investigations of a criminal nature, domestic violence or child protection matters in case of emergency;

3. To be available to answer questions from county commissioners and elected county officials regarding statutes, ordinances, or other civil matters of a routine nature, and to give the same legal advice on such matters; and

WHEREAS, the limited deputy state's attorney shall be entitled to compensation by the McCook County State's Attorney at the same current fee rate set by the judicial court system for court appointed attorneys for the following matters:

4. To handle criminal prosecutions that proceed beyond the preliminary hearing stage of criminal proceedings, including motion hearings, suppression hearings, court and jury trials, sentencing hearings, adjudicatory and dispositional hearings, and also intermediate appeals to the South Dakota Supreme Court;
5. To handle criminal matters involving felony Grand Jury Indictments;
6. To handle civil matters involving lawsuits by or against the county;
7. To handle civil matters that would be considered complex and time consuming, usually involving legal research, the taking of depositions, making court appearances, submitting briefs, participating in court or jury trials and appeals therefrom; and
8. To handle civil matters involving legal research and drafting of agreements and contracts or review of documents, agreements, or contracts of a complex nature and to represent the county in tax appeals; and

WHEREAS, the limited deputy state's attorney shall be entitled to compensation by the McCook County State's Attorney at the same current mileage rate set by the judicial court system for court appointed attorneys for travel to and from the McCook County Courthouse, Salem, South Dakota; and

WHEREAS, all other costs of prosecution normally paid by McCook County in matters handled by the limited deputy state's attorney shall be paid by McCook County.

NOW THEREFORE, it is hereby RESOLVED that Roger R Gerlach, attorney at law, and James R Davies, attorney at law and the Hanson County State's Attorney, are hereby appointed as limited deputy state's attorneys for McCook County, South Dakota, for the sole purpose of handling those matters as above-stated, when the McCook County State's Attorney is absent or when there exists a conflict of interest.

It is further RESOLVED that when entitled, the limited deputy state's attorney will be compensated as described herein.

Dated this 8th day of January, 2013.

McCook County, South Dakota

William Smith, Chairperson

ATTEST:

Geralyn Sherman, County Auditor

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

Tracy Hofer, Planning & Zoning Adm, informed the Board that she received a call on December 26, 2012 from an individual who was requesting permission to bring lime sludge into McCook County from TM Rural Water ponds. Hofer told the individual that he will be required to follow our zoning regulations. Hofer noted that lime sludge is already being dumped on 1 SQ AC commencing at PT 64 Rds N of SE Corner of NE4 11-101-55 Ex H-3 (.15AC) in Tr of Land (1AC) commencing at PT 1056.0' N of SE Corner NE4 & Ex Orig Hwy 81 in NE4 and the individual has failed to comply with zoning regulations and is not landowner of record. According to Zoning Regulations a Stop Order will be served on the landowner as well as the individual who is bringing in the sludge. Mike Fink, States Attorney, and Mic Kreutzfeldt, Hwy Supt, were present.

In other business, Zoning Adm Hofer informed the Board that she and Toby Brown, Secog Planner, will be reviewing the current Zoning Regulations in effort to update certain sections. Hofer presented an updated building permit form noting the following additions/changes: changed R-O-W to Right-of-Way; added plumbing information, and added animal unit information. Hofer stated that she received a request

to add a retail business (gift shop) to home in Bridgewater Twp; will determine if a conditional use permit is needed.

The following building permits were issued the month of December, 2012:

2012-83	Kurth Living Trust NE4 12-102-56	30 x 56 hoop barn for storage
2012-84	Steven & Catherine Eichacker W310' of N281' of SW4 27-103-54	84 x 36 x 12 feed shed
2012-85	Larry & Laurie Twedt NE4NW4 Ex that portion lying N of Lot H-1 & Ex Lot H-1 28-103-53	moving used shed 60 x 40 x 10
2012-86	James & Lois McAreavey NE4 1-104-53	pole building 48 x 80 x 14
2012-87	Charles Gordon SE4 Ex S150' of N860.84' of E895' of	cattle shed 36 x 50 x 10

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E4SE4
2-103-
53

The Board reconvened as Board of County Commissioners.

