

August 4, 2015
Unapproved minutes
Union County Commissioners

The Union County Board of Commissioners met in regular session on August 4, 2015, at the Courthouse in Elk Point, SD at 8:30 a.m.

Members present Ballard, Karpen, Schempp and Ustad. Headid joined the meeting at 8:42 a.m.

Motion by Schempp, second by Ballard to approve the agenda. Carried.

Motion by Karpen, second by Ballard to approve the minutes from July 21, 2015, as presented. Carried.

Personnel

Motion by Karpen second by Schempp to approve changing Sara Beatty from PT jailer to FT jailer @ \$13.02 per hour effective September 1, 2015. 0 aye; 4 nay. Motion failed. Motion by Karpen, second by Ballard to approve changing Sara Beatty from PT jailer to FT jailer @12.91 per hour effective September 1, 2015. 4 aye, 0 nay. Motion carried.

Calendar

Motion by Ballard, second by Schempp to change the September 15, 2015 meeting to September 22, 2015 due to conflict with SDACC state convention. Carried.

Budget

Discussion on the 2016 budget took place.

Dept. Head Reports

DOE Steckelberg, Fair Manager Lingle and Zoning Director Henze met with the board for monthly reports. Lingle reported copier problems and electrical problems at the county fairgrounds. Henze reviewed requirements from FEMA that were discussed at the meetings he attended in the prior week.

Recess

Chairman declared a recess from 9:40 to 9:45.

Highway

PWA Roggow met with the board on various matters.

Motion by Headid, second by Karpen to approve the following resolution:

Resolution #HD2015-03

**RESOLUTION TO REMOVE A BRIDGE FROM A PRAIRIE TOWNSHIP
ROADWAY AND THE UNION COUNTY NBIS SYSTEM**

WHEREAS, the Union County Board of County Commissioners desire the removal of a bridge structure from a Prairie Township roadway in Union County that is currently inventoried on the National Bridge Inventory System for Union County and is hereinafter described:

LOCATION AND BRIDGE NUMBER: Located between sections 11 and 14 of Prairie Township (T95N; R50W—299th St. between 474 and 475 Ave.)—Bridge #64-046-020 AND WHEREAS, Union County has found this structure to be in disrepair and the costs for repairs/replacement are prohibitive, AND WHEREAS, Prairie Township has acknowledged that the roadway will be closed to through traffic, but have agreed to keep the township roadway open and maintained from both ends of the mile where the structure is located after it is removed, AND WHEREAS, the road is currently a township dirt road providing access for farm purposes and may still be utilized for that purpose from each end of the mile after removal, NOW THEREFORE BE IT RESOLVED, that the Union County Board of Commissioners will have the bridge removed from the Prairie Township roadway and from the National Bridge Inventory System as recorded with the South Dakota Department of Transportation—Union County will place necessary signs for the road closure upon bridge removal; the maintenance of such signs will be the responsibility of Prairie Township henceforth. Union County will have the structure removed during the 2015 calendar year. Vote of Commissioners: 5 aye; 0 nay. Motion carried.

Ordinance

Motion by Headid, second by Karpen to change the wheel tax ordinance through a new ordinance to replace the 1986 ordinance in which the county shall raise the number of wheels from 4 to the to the maximum of 12 with an effective date for license registration or license renewal in January 2016, and all subsequent months, and every year thereafter. Roll call vote: Karpen- aye, Headid-aye, Schempp-aye, Ballard- aye, Ustad-aye. Carried.

Motion by Ballard, second by Schempp to adopt the proposed language for wheel tax ordinance UCC 2015-002 as provided by SA Miller and 1st reading to be held today. Roll call- Ballard- aye, Schempp- aye, Headid-aye, Karpen- aye, Ustad –aye. Carried.

Ordinance No. UCC 2015-002

The board held 1st reading on 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.

Union County registered voters have the right to refer the decision of the board to a vote of the people as provided in SDCL Chapter 7-18. A referendum petition form prepared by the County and ready for circulation for said ordinance may be obtained from the office of the county Auditor.

