

June 24, 2014

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

Chairman Dick led the Pledge of Allegiance.

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

The minutes from the June 5th & June 10th meetings were sent to Board members for review prior to publication. Chairman Dick called for approval of same. Motion made by Butzke to approve the minutes for publication. Second made by Scharffenberg and motion carried.

Auditor Sherman noted several corrections to the May 27th minutes: the motion to make payment to Sanford Medical Center for Care of Poor Case #2014-13 was seconded by Smith and motion carried. Also, the March 16th payroll contributions were noted and should not have been. Motion made by Smith to make these corrections. Second Dybdahl and motion carried.

Commissioner Reports: none.

Mic Kreutzfeldt, Hwy Supt, presented five (5) utility permits for approval. Motion made by Smith to approve Electric Utility Permits for Southeastern Electric. Projects include: replacing overhead residential service lines with underground lines and removing poles from water. Second made by Butzke and motion carried. Kreutzfeldt presented the following quotes for diesel fuel: Stern Oil Co \$3.0953/gallon and Cole's Petroleum \$3.1132/gallon and Central Farmers no bid. Motion made by Butzke to accept quote from Stern Oil Co. Second by Scharffenberg and motion carried. Kreutzfeldt informed the Board that Metal Culverts Inc,

Jefferson City, MO, is not honoring the 7 day delivery requirement on culvert orders, so at this time culverts are being purchased from Huron Culvert in order to take care of sites damaged by flooding. The Signing Program is no longer 100% funded due to passage of a wine corkage law; this doesn't affect the McCook County grant. Kreutzfeldt presented 2015 budget request without consideration of continuing with an opt out of the tax limitation; noting that the budget would be maintenance only with only available funding for improvements being the Federal Aid funds. At this time, chip sealing is a 6 year rotation and is nearly 30% of the highway budget; not good idea to stretch that. A 5 year Equipment Plan was also reviewed. Information from LTAP regarding gravel vs asphalt was reviewed along with bridge deficiencies.

At 9:30 a.m., per Public Notice, the Commissioners discussed a proposed resolution to change the County road system. Proposal: **Deletion from McCook System:** From the point at NW corner of Section 24-101-54, thence south to a point 980 feet east of a point at SW corner of Section 36-101-54; a distance of approximately 3.1 miles (447th Ave from SD42 south to midpoint of county line curves at 268th St). **Additions to McCook County System:** From a point at SW corner of Section 34-101-53, thence east to a point at SE corner of Section 34-101-53; a distance of approximately 1.0 miles (268th St from 451st Ave east to 452 Ave). From a point at SW corner of Section 36-101-53, thence east to a point 850 feet east and 190 feet south of NW corner of Section 9-100-53; a distance of approximately 1.5 miles (268th St from 453rd Ave east to SD19). Kreutzfeldt read the proposed resolution. No one appeared. Motion made by Dybdahl to approve and adopt the following resolution. Second made by Scharffenberg and motion carried.

**MCCOOK COUNTY HIGHWAY
RESOLUTION NO. 2014-10**

WHEREAS, McCook County would like to modify its Highway System to more efficiently serve traveling public and taxpayers by establishing continuous road segments with consistent regulations on 268th Street and 447th Avenue.

WHEREAS, the changes in McCook County's Highway System are in accordance with the South Dakota Department of Transportation's "Policy and Procedures for County Highway System Revisions" adopted 2/12/92 and SDCL 31-12-2.

THEREFORE, BE IT RESOLVED by the McCook County Board of Commissioners that McCook County Commission Chairman and Highway Superintendent be hereby authorized to enter into a joint powers agreement between McCook and Turner County regarding road maintenance and that the following changes be made to the McCook County Highway System:

ADD: From a point at SW corner of Section 34-101-53, thence east to a point at SE corner of Section 34-101-53; a distance of approximately 1.0 miles (268th St. from 451st Ave. east to 452nd Ave.). From a point at SW corner of Section 36-101-53, thence east to a point 850 feet east and 190 feet south of NW corner of Section 9-100-53; a distance of approximately 1.5 miles (268th St. from 453rd Ave. east to SD19).

DELETE: From the point at NW corner of Section 24-101-54, thence south to a point 980 feet east of a point at SW corner of Section 36-101-54; a distance of approximately 3.1 miles (447th Ave. from SD42 south to midpoint of county line curves at 268th St.).

Dated at Salem, SD this 24th day of June, 2014.