Auditor Sherman and the Commissioners discussed Care of Poor cases. Two Notices of Hospitalization were received from Avera McKennan Hospital. Two Applications for Poor Relief Assistance were received from Avera McKennan Hospital on behalf of patient. Sanford Medical Center provided Notice of Dismissal for hospital claim denied by County. Sherman presented information to the Board from Mariann Oyen, Benefits Specialist: 219 food pantry requests in 2012 and 259 families utilizing Dept of Social Services programs.

Motion made by Dybdahl to authorize Chairman Smith to sign 2 originals of Animal Control Services Agreement for 2013 between McCook County and the Sioux Falls Area Humane Society. Second Butzke and motion carried.

Motion made by Butzke to authorize Chairman Smith to sign Transaction Information Sheet – General Equipment for computer software upgrade with financing through Government Capital Corporation. Second Dybdahl and motion carried.

The December, 2012 Clerk of Courts Report was noted and filed.

The December, 2012 Law Enforcement Report was noted and filed.

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

GENERAL FUND: Bi-Weekly Payroll: 01/06/13: Commissioners 2169.25; Auditor 3198.19; Treasurer 2855.81; States Attorney 2168.48; *2 new employees: Mike Fink and Tammera Hofer; Custodian 1054.42; Dir of Equalization 3018.36; Register of Deeds 3648.19; Veterans Service Officer 249.48; Sheriff 5888.34; Contract Law 4073.06; Care of Poor 115.38; Community Health Nurse Secretary 1114.69; Extension Secretary, 199.66; Weed Dept 323.07; Drainage 307.69; Planning & Zoning 192.31; Dir of IRS, county share of FICA 1714.63, Medicare 401.02; SD Retirement System, county share of retirement contribution, 1834.64; Wellmark Blue Cross/Blue Shield, county share of health insurance premium, 5428.90. Unemployment Ins Div of SD, 4th qtr 2012 contribution, 134.61; CR 12-44, witness fees & mileage, 90.32; 2013 Grand Jury fees & mileage, 538.48; A & B Business, monthly copier contract, 35.28; A B Real Estate Holding, January food pantry rent, 175.00; Avera Queen of Peace Health Services, blood alcohol services, 252.00; Anna Bourne, mental health evaluation, 90.00; Business Products, monthly copier contract, 234.84, office supplies, 191.75; Canistota Senior Citizens, 2013 appropriation, 500.00; Card Service Center, postage, 2.80; Chief Supply/Law Enforcement, supplies for law enf vehicle, 931.05; City of Bridgewater, January ambulance appropriation, 2454.17; Custom Cage, cage for law enf vehicle,

690.00; Davison County Jail, ½ December jail services, 1725.00; Dust-Tex Service, dust mop rental, 26.42; Irvin Dykstra, weed meeting & mileage, 46.46; Hanson-McCook Regional Library, 1st qtr 2013 appropriation, 7186.25; Lyle Hetland, weed meeting & mileage, 31.29; Helen Jacobson, paint St Atty office, 81.60; Bill Lehrman, weed meeting & mileage, 34.62; McCook Conservation District, 1st qtr 2013 appropriation, 3000.00; McCook County EMS, ½ 2013 ambulance appropriation, 66950.00; McCook County Publishers, publishing, 1205.54; McCormick Motors, law enf vehicle service, 864.36; McLeod's Printing, office supplies, 173.27, PT-5 assessment notices, 267.31; Microfilm Imaging System, scanning equipment rent, 305.00, film processing, 22.60; MOCIC, 2013 membership dues, 100.00; Nat'l Assn of Counties, 2013 membership dues, 400.00; Postmaster, assessment notice postage, 1350.00; R & S Sanitation, garbage service, 43.74; Record Keepers Inc, vault box storage, 19.25; Salem City, utilities, 66.70; Salem Community Drug, letter file & binder, 15.98; Salem Farmers Market, open house supplies, 3.98; Salem Sales, law enf auto fuel, 2332.34; Salem Senior Citizens, 2013 appropriation, 1250.00; Salem Special, open house and closing ads, 147.00; Schneider Corporation, annual software maintenance, 2000.00; SD Achieve, services for 5 residents, 300.00; SD Sheriff's Assn, 2013 membership dues, 518.54; SD State's Attorneys Assn, 2013 membership dues, 759.00; SDACC, 2013 membership dues, 1286.52; SDACO, 2013 membership dues, 918.26; SDML Work Comp Fund, 2013 work comp renewal, 9125.46; Sioux Falls Two way Radio, speaker mic, 79.98; South Eastern Council of Governments, 2013 membership dues, 10880.00; Sturdevant's Auto Supply, supplies, 17.67; T & C's Pit Stop, law enf auto fuel, 411.33; Total Stop Food Store, law enf auto fuel, 708.03; Triotel Communications, telephone & internet service, 888.20;