Nuisance hearing

P & Z Director Henze met with the board to discuss a nuisance on the Sveggen property. (30737 474 Ave, Alcester). Also present: LeRoy Sveggen, Weed Supervisor Lingle. This property has been under enforcement since 2009. Sveggen explained that he resists using round up and 2-4D for health reasons. Following discussion, Sveggen agreed to spray this fall and next spring (not pasture-will cut the pasture); he will spray the area that cannot be controlled with cutting; he will cut before going to seed. If this isn't completed a penalty will be imposed. Mr. Sveggen agreed to sign an agreement with the Weed Supervisor about the above-mentioned items. Discussion took place about the equipment. Board suggested that he gather the equipment into one area to make weed control easier and improve the looks of the property.

Recess

Chairman declared a recess from 10:57 to 11:00 a.m.

Public Hearing

Zoning director Henze met with the board for a public hearing in regards to residential zoning – Union County Ordinance No. UCC-2015-001. Toby Brown, SECOG, also attended the hearing. Discussion took place about some changes the Dakota Dunes would like to suggest to the proposed ordinance. Toby Brown acknowledged that the suggestions made were good suggestions and changes will be incorporated into the ordinance for the second reading.

First Reading of 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).

Extension

Janet Lingle reported back to the board with information regarding the copier. Motion by Headid, second by Karpen to move forward with fixing the copier if \$500 or less; if more than that, Lingle will contact Chairman Ustad and approve additional cost. Carried.

Executive Session/Exit Interview

Motion by Karpen, second by Schempp at 11:22 for an exit interview with VSO Veatch. Carried. Chairman declared them out of executive session at 11:35 p.m.

Executive session

Motion by Karpen, second by Ballard to enter executive session at 11:36 for legal matters. Carried. Chairman declared them out of executive session at 11:59 a.m.

Legal matters

Motion by Karpen, second by Ballard to authorize Attorney Lamb, Klass law firm, on the filing of 3rd party complaint against North Sioux City on issue related to the Dakota Valley lawsuit. 4 aye. Headid abstained. Carried.

SA Miller clarified that the 3rd party suit is part of the insurance company's defense of the lawsuit by Dakota Valley School against Union County.

Extend the meeting

Motion by Karpen, second by Ballard to extend the meeting until 12:30 p.m. Carried.

Provisional Budget

Discussion took place on 2016 budget. Changes discussed.

Motion by Headid, second by Schempp to approve the provisional budget for 2016 with a hearing to be held on September 1, 2014 at 10:15 and final adoption on September 29, 2015. Carried. Auditor will publish budget in full on August 20, 2015.

Claims

Motion by Karpen, second by Headid to approve the following claims. Carried. The following claims have been audited, approved and warrants drawn on the same: Bi-Weekly payroll for 08-07-2015: Auditor \$184.80; Treasurer \$372.90; State's Attorney \$761.34; Public Building \$880.00; Register of Deeds \$653.17; Sheriff \$29,907.59; Nurse

