

August 18, 2015  
Unapproved minutes  
Union County Commissioners

The Union County Board of Commissioners met in regular session on August 18, 2015, at the Courthouse in Elk Point, SD at 8:30 a.m.

Members present Ballard, Headid, Karpen, Schempp and Ustad.

Motion by Karpen, second by Headid to approve the agenda as amended. Carried.

Motion by Karpen, second by Schempp to approve the minutes from August 4, 2015 as presented. Carried.

Executive Session

Motion by Karpen, second by Ballard to enter executive session for personnel matters and interview for VSO at 8:32. Carried. Chairman declared board out of executive session at 9:01.

Dept. Head Reports

Public Bldg Supt Sexton, Fair Manager Lingle Nurse McInerney, and VSO Veatch met with the board for monthly reports.

Recess

Chairman declared a recess at 9:26-9:30.

July Monthly Reports

Register of Deeds' reported \$8,182.50 in transfer tax and \$12,854 in fees.

Federal Prisoner & INS room & board fees-\$17,126.20.

Nurse reported \$105 in donations.

Clerk of court reported \$36,066.13 in fines and fees.

VSO reported 3 contacts in the month of July.

Bank Balance

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER  
July 2015

Total amount of deposits in bank	\$5,249,072.43
Total amount of actual cash	\$5,964.79
Total amount of checks and drafts in Treasurer's possession not exceeding three days	\$55,649.27
Investments	\$4,572,898.52
Cash Variance	(\$35.40)
Credit card outstanding	\$4,475.97
Total	\$9,888,025.58

\*Note: These figures include all funds administered by the county including city, schools & township revenue and other pass through accounts.

### Highway

PWA Roggow met with the board on various matters.

Motion by Headid, second by Ballard to approve surplus items listed by PWA Roggow to be sold on an online auction. Carried.

### Cash Transfer

Motion by Karpen, second by Headid to approve cash transfer from General Fund to 911 Fund of \$125,000. Carried.

### Personnel

Motion by Schempp second by Headid to approve new hires: Dawn Murra-FT dispatcher @\$12.91 effective 9-1-15 and Robert Albertson-FT Deputy sheriff @\$15.37 effective 8-10-15. Carried.

### Ordinance No. UCC 2015-001

Board held 2<sup>nd</sup> reading of Ordinance No. UCC 2015-001.

UNION COUNTY ORDINANCE NO. UCC 2015-001

AN ORDINANCE OF UNION COUNTY, SD, AMENDING THE 2008 REVISED ZONING REGULATIONS FOR UNION COUNTY, SD, BY ADDING CHAPTER 27, RESIDENTIAL DISTRICT (R).

BE IT ORDAINED BY UNION COUNTY, SD:

*Section 1. That the 2008 Revised Zoning Regulations for Union County, SD, are hereby amended by adding a chapter to be numbered 27 to read as follows:*

#### ARTICLE 27

#### RESIDENTIAL DISTRICT (R)

Section 2701. Intent. This district is intended to provide for areas of residential uses of varying types and other compatible land uses in a pleasant and stable environment. A central sanitary sewer system should be available to serve these developments.

Section 2702. Permitted Uses. A building or premises shall be permitted to be used for the following purposes in the Residential District (R):

1. Single family dwelling.
2. Public park, playground or swimming pool.
3. Neighborhood utilities.
4. Church.
5. Elementary and high school.

Section 2703. Conditional Uses. A building or premises may be used for the following purposes in the R Residential District if a Conditional Use for such use has been obtained in conformance with the requirements of Section 2204:

1. Multiple dwelling.
2. Golf course and country club.
3. Public utility facility.
4. Nursing home.
5. Day care center.
6. Group day care.
7. Group home.
8. Bed and breakfast establishment.
9. Public utility facility.
10. Public facility owned and operated by a governmental entity.

- 11. Electrical substation.
- 12. Major home occupation in conformance with Sections 140202 and 140203.
- 13. Medical and other health facilities.

Section 2704. Accessory Uses. Accessory uses and buildings permitted in the Residential District (R) are buildings and uses customarily incident to any of the permitted uses in the district.

Section 2705. Parking Regulations. All parking within the Residential District (R) shall be regulated in conformance with the provisions of Article 17.

Section 2706. Sign Regulations. Signs within the Residential District (R) shall be regulated in conformance with the provisions of Article 18.

