

UNAPPROVED MINUTES OF
May 4, 2010

The Moody County Commissioners met in regular session on Tuesday, May 4, 2010 in the County Commissioners' Room in the Courthouse at 9:00 AM, with the following members present: Martin May, Chairman, Alvin Gullickson, David Stenberg, Tony Firman, and Tom Peper, with Glenda Erickson, Deputy Auditor as Clerk of the Board.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners, Moody County:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County as of April 30, 2010, which includes money collected for schools, cities, townships and state:

Total amount of deposits in bank:	\$ 6,032.85
Total amount of actual cash:	\$ 3,297.12
Total amount of checks and drafts in Treasurer's possession not exceeding 3 days:	\$ 425,379.97
Itemized list of all items, checks and drafts which have been in the treasurer's possession over 3 days:	\$ 964.12
First National Bank Flandreau CD	\$ 2,650,000.00
First National Bank Flandreau Savings	\$ 2,593,605.41
Colman Home Federal Bank Money Market CD	\$ 141,278.87
Flandreau First Savings Bank CD	\$ 1,175,000.00
TOTAL	\$ 6,995,558.34

Dated this 10th day of May, 2010
Lori Schaefers
Moody County Auditor

Chairman May called the meeting to order. Motion by Firman, seconded by Gullickson to approve the agenda as amended. All voted "aye". Motion by Stenberg, seconded by Peper to approve the minutes of April 20, 2010. All voted "aye".

Erickson presented two travel requests. Motion by Gullickson, seconded by Firman to authorize dispatcher Jessica Elverud to attend the 911-certification class in Pierre May 9-23. All voted "aye". Motion by Firman, seconded by Stenberg to authorize all interested elected and appointed officials to attend the Sioux Valley Commissioners Association District quarterly meeting in Clark on May 17. All voted "aye".

Motion by Peper, seconded by Firman to adjourn to conduct business as Board of Adjustments at 9:05 AM. All voted "aye". Motion by Peper, seconded by Stenberg to resume regular session at 9:15 AM. All voted "aye".

The Board reviewed department budgets. Motion by Peper, seconded by Firman to approve the budget supplement to the Library supplies budget in the amount of \$3,900.00 due to unanticipated grant revenue. All voted "aye". Motion by Gullickson, seconded by Firman to approve the automatic budget reimbursement to the Soil Conservation salary budget in the amount of \$10,000.00 due to unanticipated revenue retroactive to April 26, 2010. All voted "aye".

Auditor Schaefers reviewed poor relief cases with the Board. Motion by Stenberg, seconded by Gullickson to deny case #20100410 due to the individual having the ability to make reasonable payments, and the hospital must exhaust all avenues of payment including accepting reasonable monthly payments from the individual. All voted "aye". Motion by Peper, seconded by Firman to deny case #20100402 due to the application submitted by the patient's guardian did not contain a sufficient amount of information to determine eligibility. All voted "aye". Motion by Stenberg, seconded by Gullickson to deny case #20100403 due to no response from patient to the information request. All voted "aye". Motion by Peper, seconded by Stenberg to deny case #20100405 due to no response from patient to the information request. All voted "aye". Motion by Peper, seconded by Firman to deny case #20100406 due to no response from patient to the information request. All voted "aye". Motion by Gullickson, seconded by Stenberg to deny case #20100407 due to no response from patient to the information request. All voted "aye". Motion by Stenberg, seconded by Firman to deny case #20100408 due to the patient being indigent by design, and being able to work but has chosen not to work. All voted "aye". Motion by Firman, seconded by Peper to approve mental health hold poor relief case #20100409 in the amount of \$698.00. All voted "aye".