	Roll Call Vote	Yes	No		Roll Call Vote	Yes
No						

<u>Marc Dick</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
		X				
(Typed Name)						

<u>William Smith</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
					X	
(Typed Name)						

(Signature)

(Signature)

	Roll Call Vote	Yes	No
No			

<u>Sheldon Butzke</u>	<u> </u>	<u> </u>	<u> </u>
		X	
(Typed Name)			

	Roll Call Vote	Yes

<u>Ralph Dybdahl</u>	<u> </u>	<u> </u>
		X
(Typed Name)		

(Signature)

(Signature)

Roll Call Vote	Yes	No
<u>Ron Scharffenberg</u>	<u> X </u>	<u> </u>
(Typed Name)		

Attest:
Geralyn Sherman

(Signature)

(County Auditor)

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

At 9:45 a.m. a drainage hearing was held for drainage permit D14-021, applicant Charles Jarratt, Rev Living Trust ETAL. Legal description NE4 18-102-54. Drainage Administrator Kreutzfeldt noted that a hearing was requested due to lack of downstream acceptance signatures. States Attorney, Mike Fink, and fifteen other individuals were present. Chairman Dick asked Kenton Hofer to explain his proposed plan. Hofer: improve surface drainage to the blue line stream waterway. Kreutzfeldt: work proposed will add to water going downstream. Allen Schlueter: concern is about the amount of water. Troy Schwans on behalf of Walter Lauck: challenge to farm already due to access to south side of waterway; instead of ditch clean out, would tiling be considered. Schlueter: would also be okay with tiling, still able to farm through ditch now. Hofer: tiling won't take care of big rain. Bob Kostboth: drainage is destroying wetlands, dugouts are being filled and shelter belts are being destroyed, all ruining the environment; who has final say? Hofer: Soil Conservation Service has approved this application. Hofer also noted that he agrees with tiling if everyone around would/could come together. Kreutzfeldt noted that the blue line stream does begin on Kostboth property north of application

area. Comm Smith: problems due exist due to water eroding the land. Kostboth: downstream owners are greatly affected. Schwans: filed Vested Drainage Rights would show depth of streams/ditches at time of filing, correct. Yes. With no other discussion, motion was made by Smith to deny this drainage application due to new water negatively affecting downstream owners and asking that landowners work together to come up with a tiling or other mutually agreeable solution. Second was made by Scharffenberg. All Board members voted aye and motion carried.

The Board reconvened as Board of County Commissioners.

At 10:30 a.m. the Commission reviewed the revisions to the proposed 2014 Zoning Regulations. Present: Tracy Hofer, Zoning Administrator, Mike Fink, States Attorney, and Toby Brown, Planner SE Council of Governments. Topics discussed: building eligibilities – Brown noted that Turner County has gone to 3 per quarter/quarter; solar energy panel farm inquiry – add to conditional uses; temporary uses – change to administrative decision; re-adopting official zoning map; residential sub-division – rural residential instead of lake residential; planned development district – remove. The 2nd reading will be held at 10:30 a.m. on Tuesday, August 26th.

Kris Graham and Kayla Thompson, Southeastern Behavioral HealthCare, met with the Board to present \$5618 request for the 2015 budget appropriation from McCook County. Funds received from the County are used to subsidize outpatient services including individual counseling, family and group therapy, psychiatric services and home based family treatment. During the first nine months of this fiscal year, Southeastern provided services to 31 residents of McCook County.

Hwy Supt Kreutzfeldt joined the meeting. Motion made by Dybdahl to enter into Executive Session at 11:35 a.m. to discuss personnel issue. Second made by Scharffenberg and motion carried. Hwy Supt Kreutzfeldt and Auditor Sherman were present. Chairman Dick declared out of Executive Session at 11:45 a.m.

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

Drainage Administrator Kreutzfeldt informed the Board of a Drainage Task Force meeting scheduled for July 24th.

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

D13-022	Jerry & Jayne Eichacker	NE4 25-104-55
D13-023	Gerald & Jayne Eichacker	NW4 25-104-55

The Board reconvened as Board of County Commissioners.

Hwy Supt Kreutzfeldt presented the Joint Powers Agreement between McCook County and Turner County regarding road maintenance responsibilities for roads being exchanged between the counties. The JPA follows with McCook County Highway Resolution 2014-10 that was adopted and signed earlier this morning. Chairman Dick and Hwy Supt Kreutzfeldt signed the Agreement at this time.