Verizon Wireless, cell phone service, 81.17, internet modem service, 254.52; Volunteers of America-Dakotas, December juvenile care, 3630.00; Weed & Pest Conference, conference registration, 320.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Payroll: 01/06/13: Hwy Dept 15584.88; Dir of IRS, county share of FICA 867.56, Medicare 202.90; SD Retirement System, county share of retirement contribution, 935.10; Wellmark Blue Cross/Blue Shield, county share of health insurance premium, 2427.45. Campbell Supply, air compressor for waste oil heater, 379.00; Card Service Center, ink cartridges, 193.01; Gessner Welding & Repair, plow part, 23.00; Merchants Capital Resources, final payment 2009 Cat Motorgrader, 41423.82; Northern Truck Equipment, freight charge for blade, 13.98; Peterson Repair, tube, 15.91; Pomp's Tire Service, truck wheels, 116.00; R & S Sanitation, garbage service, 43.74; Salem City, utilities, 64.90; SDML Work Comp Fund, 2013 work comp renewal, 17288.31; Southeastern Electric, utilities, 23.06; Stan Houston Equipment, wire ties, 57.25; Triotel Communications, telephone & internet service, 104.06; Xcel Energy, utilities, 479.84.

911 EMERGENCY REPORTING SYSTEM FUND: Bridgewater/Canistota Independent Telephone, E911 billing system, 371.72; Mitchell Regional 911 Center, 1st qtr E911 services, 8427.00; Triotel Communications, 911 telephone service, 217.20

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 01/06/13: EDS Director 1174.92; Dir of IRS, county share of FICA 64.90, Medicare 15.18; SD Retirement System, county share of retirement contribution, 70.50; Wellmark Blue Cross/Blue Shield, county share of health insurance premium, 206.93. SDEMA, 2013 membership dues, 30.00; SDML Work Comp Fund, 2013 work comp renewal, 879.99;

Triotel Communications, fax & internet service, 78.31; Verizon Wireless, internet modem service, 42.41.

24/7 SOBRIETY FUND: Bi-Weekly Payroll: 01/06/13: Sheriff Secretary/Dispatcher 96.15; Dir of IRS, county share of FICA 5.57, Medicare 1.30; SD Retirement System, county share of retirement contribution, 5.77; Wellmark Blue Cross/Blue Shield, county share of health insurance premium, 25.80. SDML Work Comp Fund, 2012 work comp renewal, 7.24.

The Auditor's Account with the County Treasurer for the month of December, 2012: deposits in banks, \$2,300,300.48; cash to deposit, \$339.05; checks to deposit, \$39,762.75; Cash Items (postage) \$.00; Treasurer's Cash, \$1,670.00; Register of Deeds, \$450.00; Sheriff, \$500.00; Passbook Savings, \$21,084.30; CD's, \$800,000.00. The total deposits on hand: \$3,164,106.58.

The meeting adjourned subject to call.

Dated this 8^h day of January, 2013.

William Smith

Chairman,
McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County