Highway Superintendent Marc Blum met with the Commissioners. Also present were Jim and Carol Sorenson of

McLaughlin & Schultz, Derek Bunkers of Bowes Construction, Keith Baldwin of BPI, and Kathy Rippentrop of Double H Paving. As advertised, the bid opening for the Highway #3A AC Overlay project was held at 9:20 AM. The following bids were received:

Bidder	Asphalt Concrete	Tack Oil	Gross Bid
McLaughlin & Schultz	\$1,066,500.00	\$13,000.00	\$1,079,500.00
Myrl & Roy's Paving	\$1,065,600.00	\$16,200.00	\$1,081,800.00
Double H Paving	\$953,100.00	\$18,900.00	\$972,000.00
Bituminous Paving	\$1,060,200.00	\$13,500.00	\$1,073,700.00
Bowes Construction	\$1,125,540.00	\$17,604.27	\$1,143,144.27

The Board tabled the decision on the bids until 11:40 AM, to enable Blum to review the bids. All attendees except Blum then left the meeting. Blum presented the contract for Project No. BRO 8051 (09). Motion by Stenberg, seconded by Firman to accept the low bid of \$343,649.60 from Swingen Construction Company of Grand Forks, ND for project No. BRO 8051 (09), which is Bridge No. 51-170-167, 3.3 miles north of Flandreau over Spring Creek. All voted "aye".

As advertised, at 9:50 AM a hearing was held for a budget supplement to the General Fund Operating Transfer budget up to the amount of \$500,000.00, to be funded by undesignated General funds. A hearing was also held for a budget supplement to the Highway Supplies Budget up to the amount of \$1,000,000.00, to be funded partially by a transfer from the General Fund and by Capital Accumulation reserves set aside for overlay projects. The Board tabled the decisions on the budget supplements until after the decision on the Overlay project at 11:40 AM.

Terry Albers, Emergency Manager met with the Board. Motion by Stenberg, seconded by Peper to approve the following resolution, with all members voting "aye":

RESOLUTION NO. 2010050401

RESOLUTION DECLARING EMERGENCY/DISASTER

WHEREAS, Moody County, South Dakota has suffered severe damages, brought on by early spring flooding due to snow storms and excessive run-off associated with fast thaws, and

WHEREAS, the following conditions exist in Moody County as a result of the disaster:

- Washed out road beds on public roads
- Soft roads due to setting water
- Damages to the rural water delivery system

WHEREAS, the following factors contributed to the damages in Moody County:

- A large amount of snow fall for the winter of 2009
- Culverts were blocked during much of the thawing periods
- High flood waters on the Big Sioux River

WHEREAS, Moody County has committed all available resources and taken all possible actions within the jurisdiction boundaries to combat and alleviate the disaster, local resources are not adequate to cope with the situation.

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Moody County declare an emergency, and

BE IT FURTHER RESOLVED: We, the Board of Commissioners of Moody County, respectfully petition the Governor of South Dakota and the President of the United States to provide with all dispatch and remedies proper state and/or federal assistance for the alleviation of this disaster/emergency.

Dated this 4th day of May, 2010

Martin J May
Chairman, Moody County Commission

ATTEST: Glenda Erickson, Deputy
Auditor, Moody County, SD

The Board discussed repairing a culvert on the Ward Road. Albers presented the County Rangeland Fire Protection Agreement. Motion by Gullickson, seconded by Peper to authorize Chairman May to sign the County Rangeland Fire Protection Agreement between the SD Department of Agriculture and Moody County. All voted "aye". Albers discussed the 911 program with the Board.

Commissioner Stenberg discussed the amount due to the Department of Game, Fish and Parks for the Animal Damage Control Fund. The Board instructed the Auditor's office to inquire if the payment is mandatory, and will discuss at the next meeting.

Jeff Nelson of Baldrige and Nelson Architects met with the Commissioners. Nelson presented options of repairing or replacing the courthouse roof. The Board authorized ARS to repair the existing pertinent hole, with an approximate cost of \$200.00. The Board tabled the decision on the courthouse roof until later during the meeting. Nelson will also look into the cracking of the marble on the stairway probably caused by the lift.

Linette Christensen, Treasurer along with County resident Juanita Wakeman met with the Board to discuss Wakeman's property that was recently taken by Tax Deed.

Marc Blum, Highway Superintendent again joined the meeting. Motion by Gullickson, seconded by Firman to accept the low bid of \$972,000.00 from Double H Paving of Tea, SD for the Highway #3A AC Overlay project. All voted "aye". Motion by Peper, seconded by Stenberg to approve the following resolution, with all members voting "aye":

RESOLUTION 10050402

Motion was made by Peper, seconded by Stenberg to authorize a \$500,000.00 budget supplement to the General Operating Transfer Budget to be funded by undesignated general funds.

