UNAPPROVED MINUTES OF

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April 18, 2017

The Moody County Commissioners met in regular session on Tuesday, April 17, 2017 in the County Commissioners' Room in the Courthouse at 11:15 AM, with the following members present: Chairman Jerry Doyle, Rick Veldkamp, Tom Ehrichs, Dan Miles, Carla Bruning and Kristina Krull as Clerk of the Board. Also present Marty Skroch, Commission Assistant, Hannah Koeller, Moody County Enterprise, and Paul Lewis, States Attorney.

Chairman Doyle called the meeting to order. Motion by Veldkamp, seconded by Ehrichs to approve the agenda. All voted “aye”. Motion by Bruning, seconded by Miles to approve the consent agenda. All voted “aye”.

Minutes: April 4, 2017

Travel: Eric Kovach, Ambulance Supervisor EMS Billing Conference Des Moines, IA April 19, 2017

Motion by Ehrichs, seconded by Miles to adjourn to conduct business as the Board of Adjustment at 11:17 AM. All voted “aye”. Motion by Ehrichs, seconded by Miles to adjourn to conduct business as the Joint Board of Commissioners and Planning at 11:47 AM. All voted “aye”. Motion by Veldkamp, seconded by Bruning to approve the minutes of April 4, 2017. All voted “aye”. Kendra Eng, Zoning Administrator presented one plat to the Board. Motion by Miles, seconded by Ehrichs to approve the following plat resolution with all voting “aye”:

COUNTY COMMISSION

“BE IT RESOLVED by the County Commission of Moody County, South Dakota, that the plat of TRACT 2 AND TRACT 3 OF ELVERUD’S ADDITION, AN ADDITION IN THE SOUTHWEST, QUARTER OF SECTION 22. TOWNSHIP 107 NORTH, RANGE 48 WEST OF THE 5TH PRINCIPAL MERIDIAN, MOODY COUNTY, SOUTH DAKOTA, be and the same is hereby approved.

I hereby certify that the above is a correct copy of the resolution duly passed by the County Commission, at a meeting held on the dated adopted.

Adopted this 18th Day of April, 2017.

Kristina Krull

Moody County Auditor

Motion by Bruning, seconded by Miles to adjourn and resume regular session at 11:52 AM. All voted “aye”.

Eric Kovach, Ambulance Supervisor met with the Board to discuss Ambulance Training Center and EMS Week.

Erica Rorvik, Librarian met with the Board to present the Public Library Survey.

Motion by Ehrichs seconded by Miles to enter into executive session at 1:20 PM, pursuant to SDCL 1-25-2. Reason: personnel. All voted “aye”. Motion by Veldkamp, seconded by Bruning to resume regular session at 1:40 PM. All voted “aye”.

Motion by Veldkamp, seconded by Ehrichs to conduct business as Board of Equalization at 1:41 PM. All voted “aye”. The Commissioners signed oaths as Equalization members.

Motion by Bruning, seconded by Miles to approve the DOE to make any changes due to discretionary reduction, veteran exemption, renewable resource credit, local industrial development per SDCL 10-4-8.1. All voted “aye”. Motion by Ehrichs, seconded by Veldkamp to approve Local Board changes. All voted “aye”. Motion by Bruning, seconded by Miles to approve the DOE to make any changes due to assessor error. All voted “aye”.

Motion by Bruning, seconded by Ehrichs to approve all qualifying Owner Occupied Dwelling Applications received by the County DOE by March 15, 2017. All voted “aye”.

Motion by Miles, seconded by Bruning to uphold the original assessor value of $13892 on parcel 21.50.27.25 owned by Donald Elverud. All voted “aye”.

Motion by Miles, seconded by Ehrichs to resume regular session at 2:10 PM. All voted “aye”.

Scott Lewis, Custodian met with the Board. Lewis informed the Board new LED Lighting has been donated for the Moody County Veterans Memorial in front of the Courthouse. RAB Lighting Co./J.H Larson Co. will be donating $1045.50 in LED lights and Bob’s Electric is donating $676.96 in labor. The Commissioner expressed their gratitude for this generous donation. Lewis presented an estimate for LED lights for the Court House pillar lights on the north side. Motion by Miles, seconded by Bruning to approve the Bob’s Electric estimate for LED lights for $1525.00. All voted “aye”. Discussion was held on the bid for the Sheriff’s Office sidewalk. Also present Al Deelstra, Big Al’s Contracting, and Brad Ciavarella, Ciavarella Design. Motion by Miles, seconded by Bruning to accept the bid from Big Al’s Contracting to replace the Sheriff’s Office sidewalk for $69,831.30. All voted “aye”.