Section 2707. Density, Area, Yard and Height Regulations. The maximum height and minimum lot requirements within the Residential District (R) shall be as follows:

- A. General requirements:
  - All Uses
  - Lot area..... 7,000 sq. ft.
  - Lot width..... 60'
  - Front yard..... 25'
  - Side yard..... 7'
  - Rear yard..... 25'
  - Maximum height..... 2-1/2 stories or 35' to the middle of the roof pitch
- B. The requirements for a multiple dwelling shall be determined by the conditional use.
- C. There shall be a required front yard on each street of a double-frontage lot. There shall be a required front yard on each street side of a corner lot. One required front yard may be reduced to 12.5 feet on corner lots.
- D. Buildings with side yard setbacks less than required herein, may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.
- E. For a lot located on a cul-de-sac bulb or a curvature which creates a triangular shaped lot, the required lot width will be measured at the required front yard setback line; however, the minimum lot width at the right-of-way line shall not be less than 50 feet.

Motion by Headid, second by Ballard to approve the ordinance with changes recommended during the 1<sup>st</sup> reading.

Number in favor of: 5

Number opposed: 0

Motion carried.

Adopted this 18<sup>th</sup> day of August, 2015.

Sealed Bids

Bids were opened for surplus vehicles as advertised:

1988 Ford 250- \$780 from Curt Kay, Holstein, Iowa

2008 Ford Crown Victoria- \$668 from Yousef Dabbagh, Island Lake, IL

2009 Ford Crown Victoria- \$808 from Yousef Dabbagh, Island Lake, IL

Motion by Headid, second by Karpen to accept all bids as submitted. Carried.

Claims

Motion by Karpen, second by Schempp to approve the following claims. Carried.

p--The following claims have been audited, approved and warrants drawn on the same: Bi-Weekly payroll for \$8-18-2015: Auditor \$184.80; Treasurer \$326.70; State's Attorney \$851.34; Public Building \$852.50; Register of Deeds \$653.17; Sheriff \$30,839.02; Nurse \$196.20; WIC \$327.00; Fair \$145.34; Weed \$2,879.10; Highway \$22,429.60; Bi-Weekly OASI \$4,291.40. A-1 Portable Toilets (Fair Exp) \$390.00; Ace Engine & Parts (Supp) \$8.20; Alliance Communication (Util) \$150.00; Arctic Ice (Supp) \$20.00; Avera Occupational Medicine (Drug Testing) \$113.80; Avera Sacred Heart Hospital (Care) \$395.74; Batteries Plus (Supp) \$39.95; Bernie's Lawn & Garden Ctr (Supp) \$18.82; Bob Barker (Supp) \$47.11; Bounce Around Inflatables (Fair Exp) \$850.00; Boyer Trucks (Repairs/Maint) \$639.98; Brian's Repair (Supp/Repair) \$474.12; Campbell Supply (Supp) \$193.24; Century Link (Util) \$369.47; Certified Languages Int'l (Interpreter) \$85.80; Certified Testing Svcs (Testing) \$6,674.00; Chesterman (Water) \$264.00; City of Alcester (Util) \$59.45; City of Elk Point (Util) \$5,167.26; Class C Solutions Group (Supp) \$144.93; Community Health Clinic (Care) \$25.00; Consolidated Communication (Util) \$122.70; Crop Production Svcs (Supp) \$3,470.05; Dailey Plumbing (Repair) \$327.66; Dakota Dunes NSC Times (Fair Ads) \$182.00; Dakota Security (Repair) \$201.86; Dakota Valley Baseball Assn (Supp) \$1,500.00; Denise Cody (MI Hearing) \$6.00; Doyle Karpen (Mileage) \$16.80; Dr Jim Slattery (Care) \$95.00; Electronic Engineering (Supp) \$260.00; Elk Point Community Ambulance (Ambulance) \$423.15; Filter Care (Supp) \$35.60; Gary Olson (Prisoner Meal) \$6.73; Hawarden Independent (Fair Ads) \$130.00; Jacks Uniform & Equip (Cloth Allow/ Equip) \$403.65; Janet Lingle (Mileage/Supp) \$20.20; Janitor Depot (Supp) \$367.20; Jensen Ins Agency (Ins) \$82,116.39; Karen Swanda (MI Hearing) \$6.00; Kelly Printing Supp (Supp) \$159.80; Klass Law Firm (Legal Fees) \$255.50; Knife River Midwest (Supp/Concrete Overlay) \$1,314,136.81; Kollbaum Construction (Cement Work) \$15,000.00; Leader Courier (Fair Ads) \$186.00; Lucy Lewno (MI Hearing) \$102.25; Marvin Schempp (Mileage) \$65.52; Masaba (Supp) \$550.28; MidAmerican Energy (Util) \$71.03; Milton Ustad (Mileage) \$69.30; Nat'l Sheriff Assn (Dues) \$109.00; Noll Collection Svc (Collections) \$49.00; NW Iowa Emergency Physicians (Care) \$448.00; Office Depot (Supp) \$196.85; Pennington Co Jail (Transport) \$177.10; Perkins Office Solutions (Supp) \$151.77; Pioneer Drug (Supp) \$4.50; Quill (Supp) \$377.59; Richard Headid (Mileage) \$39.48; Robert Ballard (Mileage) \$44.10; Sam's Club (Supp) \$134.88; SDACO/M&P Fund (Modernization/Preservation) \$825.00; SDSA (Supp) \$53.34; Servall Towel & Linen (Service) \$33.28; Sioux County Sheriff (Tax Deed Notice) \$82.50; Sioux Falls Two-Way Radio (Maint) \$180.00; Sioux Laundry (Jail Wash) \$769.45; Star Publishing (Legals/Ad) \$552.73; State of South Dakota (Util) \$82.20; Steve's Heating & A/C (Repair) \$103.26; Sturdevant's Auto Parts (Repair/Supp) \$665.11; The Road Guy Construction (Maint) \$43,376.96; Thermo King Christensen (Repair) \$486.29; TuDogs Computing (Maint) \$899.54; UPS (Shipping) \$25.19; Vast Broadband (Util) \$160.95; Verizon Wireless (Util) \$752.39; Wilcox Electric (Supp) \$1,742.24; Yankton Co. Sheriff (Return MI) \$25.00; Ziegler (Repair) \$285.98.