**JOINT POWERS AGREEMENT
BETWEEN MCCOOK COUNTY AND TURNER COUNTY
REGARDING ROAD MAINTENANCE**

This Joint Powers Agreement (AGREEMENT) is entered into this 24th day of June, 2014, pursuant to SDCL Chapter 1-24 and SDCL Chapter 6-5, by and between McCook County, South Dakota (MCCOOK COUNTY), and Turner County, South Dakota (TURNER COUNTY).

WITNESSETH:

WHEREAS, McCook County and Turner County presently have:

1. A boundary line highway agreement related to the McCook County/Turner County boundary roadway located upon 268th Street; and
2. A county line bridge agreement related to Bridge #63-122-000, and

WHEREAS, Turner County and Minnehaha County have a boundary line highway agreement with respect to that portion of the roadway located on 268th Street, between 454th Avenue and Highway 19; and

WHEREAS, McCook County and Turner County seek to modify such agreements so as to increase the amount of boundary line roadway which will be maintained by McCook County, in return for Turner County's agreement to maintain a certain stretch of roadway located entirely within McCook County, and

WHEREAS, SDCL Chapter 1-24 permits public agencies to exercise joint powers with respect to such matters; further that SDCL 6-5-1 permits counties to exchange such property and work between themselves; and

WHEREAS, SDCL Chapters 31-14 and 31-17 authorize counties to enter into maintenance agreements (with respect to boundary line roads and bridges), and

WHEREAS, the parties have agreed upon the scope and duration of the maintenance agreement;

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. Transfer of Road Maintenance Responsibilities. The parties agree to transfer roadway materials and maintenance responsibilities as follows:

A. That portion of the McCook County roadway and materials located upon 447th Avenue, extending from South Dakota Highway 42, South to the McCook County/Turner County line which roadway shall include the west half of the road located between the county correction line curves, as well as the west curve (approximately 3.1 miles of roadway located within McCook County and on the correction line) **shall be transferred from McCook to Turner County**. This roadway is depicted as the pink highlighted road on the “McCook County Change” map, attached hereto.

B. That portion of the Turner County roadway and materials located upon 268th Street, extending from 451st Avenue North, eastwardly to 452nd Avenue North; **and** that portion of 268th Street extending from 453rd Avenue, eastwardly to South Dakota Highway 19 (a total of approximately 2.5 miles of boundary line roadway) **shall be transferred from Turner County to McCook County**. These roadways are depicted as the yellow highlighted roads on the “McCook County Change” map, attached hereto. With this transfer, McCook County will maintain that portion of 268th Street, extending from 450th Avenue North, all the way east to South Dakota Highway 19. McCook County acknowledges that 268th Street, from 454th Avenue to Highway 19, is a Minnehaha County/Turner County boundary road.

C. With this agreement, the parties agree that they will continue to split, all expenses related to the maintenance of Bridge #63-122-000.

2. Conveyance of Materials, Roadway and Maintenance Obligations. With this agreement, each County conveys all right, title and interest (in the subject roadbed conveyed (as well as all related materials) to the receiving County. The “roadbed and related materials” shall include any/all dirt and fill materials, surfacing, culverts, signs and related materials. Following such transfer, each county will thereafter maintain such roadways as provided for by law, until this agreement is terminated or otherwise modified by the parties.

3. Maintenance. Each county shall be responsible for all costs related to the future maintenance of the respective roadways received. Each county agrees to maintain the roadway received in a good and workmanlike manner, consistent with State Law and County Highway Department practices. In addition, each receiving County shall perform no maintenance upon, or alteration of, the roadway, unless such maintenance or alteration is consistent with all requirements set forth in the transferring County’s Zoning, Drainage or other Ordinances.

4. Indemnification and Hold Harmless. The parties agree to indemnify each other against all actions, suits, damages, liability, or other proceedings that may arise as a result of either a County’s failure to properly maintain the roadway received pursuant to this agreement.

Likewise, each county agrees to hold the other county harmless with respect to any actions, suits, claims, or damages, arising as a result of a receiving County's failure to properly maintain said roadways received.

5. No Assignment or Amendment. Neither county may assign its rights or responsibilities with respect to this AGREEMENT without the other's prior written consent. Likewise, this AGREEMENT may not be amended, except in writing, which writing must be signed by an authorized representative of each county.