Sam Von Eye, Moody County Health Nurse met with the board to give a quarterly update.

Paul Lewis, States Attorney met with the Board. The Board held the 2nd reading of the Burn Ban Ordinance.

ORDINANCE NO. 2017-01

AN ORDINANCE AMENDING EXISTING ORDINANCE 2012-01 AUTHORIZING THE MOODY COUNTY BOARD OF COMMISSIONERS TO DECLARE A FIRE DANGER EMERGENCY AND TO PROHIBIT OPEN BURNING WITHIN MOODY COUNTY.

BE IT ORDAINED BY MOODY COUNTY, SOUTH DAKOTA, THAT ORDINANCE 2012-01 BE AMENDED TO READ AS FOLLOWS:

**Section 1.** That when weather or other conditions exist which make open burning of any substance unduly hazardous and a danger to public safety, the Moody County Board of Commissioners may enact a resolution declaring a “Fire Danger Emergency”.

**Section 2.** That if a “Fire Danger Emergency” is declared, all open burning of any substance shall be prohibited within any or all of the unincorporated areas of Moody County until such time as the resolution declaring the “Fire Danger Emergency” shall have been rescinded by appropriate action of the Moody County Board of Commissioners.

**Article 2.1** Irrespective of the enactment of a resolution from the Moody County Board of Commissioners declaring a “Fire Danger Emergency”, open burning of any substance is expressly prohibited when the National Weather Service has declared a Red Flag Warning in Moody County, or when the Grassland Fire Danger Rating in Moody County reaches Very High or Extreme.

**Section 3.** That any person who shall create, commit, maintain, or permit to be created, committed or maintained an open burning in violation of a resolution declaring a “Fire Danger Emergency”, or when the National Weather Service has declared a Red Flag Warning in Moody County, or when the Grassland Fire Danger Rating in Moody County reaches Very High or Extreme, shall be deemed to have committed a public nuisance in violation of and subject to all criminal and civil penalties provided for therein. Any person who maintains, commits, or fails to abate a public nuisance as required under the provisions of this ordinance shall be subject to a maximum penalty of thirty (30) days in jail, a $500 fine, or both. Each and every day that the violation continues may constitute a separate offense.

**Article 3.1** In addition to the fines and penalties indicated in Section 3 above, any person who violates this ordinance may be subject to the suppression costs of extinguishing the fire. Additionally, nothing within this Ordinance shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.

**Section 4.** “Open burning” is defined as the intentional burning of any substance whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance.

**Section 5.** Campgrounds. Unless specifically banned by resolution of the Moody County Board of Commissioners, open burning within those designated areas falling within the boundaries of any permitted private, state or federal campground shall be legally permissible.

**Section 6.** Reporting of controlled burns. Anyone who intends to conduct any “open burning” at any time, regardless of the enactment of a “Fire Danger Emergency” resolution by the Moody County Board of Commissioner, or a ban imposed as a result of a Red Flag Warning from the National Weather Service or when the Grassland Fire Danger Rating in Moody County reaches Very High or Extreme, shall, before such burn, notify the Moody County Dispatch Center and provide the following information: location of the burn, time of burn, substance to be burned, approximate completion time of the burn and a contact phone number for the responsible person. Any person who violates this Section shall be subject to a maximum penalty of thirty (30) days in jail, a $500 fine, or both.

**Section 7.** This ordinance is declared to be necessary for the immediate preservation of the public safety in accordance with the provisions of SDCL 7-18A-8.

MOODY COUNTY: ATTEST:

By: Jerry Doyle Kristina Krull

Its: Chairman Moody County Auditor

FIRST READING: April 4, 2017

SECOND READING: April 18, 2017

ADOPTION: April 18, 2017

PUBLICATION: April 26, 2017

EFFECTIVE DATE: April 18, 2017

Tammy Vedvei, Pyrohaulic Fireworks met with the Board to discuss a Firework Permit. Motion by Veldkamp, seconded by Miles to approve a Public Display of Fireworks for Pyrohaulic Fireworks for June 27-July 5, 2017. All voted “aye”.

Paul Lewis, States Attorney met with the Board. The Board held the 2nd reading of the Colman speed limit ordinance. Motion by Miles, seconded by Ehrichs to adopt the following resolution with an effective date of April 18, 2017:

ORDINANCE NO. 2017-03

AN ORDINANCE ESTABLISHING A 25 MILES PER HOUR SPEED LIMIT UPON A PORTION OF 470TH AVENUE

BE IT ORDAINED BY MOODY COUNTY, SOUTH DAKOTA:

WHEREAS, pursuant to SDCL 32-25-9.1, the Board of County Commissioners may determine and establish speed zones upon all or any part of the highways under its jurisdiction; and

WHEREAS, the Board of County Commissioners has received a request from the City of Colman, Moody County, South Dakota, to reduce the speed on a portion of 470th Avenue which runs through the municipal corporate limits of City due to the heavy volume of traffic coming into the City and to promote the safety of the citizens residing therein, and that the Board of County Commissioners has determined that it would be in the general welfare, benefit, and safety of our citizens so to do.