### Recess

Chairman declared a recess at 10:25- 10:30.

### Public Defender

Public defender Katie Johnson met with the board to discuss the Union County public defender contract.

### Executive Session

Motion by Karpen, second by Headid to enter executive session at 10:55 to discuss legal matters. Carried. Chairman declared the board out of session at 11:06.

### Ordinance No. UCC 2015-002

Board held 2<sup>nd</sup> reading of Ordinance No. UCC 2015-002.

#### UNION COUNTY ORDINANCE NO. UCC-2015-002

#### Ordinance Imposing an Increased Wheel Tax

#### In Union County

**Whereas**, SDCL 32-5A-1 provides that any county may, by ordinance, impose a wheel tax on all motor vehicles, as defined in § 32-3-1, registered in the county at a rate not to exceed five dollars per vehicle wheel. The tax shall be administered and collected by the county. The total vehicle tax may not exceed sixty dollars per vehicle.

**Now, therefore, be it ordained** by the Board of County Commissioners of Union County that a wheel tax is imposed in and for Union County as set forth herein.

1. Pursuant to Ordinance CC 86-001, Union County has been historically assessing this wheel tax upon each vehicle at a rate of four dollars (\$4.00) per vehicle wheel which did not exceed the maximum of sixteen dollars (\$16.00) per vehicle.
2. Whereas, pursuant to the statute change to SDCL 32-5A-1, all motor vehicles as defined by SDCL 32-3-1 registered in Union County shall have a wheel tax imposed upon each vehicle at the rate of four dollars (\$4.00) per vehicle wheel, not to exceed the maximum forty-eight dollars (\$48.00) per vehicle.
2. The wheel tax shall be collected and administered by Union County.
3. The proceeds from the tax created by this ordinance shall be retained by Union County and deposited in the County Road and Bridge fund, and the revenue shall be used only for highway and bridge maintenance and construction.
4. The Board of Commissioners of Union County shall, by resolution, establish a means of distributing the revenue generated by this ordinance among Union County and the municipalities and townships located within Union County.
5. Upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this ordinance shall prevent an automobile dealer from licensing the vehicles on his lot without paying any wheel tax created by this ordinance.
6. If a motor vehicle is licensed for a period of time of less than twelve months, any wheel tax imposed on such motor vehicle pursuant to this ordinance shall be prorated on a monthly basis.
7. The wheel tax imposed by this ordinance shall be imposed upon all motor vehicles eligible for license registration or license renewal starting January 1, 2016, and all subsequent months, and every year thereafter.
8. Ordinance CC 86-001 shall be replaced by passage of this Ordinance.
9. If any provision of this ordinance shall be held invalid, it shall not affect any other provision of this ordinance that can be given effect without the invalid

provision, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Dated at Elk Point, South Dakota this 18<sup>th</sup> day of August, 2015.

On a motion by Karpen, and second by Ballard, the ordinance imposing an increased wheel tax was voted on as follows:

Number in favor of: 5

Number opposed: 0

Motion carried.

Adopted this 18<sup>th</sup> day of August, 2015.

Executive Session

Motion by Karpen, second by Ballard to enter executive session at 11:10 for personnel/VSO interviews. Carried. Chairman declared the board out of session at 12:50 p.m.

Extend the meeting

Motion by Karpen, second by Schempp to extend the meeting until 1:00 p.m. Carried.

Adjournment

Motion by Ballard, second by Headid to adjourn at 12:52 p.m. until September 1, 2015. Carried.

ATTEST: \_\_\_\_\_

Carol Klumper, Auditor  
Jackie Sieverding, Deputy  
Union County

\_\_\_\_\_  
Milton Ustad, Chairman  
Union County Board of Commissioners

Published once at the total approximate cost of \_\_\_\_\_.