All members present voting "aye".

Dated at Flandreau, South Dakota this 4th day of May 2010.

Martin J May, Chairman
Moody County Commissioners

ATTEST: Glenda Erickson
Moody County Deputy Auditor

Motion by Peper, seconded by Gullickson to approve the following resolution, with all members voting "aye":

RESOLUTION 10050403

Motion was made by Peper, seconded by Gullickson to authorize a \$1,000,000.00 budget supplement to the Highway Supplies Budget to be funded partially by a transfer from the General Fund, and by Capital Accumulation reserves set aside for Overlay Projects.

All members present voting "aye".

Dated at Flandreau, South Dakota this 4th day of May 2010.

Martin J May, Chairman
Moody County Commissioners

ATTEST: Glenda Erickson
Moody County Deputy Auditor

Erickson informed the Board that Veterans Service Officer Bob Gill would be out of the office for two weeks starting May 10, 2010 for personal reasons, but will still accept telephone calls at home during this time.

Motion by Firman, seconded by Peper to adjourn to conduct business as Board of Equalization at 1:00 PM. Also present was DOE Brenda Duncan. Motion by Peper, seconded by Firman to resume regular session at 2:40 PM.

Discussion was held on the courthouse roof. Motion by Peper, seconded by Gullickson to advertise for bids to replace the courthouse roof, removing the existing rock ballast and replacing it with a fully adhered system. All voted "aye".

Linette Christensen, Treasurer along with County resident Juanita Wakeman again met with the Board to discuss Wakeman's property that was recently taken by Tax Deed. Motion by Stenberg, seconded by Peper to approve the following

resolution, with all members voting "aye":

RESOLUTION 10050404

WHEREAS, Moody County has taken title by Tax Deed to real property described as follows:

Lots Five and Six (5 & 6), Block Three (3) of Hess Addition to the City of Flandreau, Moody County, South Dakota, and

WHEREAS, the record owner of the property prior to Moody County taking the Tax Deed, Juanita Wakeman, a/k/a Juanita Rose Wakeman, has requested Moody County to reconvey said real estate to her; and

WHEREAS, the said Juanita Wakeman has deposited with the Moody County Auditor the total sum of \$5,014.87 representing the total principal, interest and costs of all taxes represented in the Tax Deed, and any other taxes and interest which are unpaid upon said real estate including 2009 taxes payable in 2010, and

WHEREAS, as provided for by State Law under SDCL 10-25-41, 42 and 43, the County is authorized to reconvey said real property by Quit Claim Deed; now therefore

IT IS HEREBY RESOLVED that Moody County reconvey the real property described above to Juanita Wakeman, a/k/a Juanita Rose Wakeman by Quit Claim Deed in consideration of the payments that she has deposited with the Moody County Auditor.

MOODY COUNTY AUDITOR
Glenda Erickson, Deputy

MOODY COUNTY COMMISSION
By: Martin J. May
Its: Chairman

DATE PASSED: 5/4/2010
DATE PUBLISHED: 5/19/2010
DATE EFFECTIVE: 6/8/2010

Erickson presented the Energy Efficiency Conservation Block Grant award. Under Moody County's application, the only entity receiving grant money was Big Sioux Water. Motion by Firman, seconded by Peper to authorize Chairman May to sign the Letter of Understanding between First District Association and Moody County acknowledging that First District will assist with the administration of the Energy Efficiency Conservation Block Grant, with the compensation to the District being \$2,750, which is covered by the grant. All voted "aye". Motion by Firman, seconded by Peper to authorize Chairman May to sign the Governor's Office of Economic Development Energy Efficiency Conservation Block Grant Agreement between the Bureau of Administration and Moody County, Project – Big Sioux Water System Geothermal Project. All voted "aye".

Brenda Duncan, Director of Equalization met with the Board. Motion by Gullickson, seconded by Firman to authorize Duncan to attend the Assessor's District Meeting in Brookings May 12th. All voted "aye".