THEREFORE, BE IT ORDAINED BY MOODY COUNTY, SOUTH DAKOTA, that a speed limit of 25 miles per hour be and the same is hereby established on that portion of 470th Avenue extending southward from South Dakota Highway 34 and continuing to the municipal corporate limits of the City of Colman, Moody County, South Dakota.

THEREFORE, BE IT FURTHER ORDAINED BY MOODY COUNTY, SOUTH DAKOTA, that this ordinance is declared to be necessary for the immediate preservation of the public safety in accordance with the provisions of SDCL 7-18A-8.

Adopted this 18th day of April, 2017.

MOODY COUNTY: ATTEST:

By: Jerry Doyle Kristina Krull

Its: Chairman Moody County Auditor

FIRST READING: April 4, 2017

SECOND READING: April 18, 2017

ADOPTION: April 18, 2017

PUBLICATION: April 26, 2017

EFFECTIVE DATE: April 18, 2017

The Board held the 2nd reading of the Bridge speed limit ordinance. Motion by Miles, seconded by Ehrichs to adopt the following resolution with and effective date of May 16, 2017:

ORDINANCE NO. 2017-02

AN ORDINANCE ESTABLISHING A 35 MILES PER HOUR SPEED LIMIT UPON A PORTION OF 478TH AVENUE

BE IT ORDAINED BY MOODY COUNTY, SOUTH DAKOTA:

WHEREAS, pursuant to SDCL 32-25-9.1, the Board of County Commissioners may determine and establish speed zones upon all or any part of the highways under its jurisdiction; and

WHEREAS, the Board of County Commissioners has been advised by its highway superintendent that a bridge crossing the Big Sioux River on 478th Avenue and located between 224th Street and 225th Street is in poor structural condition, and in order to slow the rate of deterioration, a reduced speed limit on this section of the road is necessary for the safety of its citizens.

THEREFORE, BE IT ORDAINED BY MOODY COUNTY, SOUTH DAKOTA, that a speed limit of 35 miles per hour be and the same is hereby established on that portion of 478th Avenue between 224th Street and 225th Street in Moody County, South Dakota.

Adopted the 18th day of April, 2017.

MOODY COUNTY: ATTEST:

By: Jerry Doyle Kristina Krull

Its: Chairman Moody County Auditor

FIRST READING: April 4, 2017

SECOND READING: April 18, 2017

ADOPTION: April 18, 2017

PUBLICATION: April 26, 2017

EFFECTIVE DATE: May 16, 2017

Paul Lewis, States Attorney met with the Board to discuss tax property parcel 24.02.03.14. Also present Alan Malavolti, Attorney, and Jacqueline Johnson, County Resident.

Marc Blum, Highway Superintendent met with the Board. Discussion was held on gravel hauling. Motion by Ehrichs, seconded by Miles to approve the following resolution with all members voting “aye”.

RESOLUTION NO. 17041801

A RESOLUTION AUTHORIZING THE PURCHASE OF

BRIDGE CONSTRUCTION LABOR

BASED UPON THE PRICE ESTABLISHED

THROUGH THE COUNTY OF SPINK, SOUTH DAKOTA BID PROCESS

WHEREAS, the Moody County Highway Department will need one BRIDGE CONTRACTOR; and

WHEREAS, the COUNTY OF SPINK, has recently gone through a competitive bidding process for bridge contractor, such bidding process culminating in the bids being opened March 7, 2017.

WHEREAS, HOLLAWAY BRIDGE AND CULVERT, INC, was the lowest responsible bidder and such COUNTY OF SPINK, SOUTH DAKOTA, bid process and, HOLLAWAY BRIDGE AND CULVERT, INC is willing to sell to MOODY COUNTY under the same terms and options available to the COUNTY OF SPINK, a copy of such bid specifications and bid having been filed at the Moody County Auditor’s Office; and

WHEREAS, pursuant to SDCL 5-18a-22, MOODY COUNTY is authorized to purchase supplies and services from any active contract that has been awarded by any governmental entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months;

NOW THEREFORE BE IT RESOLVED that the Moody County Highway Department is hereby authorized and directed to contract concrete pipe and concrete bridge materials with HOLLAWAY BRIDGE AND CULVERT, INC based upon the bid price, or less, as established through the competitive bidding process of the COUNTY OF SPINK, SOUTH DAKOTA, with the unit and specifications as follows:

BRIDGE CONSTRUCTION LABOR

Adopted this 18th day of April, 2017.                                    ATTEST:

Jerry Doyle, Chairperson                  Kristina Krull

Moody County Board of Commissioners             Moody County Auditor

Marty Skroch, Commission Assistant met with the Board. Motion by Veldkamp, seconded by Bruning to approve an invoice over $1000 from Bob Pesall, for $5255.00. All voted “aye”. Motion by Ehrichs, seconded by Miles to allow the use of the courthouse grounds or the courthouse rotunda for National Day of Prayer on May 4, 2017. All voted “aye”.

