

UNAPPROVED MINUTES OF
October 19, 2010

The Moody County Commissioners met in regular session on Tuesday, October 19, 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 Lori Schaefers, Auditor as Clerk of the Board.

Chairman May called the meeting to order. Motion by Gullickson, seconded by Peper to approve the amended agenda. All voted "aye". Motion by Firman, seconded by Stenberg to approve the minutes of October 5, 2010. All voted "aye".

Auditor Schaefers reviewed a poor relief case with the Board. Motion by Peper, seconded by Gullickson to deny case #20101003 due to the individual being indigent by design and able to work but has chosen not to. All voted "aye".

The Board discussed surplus property.

Motion by Gullickson, seconded by Stenberg to adjourn to conduct business as Board of Adjustments at 9:05 AM. All voted "aye".

Motion by Gullickson, seconded by Stenberg to conduct business as Joint Board of Commission and Planning and Zoning at 9:20 AM. All voted "aye". Also present was Director of Equalization Brenda Duncan. One plat was reviewed. Motion by Firman to approve the following plat: Hildebrandt's Conservation Easement, Tract 1, SE ¼, 33-107-50. Motion died for a lack of second. The Board will review the plat again at the next meeting. Motion by Stenberg, seconded by Peper for the Moody County Planning and Zoning Board to recommend to the Board of County Commissioners to amend the Zoning Ordinance definition of Structures to include the following sentence: *For the purpose of these regulations, utility poles are not considered structures.* All voted "aye". Motion by Firman, seconded by Peper to resume regular session at 9:45 AM. All voted "aye".

Brenda Duncan, Director of Equalization met with the Board. Motion by Peper, seconded by Gullickson to authorize Duncan to attend the district meeting in Canistota October 20th. All voted "aye".

Gail Meyer, Register of Deeds met with the Board. Also present were DOE Brenda Duncan, Treasurer Linette Christensen, and Brad King of Tyler Technologies. Meyer presented a letter to the Board requesting to purchase FileDirector SBE Software in the amount of \$10,703.96 (including maintenance) and Clerk Track Software/Hardware in the amount of \$20,807.00 (including maintenance), both programs to be utilized by the Register of Deed's Office. The Board took no action at this time.

Brad King of Tyler Technologies met with the Board. Also present were DOE Brenda Duncan, Treasurer Linette Christensen, and ROD Gail Meyer. Discussion was held on the Systems Agreement with Tyler Technologies to update the County software system to the INCODE Financial System and InVision Tax System totaling \$73,485.00 (including maintenance). This program would be utilized by the Auditor, Director of Equalization, Treasurer, and Register of Deeds. Motion by Gullickson, seconded by Stenberg to authorize Chairman May to sign the Systems Agreement between Tyler Technologies and Moody County to update the County software system to the INCODE Financial System and InVision Tax System. All voted "aye".

Motion by Gullickson, seconded by Firman to enter into executive session at 11:00 AM. Reason: personnel/contract negotiations. All voted "aye". Motion by Gullickson, seconded by Firman to resume regular session at 12:00 PM. All voted "aye".

Community Health Nurse Val Luze met with the Board and reviewed the 2010 1st and 2nd quarter Public Health Office Reports. Luze briefed the board on services provided to county residents, and informed the Board that Moody County received an immunization award for an over 90% immunization rate for 24-35 month olds being up to date on immunizations. Luze also discussed the Safe Routes to School Program.

Kristene Rancour, Ambulance Supervisor met with the Board. Also present was Ryan Woodward of the Moody County Enterprise. Rancour presented the Board with the Ambulance Department's September report and reviewed the vehicle maintenance logs for the two ambulance rigs.