6. Termination. This agreement shall be ongoing and shall continue unless it is terminated, by mutual agreement. In the event of termination, all roadbeds and materials shall immediately transfer back to the transferring County. If this agreement is terminated, the County that originally transferred the roadbed shall have no responsibility to reimburse the receiving County for any road repair costs incurred by the receiving County, unless such responsibility is made part of a separate written agreement, executed by both parties in advance of the completion of such improvement.

7. Each County acknowledges and agrees that this Agreement only impacts the ownership of the **roadbed and related materials**, as well as the responsibility (by the respective Counties) to **maintain** the roadways received. The parties acknowledge that this agreement does not impact the ownership of the underlying real property or taxation of property adjoining the subject roadways; nor does this agreement serve to alter County jurisdiction or County boundaries in any way.

8. Effective date. This AGREEMENT shall become effective as of the 24th day of June, 2014.

MCCOOK COUNTY

TURNER COUNTY

By _____

By _____

Chairman, Board of Commissioners
Commissioners

Chairman, Board of

Highway Superintendent

Highway Superintendent

ATTEST:

County Auditor

SEAL

ATTEST:

County Auditor

SEAL

Auditor Sherman and the Commissioners reviewed Care of Poor cases. A Notice of Hospitalization was received from Avera McKennan Hospital (2014-28). Another Notice of Hospitalization from Avera McKennan Hospital was returned as the individual is a Hutchinson County resident (2014-29). Two Hospital Requests for Payment from Avera Heart Hospital of SD were sent to Dept of Social Services for Medicaid pricing; application for county assistance already approved (2014-07).

Auditor Sherman presented an Application for Abatement of Taxes, applicants Robert & Rosella Loon. Reason for abatement: forgot to apply for Elderly Tax Freeze. Amount of abatement: \$328.40. Motion made by Dybdahl to approve the application for abatement. Second made by Butzke and motion carried.

Auditor Sherman presented Application for Commercial Garbage Hauler License for RBS Sanitation Service, Tea SD. Motion made by Butzke to approve said application and authorize Chairman Dick to sign same. Second made by Smith and motion carried.

Auditor Sherman presented “No Change” Certificate for the Local Emergency Operation Plan, the 3rd qtr SLA Activity Report-FY2014 and the 2014 Emergency Management State & Local Agreement *Addendum*, to the Commission. The SD OEM awarded McCook County \$15,827.05 to be used for salary and administrative costs related to the operation of the McCook County emergency Management organization

during FFY 2014 (October 1, 2013 – September 30, 2014). Motion made by Dybdahl to authorize Chairman Dick to sign each of the documents. Second by Smith and motion carried.

The following Township Bonds were filed with the Auditor's Office: Richland Township: CLERK: Ken Krouse, TREASURER: Troy Nelson.

Auditor Sherman presented Order granting Deutsche Bank's motion for Summary Judgment, nullifying/vacating the tax deed from McCook County to Andrew & Danielle Kinzley. The mortgage held by Deutsche Bank is decreed to be reinstated and shall continue to encumber the subject property described as Lots 1, 2, 3 and 4, Blk 41, Pettigrew's Second Addn to Salem, McCook County, South Dakota. Motion made by Scharffenberg to refund the \$7500.00 paid for tax deed property to Andrew & Danielle Kinzley. Second by Butzke and motion carried.

The minutes from the May 20th Hanson-McCook Regional Library meeting were noted and filed.

The May Clerk of Courts Report was noted and filed.

Motion made by Dybdahl, second Butzke, and carried, to pay claims, except \$2325.00 submitted by Roger Gerlach, legal fee for Quiet Title Action: GENERAL FUND: Bi-Weekly Payroll: 6/8/14 & 6/22/14: Commissioners 1461.55, mileage 103.97, 1461.55; Auditor 2625.11, 2625.11; Treasurer 3261.62, 3261.62; States Attorney 2105.77, 2105.77; Custodian 1092.88, 1092.88; Dir of Equalization 3292.82, 3205.81; Register of Deeds 2625.11, 2668.62; Veterans Service Officer 372.90, 348.04; Sheriff 5748.13, 5610.84; Contract Law 4173.07, 4073.07; Care of Poor 115.38, 115.38; Welfare 253.20, 253.20; Nurse Secretary 1153.15, 1153.15; Extension 424.34, travel expense