Kristina Krull, Auditor met with the Board. Motion by Bruning seconded by Veldkamp to authorize Chairman Doyle to sign the Election Service Agreement with Elections System & Software. All voted “aye”.

Motion by Miles, seconded by Veldkamp to enter into executive session at 4:06 PM, pursuant to SDCL 1-25-2. Reason: personnel. All voted “aye”. Motion by Bruning, seconded by Miles to resume regular session at 4:34 PM. All voted “aye”.

Motion by Ehrichs, seconded by Bruning to approve the following claims and issue warrants with all voting “aye”: General: A&B Business, supplies 259.45, AT&T, telemetry 24.04, Avera/Flandreau Medical Center, blood alcohols 1054.47, Ambulance patients, refund 243.82, Barnes & Noble, publications 437.39, Beadle County Sheriff, jail housing 480.00, Mark Bonrud, CPR training/travel reimbursement 63.64, Bound Tree Medical, supplies 244.03, Bruning & Lewis Law Firm, April office expense 5827.68, Center Point, publications 41.34, Centurylink, utilities 412.68, CNA Surety, notary bond 50.00, Culligan, supplies 32.20, Dakotabilities, 2nd qtr distribution 540.00, Dept of Revenue, blood alcohol 450.00, Dust-Tex Service Inc, supplies 65.66, Ekern Home Equipment, repairs 1005.82, Moody County Enterprise, publishing 1170.79, Galls, supplies 298.02, Graham Tire, supplies 578.40, Great Plains Psychological, services 1402.50, Haug Associates, services 35.00, ICAP, services 615.08, Jones & Bartlett Learning, supplies 230.76, Krulls Garage, repairs 1699.51, Lake County Sheriff, jail housing 13425.00, Lewis Drug, jail medical 34.37, Mark Lee, travel 59.98, Matheson Tri-Gas, supplies 42.20, Maynards, supplies 12.30, Nancy Nelson, ct apt atrny 1107.74, Northern Hills, services 1088.63, Office Depot, supplies 5.32, OfficeMax, supplies 193.39, Patricia Hartsel, transcripts 83.60, Pennington County Sheriff, jail housing 226.20, Bob Pesall, ct apt atrny 5255.00, Physicians Claim Company, prof service 2626.36, Physio-Control, supplies 1084.02, Powers/Dakota Stop, gas/jail meals 876.37, River’s Edge, travel 1587.94, SD Achieve, service 120.00, SDACC, CCPR 595.00, SDSU Extension, travel 25.00, Sioux Falls Two Way Radio, supplies 108.94, Sparkle Car Wash, supplies 35.00, T-Shirts Too, supplies 481.60 Union County Sheriff, jail housing 975.00, Vast supplies 202.58, Verizon, mobile broadband 200.05, Troy Wellman, travel 47.00, Witnesses, witness fees 20.00. Highway: Butler Machinery, repairs 100.80, C&R Supply, repairs 636.61, City of Colman, utilities 94.03, Dust-Tex, cleaning supplies 37.00, Moody County Enterprise, publishing 36.00, Fleetpride, repairs 1787.35, L.G. Everist, quartzite 2278.22, Lyle Signs, signs 515.30, River’s Edge, diesel 1566.75, Vander Haag’s repairs, 270.00. 911: Centurylink, utilities 377.97. Domestic Abuse: Wholeness Center, 1st qtr distribution 170.00. 24/7 Fund: PharmChem, supplies 708.00, Redwood Toxicology, supplies 185.00. Flex Spending: Mark Bonrud, reimbursement 385.57. Water Conservation Fund: EDWDD, monthly remit 1465.94. 24/7 Fund: SD Attorney General, monthly remit, 646.00. Mod & Pres Flow Fund: SDACO, monthly remit 268.00.

Motion by Ehrichs, seconded by Miles to adjourn the meeting at 4:43 PM. All voted “aye”.

ATTEST: Kristina Krull Jerry Doyle, Chairman

Moody County Auditor Moody County Board of Commissioners