Tracy Foltz, Director of Operations of MED-Star Ambulance of Brandon, SD met with the Board. Also present were Brian Rueben of MED-Star, Kristene Rancour-Ambulance Supervisor, Jerry Doyle-Commissioner Elect of Commissioner District #1, and Ryan Woodward of the Moody County Enterprise. Foltz submitted to the Board an Ambulance Coverage Proposal stating that the MED-Star Paramedic Ambulance Company is willing to locate and operate a paramedic level ambulance in the city of Flandreau, responding to all 911 calls in Moody County and the territories currently served by the Moody County Ambulance Service. Rancour stressed how often the backup rig is used and that having only one rig housed in Flandreau could sacrifice the quality of

service currently being provided. Doyle informed the Commissioners that if the Board passes a motion to discontinue the County Ambulance Service, he would be forced to take out a referendum petition and take the service to a vote of the people. Kimberly Leibel, ambulance employee joined the meeting. Commissioner Stenberg requested a financial statement, net worth statement, and bond proposal from the owner of MED-Star. The Commissioners will discuss the proposal with the State's Attorney at the next meeting.

Auditor Schaefers presented a list of outstanding warrants for the Board's review. Motion by Peper, seconded by Firman to approve the following resolution with all members voting "aye":

RESOLUTION 10101902

WHEREAS, any unclaimed funds held by Moody County which remain unclaimed by the owner for more than one year after becoming payable is presumed abandoned, and

WHEREAS, a list of outstanding warrants which have not been presented for payment was reviewed by the board of commissioners at the meeting held on Tuesday, October 19, 2010, and

WHEREAS, SDCL 7-22-17 provides for the cancellation of outstanding warrants,

NOW, THEREFORE, BE IT RESOLVED, that a motion was made by Peper and seconded by Firman to declare the claims presented abandoned and authorize the cancellation of said warrants in the amount of \$124.88. This report is being submitted along with payment in the sum of \$124.88 to the Secretary of Revenue.

Dated this 19th day of October 2010 at Flandreau, South Dakota.

Martin J May
Chairman, Moody County Commissioners

ATTEST: Lori Schaefers
Moody County Auditor

Auditor Schaefers presented the General Fund Cash Surplus Analysis as of September 30, 2010 as required by the Department of Legislative Audit. Schaefers reported the total unreserved, undesignated fund balance of the General Fund as of September 30, 2010 was \$1,485,857.09. This represents 31.53% of the total appropriations for ¼ of the current year's annual budget plus the subsequent year's annual budget. Motion by Gullickson, seconded by Peper to approve and file the General Fund Cash Surplus Analysis with the Department of Legislative Audit. All voted "aye".

Schaefers discussed the Senior Citizens Budget with the Board. Motion by Firman, seconded by Stenberg to approve the following resolution with all members voting "aye":

RESOLUTION 10101904

WHEREAS, Commissioner Contingency Funds are included in the annual budget, and

WHEREAS, insufficient funds were provided to the Senior Citizens Budget,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to SDCL 7-21-6.1 it was moved and seconded to approve the following Contingency Transfer:

101-525-41113	Senior Citizens Budget	1,000.00 CR
101-112-42971	Total Contingency Transfer	1,000.00 DB

Dated this 19th day of October 2010.

Martin May
Chairman, Moody County Commissioners

ATTEST: Lori Schaefers
Moody County Auditor

Sheriff Troy Wellman met with the Board to review the vehicle maintenance logs for the Sheriff's vehicles.

Schaefers presented information on behalf of Terry Albers, Emergency Manager. Motion by Firman, seconded by Stenberg to authorize Chairman May to sign the 2011 SD Emergency Management State & Local Agreement. All voted "aye". Motion by Firman, seconded by Peper to approve the following resolution retroactive to October 8, 2010, with all members voting "aye":

**RESOLUTION 10101901
RESOLUTION DECLARING EMERGENCY/DISASTER**

WHEREAS, Moody County, South Dakota has suffered severe damages, due to September rain, which caused excessive flooding.

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

- Washed out road beds on public roads
- Several culverts are washed out
- Several homes sustained water damage

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

- Local rain in excess of 5-10 inches
- Culverts could not handle the amount of runoff causing several roads to wash out
- In addition to local flooding of streams, the rain north of Moody County contributed in causing the Big Sioux to reach over 13 1/2 feet, flooding the Flandreau Park and the Town of Trent.