24.54, 424.34, travel expense 21.57; Weed 1042.55, 365.95; Drainage 307.69, 307.69; Planning & Zoning 192.31, 192.31. SD Remittance Center, ½ appropriation Animal Damage Control Fund, 1857.66; Transamerica Life Insurance, June healthpak premium, 4659.67; A & B Business Solutions, 3 monthly copier contracts, 94.34, office supplies, 97.11, DMV supplies, correctable film ribbon, 67.04; Advanced Systems, monthly copier contract, 40.80; Susanne Arnold, mileage-sales ratio training, 30.34; Canistota City, water for weed spraying, 43.40; Card Service Center, law enforcement fuel, 350.53; CHS Credit Card, law enforcement fuel, 154.09; Davison County Jail, May jail services, 4558.00; D.J. DeKnikker, NCRAAO mileage & meals, 283.79; Karen Fendrich, WIC training expenses, 169.50; First Circuit CASA, 2014 appropriation, 1000.00; Golder Bros, tree removal & clean-up, 1200.00; Lyle Hetland, weed meeting & mileage, 31.29; Hillyard/Sioux Falls, Courthouse building supplies, 184.24; Tracy Hofer, NCRAAO Conference mileage, 266.03, P & Z mileage, 15.17; Bill Lehrman, weed meeting & mileage, 34.62; The Lodge at Deadwood, NCRAAO conference lodging, 847.00; McCook County Publishers, publishing, 928.66; Dwayne McIntyre, election mileage, 48.10, weed trimmer battery, 38.97; Mark Meyers, weed meeting & mileage, 36.10; MidAmerican Energy, utilities, 69.00; Minnehaha County Treasurer, May jail services, 802.00; Mitchell Clinic, prisoner care, 40.57; Montrose City, water for weed spraying, 36.55; Noll Collection Service, lien collection fee, 150.54; Alicia Reif, mileage, 156.88, cell phone reimbursement, 30.00; Salem City, water for weed spraying, 118.08; The Schneider Corporation, 3rd qtr web hosting, 2265.00; SD Achieve, services for 4 residents, 240.00; SDPAA, property insurance updates, 264.96, weed tractor rental, 156.00; SDSU Extension, 2nd qtr appropriation 4-H Advisor, 6489.00; Town of Spencer,

water for weed spraying, 42.75; Verizon Wireless, cell phone service, 77.00; Wildwood Cemetery Assn, 2013 & 2014 appropriations, 200.00.

COUNTY ROAD & BRIDGE FUND: Bi-Weekly Salary: 6/8/14 & 6/22/14: 16791.17, 17705.00. Transamerica Life Insurance, June healthpak premium, 2096.30. City of Sioux Falls, tire disposal, 378.00; Commercial Asphalt, patch mix, 981.20; Diesel Machinery Inc, Excavator rent, 2200.00; Iron Wheel Sales & Service, filters, 71.85; I-State Truck Center, gravel truck supplies, 261.11; McCook County Publishers, publishing, 23.24; MidAmerican Energy, utilities, 26.38; Northwestern Energy, utilities, 4.68; Pheasantland Ind-Garment Division, safety clothing, 708.94; SDPAA, property insurance updates, 32.04, Generator insurance, 287.00, Excavator rental, 100.00; Servall Towel & Linen, towel & mat rental, 46.90; Sheehan Mack Sales & Equipment, 2015 Mack truck, 106685.00; Southeastern Electric, utilities, 23.00; Transportation Safety Apparel, safety clothing, 247.73; Verizon Wireless, cell phone service, 201.47.

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

EMERGENCY & DISASTER SERVICES FUND: Bi-Weekly Payroll: 6/8/14 & 6/22/14: EDS Director 1213.38, 1213.38. Transamerica Life Insurance, June healthpak premium, 314.59. Brad Stiefvater, mileage, cell phone reimbursement & aircraft time, 515.77.

27/7 FUND: Bi-Weekly Salary: 6/8/14 & 6/22/14: Sheriff Secretary/Dispatcher 96.15, 96.15.

PAYROLL CONTRIBUTIONS – ALL FUNDS: 6/8/14 & 6/22/14: Dir of IRS, county share of FICA 2687.36, 2673.21, Medicare 628.51, 625.19; SD Retirement

System, county share of retirement contribution, 2928.21, 2921.22; Wellmark Blue

Cross/Blue Shield, county share of health insurance premium, 5453.77, 8474.10.

Motion made by Smith to approve Cash Transfer from General Fund as follows:

EDS Fund \$6000.00 and 24/7 Fund \$300.00. Second Butzke and motion carried.

The meeting adjourned subject to call.

Dated this 24th day of June 2014.

Marc Dick

County Commission

Chairman, McCook

ATTEST:

Geralyn Sherman _____
Auditor, McCook County