Motion by Firman, seconded by Peper to adjourn to conduct business as Joint Board of Commission and Board of Planning and Zoning at 3:50 PM. All voted "aye". Also present was Director of Equalization Brenda Duncan. One plat was reviewed. Motion by Gullickson, seconded by Peper to approve the following resolution with all voting "aye":

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COUNTY COMMISSION

"BE IT RESOLVED by the County Commission of Moody County, South Dakota, that the plat of VAN HECKE'S CONSERVATION EASEMENT TRACT 1 IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 107 NORTH, RANGE 50 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 4th Day of May, 2010.

Glenda Erickson, Deputy
County Auditor
Moody County, South Dakota

Motion by Gullickson, seconded by Peper to resume regular session at 3:55 PM. All voted "aye".

The following reports were received and filed in the Auditor's Office: April Civil fees \$878.20, and April Register of Deeds fees \$4,081.50.

Motion by Firman, seconded by Peper to approve the following claims and issue warrants, all voted "aye": General: Avera McKennan Hospital, poor relief-mental health hold 698.00, Avera/Flandreau Medical, county nurse 2661.66, Avera McKennan Regional, jail-medical 67.11, Alltel, cell phones 121.39, Bob's Electric, service/supplies 60.87, Brookings City, service 70.00, Barnes & Noble, books 279.93, Donna Bittiker, travel 218.61, Buhl's Cleaners, service 59.80, Center Point Large Print, books 154.56, Century Business Products, copies/toner/maintenance 189.97, Don't Tire Shop, service 15.00, Department of Revenue, blood alcohols 245.00, Diamond Lake Book, books 451.22, William Ellingson, office expense 1546.43, Flandreau Bakery, jury lunch 28.95, FC&A, books 17.98, Alvin Gullickson, travel 50.32, Galls, badge holder 16.98, Hillyard, supplies 208.40, Knology, telephone/fax 333.79, Krulls Garage, service 563.31, Linweld, supplies 39.90, Literary Guild Select, books 65.91, Martin May, travel 29.60, MAS Modern Marketing, supplies 113.06, Maynards, supplies 6.45, Moody County Public Health, service 40.00, Minnehaha County Treasurer, jail-blood alcohol 25.00, Minnehaha County Auditor, service 180.00, Nest Family Entertainment, videos 88.74, Bob Pesall, court appointed attorney 3607.60, Powers-Dakota Stop, gas/jail meals 1658.67, River's Edge Cooperative, fertilizer 155.82, Reader Service, books 38.61, John Shaeffer, court appointed attorney 1496.50, David Stenberg, travel 46.25, Sturdevant's, supplies 27.76, Synergy Graphics, supplies 75.00, Second Chance Rescue, service 507.08, Southwest Office Supply, supplies 259.83, 34 Stop, gas 63.80, UpStart, supplies 99.45, Velvet Uniforms, supplies 158.00, Troy Wellman, travel 325.00, Duane Walburg, service 80.00, Wellmark, COBRA 714.11, Witness, witness fees 20.00, Clark County, registrations 36.00, Jurors, jury duty 763.20. Highway: Butler Machinery, repairs 239.24, Catco Pars & Service, repairs 162.48, Don's Tire Shop, tube 18.00, Dakota Riggers, repairs 250.00, Ekerns, repairs 12.36, Greg's Welding, supplies/service 183.40, Graham Tire, tires 309.80, J&K Building Center, supplies 209.37, Knology, phone/cable/internet 215.21, Master Blaster, repairs 135.00, Northern Truck Equipment, repairs 46.71, NAPA, repairs 84.05, Pheasantland Industries, safety clothing 905.97, Sturdevant's, repairs 186.61, Byron Solem, reimbursement 1300.00, Verizon Wireless, cell phones 49.18 Wheelco, repairs 219.26. 911 Service: Lonnie Gruneich, travel 20.76. Civil Defense: River Lodge, lodging 46.50. Flex: Lori Schaeffers, reimbursement 773.82. Miscellaneous: City of Flandreau, utilities 1533.91, Cardmember Service, supplies/postage 1923.28, MidAmerican Energy, natural gas 459.97, State Treasurer, monthly remittance 82356.50. April Payroll: 147280.91.

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Meeting adjourned at 4:00 PM.

ATTEST: Glenda Erickson, Deputy
Moody County Auditor

Martin May, Chairman
Moody County Board of Commissioners