\$196.20; WIC \$281.22; Weed \$3,385.76; Highway \$23,350.87. Courthouse payroll for the month of July 2015: Commissioners \$5,075.00; Auditor \$9,688.94; Data Processing \$233.97; Treasurer \$13,698.04; State's Attorney \$19,199.89; Public Building \$4,199.24; Assessor \$11,983.62; Register of Deeds \$6,757.84; Veteran \$1,332.94; Sheriff \$5,016.77; Nurse \$956.06; Jail \$118.63; Extension \$1,383.20; Fair \$1,392.53; Weed \$496.71; Planning & Zoning \$3,480.00; Highway \$7,427.39; EMA \$1,560.03; Coroner \$58.00; Wellmark \$42,709.99; Dearborn National \$405.11; Bi-Weekly OASI \$4,480.34; Courthouse OASI \$6,879.78; SDRS \$11,282.16. Alcester Fire Dept (Fire Ins Trust) \$6,028.81; Alliance Communication (Util) \$38.01; Amanda Miller (Subpoena) \$98.80; Amy Kellen (Subpoena) \$57.80; Arfmann Marketing (Supp) \$370.70; Beresford Fire Dept (Fire Ins Trust) \$8,209.50; Beresford Municipal Telephone (Util) \$268.80; Bierschbach Equip (Supp) \$305.00; Bob Barker (Supp) \$131.98; Bomgaars (Supp) \$52.74; Brian's Repair (Maint) \$39.01; Butler Machinery (Repair) \$2,288.00; Caterpillar Financial Serv (Payment) \$2,678.44; CDW Gov't (Supp) \$3,751.94; Century Business Products (Supp) \$54.29; Century Link (Util) \$1,199.49; Class C Solutions Group (Supp) \$259.01; Community Health Clinic (Care) \$1,220.05; Consolidated Communication (Util) \$122.70; Dakota Dunes NSC Times (Legals/Ad) \$305.40; Elk Point Fire Dist (Fire Ins Trust) \$10,319.29; Fastenal (Supp) \$91.71; Five Star Awards & More (Supp) \$284.10; Frantzen Reporting (Transcript) \$59.50; Fremont Tire/T-W Tire (Repair/Supp) \$2,599.68; Grace Boone (Mileage) \$75.60; Gubbrud, Haugland & Gillespie (Pub Def) \$2,033.92; Hudson Fire Dept (Fire Ins Trust) \$187.17; Hydraulic Sales (Repair) \$66.90; Iowa Office Supply (Maint) \$248.79; Jacks Uniform & Equip (Cloth Allow) \$209.75; James Potratz (Svc) \$3,000.00; Jebro (Supp) \$158,869.25; Jeff's Lawn Care (Lawn Care) \$1,607.82; Jefferson Fire Dept (Fire Ins Trust) \$6,508.06; Jeffrey T Myers (Pub Def) \$2,033.92; Jeremy Miller (Subpoena) \$20.00; Jerry Miller (Mileage) \$14.28; Johnson Feed (Repair) \$757.01; Juror Fees \$2,513.12; Katie Johnson PLLC (Pub Def) \$2,033.92; Kinetic Leasing (Pymt) \$4,224.90; Knife River (Supp) \$48,512.36; Laura Homad (Subpoena) \$20.00; Leader Courier (Legals/Ad) \$309.98; Lyle Signs (Supp) \$347.47; Maxine J Risty Court Reporter (Transcript) \$68.75; Mcleods (Supp) \$343.74; MidAmerican Energy (Util) \$81.94; Midwest Wheel (Repair/Supp) \$96.95; NSC Fire Dept (Fire Ins Trust) \$22,966.75; Nygren's True Value (Supp) \$238.34; Office Depot (Supp) \$87.95; Office Elements (Supp) \$36.47; Ollies Drive Inn (Jail Meals) \$11,081.10; Perkins Office Solutions (Supp) \$275.82; Peterson, Stuart, Rumpca & Rasmussen (Pub Def) \$6,101.75; Pharm Chem (Supp) \$280.00; Pioneer Drug (Drugs) \$847.31; Quill (Supp) \$370.05; Rod Axsom (Subpoena) \$20.00; Sanford Labs (BL Draw) \$8.34; SD Dept of Public Safety (Maint) \$2,340.00; SD Office of Emergency Management (FEMA Deobligation) \$2,371.95; SD Secretary of State (Notary Fee) \$30.00; SD State Health Lab (BI Draws) \$105.00; Sheriff of Woodbury County (Return) \$49.98; SIMPCO (Dues) \$2,236.00; Sioux Sales (Badge Repair) \$25.00; Southeast Farmers Coop (Supp/Svc) \$472.17; Telreco (Computer) \$1,020.00; The Akron Hometown (Fair Ad) \$130.00; The Curbing Edge (Maint) \$3,444.90; Thomson Reuters - West (Supp) \$302.25; Town and Country Tire & Svc (Maint) \$49.38; TuDogs Computing (Computer) \$1,997.65; Ulteig Engineers (Engineering Svcs) \$3,053.16; United Parcel Svc (Freight Chgs) \$37.55; Vanguard Appraisals (Prof Svc) \$3,450.00; Vast Broadband (Util) \$1,740.58; West Akron Fire Dept (Fire Ins Trust) \$2,495.48; Wilcox Electric (Maint) \$201.45; Yankton County (Reimb MI) \$136.25.

Auction

Discussion took place on auction items for county property to be held September 1, 2015. Items will be published August 20 and 27.

Adjournment

Motion by Headid, second by Schempp to adjourn at 12:33 p.m. until August 18, 2015. Carried.

ATTEST: _____

Carol Klumper, Auditor
Union County

Milton Ustad, Chairman
Union County Board of Commissioners

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