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 8th day of October 2010

Martin May
Chairman, Moody County Commissioners

ATTEST: Lori Schaefers
Auditor, Moody County, South Dakota

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

RESOLUTION 10101903

WHEREAS, Moody County funds the Highway budget through tax dollars and revenue from car licenses, and

WHEREAS, the current cash balance in the Highway fund will not fund estimated expenditures, and

WHEREAS, the Board of Commissioners designated operating transfers out of the General Fund to the Highway Fund for 2010.

NOW, THEREFORE, BE IT RESOLVED that the Operating Transfer out of the General Fund to the Highway Fund in the amount of \$100,000 be approved as outlined in the 2010 Annual Budget.

Dated at Flandreau, SD this 19th day of October 2010.

Martin May, Chairman
Moody County Commissioners

ATTEST: Lori Schaefers
Moody County Auditor

Motion by Firman, seconded by Peper to approve the following claims and issue warrants, all voted "aye": General: Avera University Psychiatry, service 147.13, Avera Flandreau Medical, blood alcohols/supplies 873.24, Active Data Systems, maintenance 4878.04, Aspen Mills, uniforms 89.80, Brown & Saenger, supplies 348.13, Barnes & Noble, books 188.56, Buhl's Cleaners, service 36.80, Credit Collections service 19.77, William Ellingson, office expense 1561.82, Enterprise Publishing, supplies, subscription 499.80, First National Bank, lock box rent 28.00, Gale, books 26.39, Patricia Hartsel, service 114.00, Hughes County Sheriff, service 14.30, Hillyard, supplies 91.21, ICAP, service 428.75, IBS, service 337.50, J&K, supplies 15.28, Knology, telephone/internet 219.36, Linweld, supplies 53.80, Literary Guild Select, books 34.46, Lutheran Social Services, service 316.20, Lewis Drug, jail-medical 687.37, Matt Parrott & Sons, supplies 128.04, Mid-American Research, supplies 108.49, Minnehaha County Auditor, jail-debt service payment 2802.30, McLeod's Printing, supplies 17.53, Northern Truck, lights 228.38, Pesall Law Firm, court appointed attorney 2361.60, Pennington County Jail, prisoner transport 208.50, Physio-Control, re-stocking fee 33.15, PCC, service 1983.08,

Powers-Dakota Stop, gas/jail meals/jury meals 1655.65, Rhapsody Book Club, books 59.95, River's Edge, gas 741.33, Reader Service, books 67.74, Sioux Falls Two Way Radio, supplies 135.90, Senior Companions of SD, 2010 appropriations 1600.00, Southwest Office Solutions, supplies 527.84, UPS, shipping 8.12, USBorne Books, 10.00, Velvet Uniforms, uniforms/equipment 588.00, Witness, witness fees 20.00, Patient, ambulance overpayment 20.00. Highway: B&H Contractors, gravel 2122.39, Bowes Construction, gravel 9708.05, Bunkers Construction, culvert removal 459.19, Concrete Materials, hot asphalt 2193.04, Dells Diesel, service 8579.15, Diamond Mowers, supplies 270.61, Farmers & Merchants, service 126.45, Huron Culvert & Tank, culvert 6159.20, Southwest Office Solutions, supplies 7.24. Domestic Abuse: Wholeness Center, appropriation 585.00. Water Conservation Fund: East Dakota Water Development, monthly remittance 597.27. LEPC: Minnesota West, LEPC training 950.00. Miscellaneous: A&B Business, copier maintenance 17.75, Dust-Tex, service 147.05, Knology, telephone/fax 76.20, Qwest, telephone 340.60, SDML Workers Comp Fund, 2011 workers' comp premium 29701.00.

Meeting adjourned at 3:00 PM.

ATTEST: Lori Schaefer
Moody County Auditor

Martin May, Chairman
Moody County Board of Commissioners