

October 8, 2018  
Unapproved minutes  
Union County Commissioners

The Union County Board of Commissioners met in regular session on October 8, 2019, at the Courthouse in Elk Point, SD at 8:30 a.m.

Members present were Dailey, Joffer, Headid, Kimmel and Ustad.

Motion by Headid, second by Dailey to approve the agenda. Carried.

Motion by Joffer, second by Kimmel to approve the minutes from the September 24, 2019 meeting. Carried.

25 year "plus" recognition

The board recognized employees that have been working for the county 25 years "plus" as follows: Dennis Henze-25; Jan Bennett-27; Paul Limoges-28; Jackie Sieverding-28; Janet Lingle- 39; Carol Sommervold-35; Robert Bradshaw-29; Dan Limoges-30; Cristy Harkness- 34; Richard Beeler- 35; Matt Dennison-41.

Bank Balance

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER  
September 30, 2019

Total amount of deposits in bank	\$1,621,475.09
Total amount of actual cash	\$4,735.08
Total amount of checks and drafts in Treasurer's possession not exceeding three days	\$89,254.16
Investments	\$8,495,532.12
Cash Variance	\$2,473.66
Credit card outstanding	\$4,164.08
<b>Total</b>	<b>\$10,217,634.19</b>

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

September Reports

Register of Deeds' reported \$7,990.00 in transfer tax and \$12,388.00 in fees.

Sheriff Office reported Federal Prisoner, out-of-county & INS \$18,830.50 room & board fees.

Clerk of courts reported \$28,738.87 (July), \$44,552.32 (Aug) in fines and fees.

Nurses Officer reported \$25.00 in donations.

Claims

Motion by Kimmel, second by Headid to approve claims. Carried. The following claims have been audited, approved, and warrants drawn on the same: Bi Weekly Payroll for 10/8/2019: \$77,743.13; Treasurer \$1,055.83; State's Attorney \$787.95; Care of Poor \$582.65; Register of Deeds \$888.00; Sheriff \$15,924.73; Nurse \$264.83; WIC \$393.23; Jail \$16,293.15; Communications \$11,411.17; Highway \$28,745.64; Weed 783.95; EMA \$612.00; Accurate Reporting Inc. (Transcripts) \$492.50; Alliance Communication (Util) \$234.44; Appera (Services) \$47.15; Arrowwood Resort At Cedar (Travel) \$509.75; Beresford Municipal Tele (Util) \$272.82; Brian's Repair (Maint) \$1,817.85; Campbell Supply (Supp) \$18.66; Carlson Body Shop (Supp) \$56.92; Century Business Products (Maint) \$129.98; Century Link (Util) \$5.58; Certified Languages Intern (Interp) \$36.30; Chesterman (Supp) \$130.00; Concrete Materials (Supp) \$21,646.70; Continental Research (Maint) \$208.88; Counsel (Maint) \$252.64; Criminal Addiction, Inc. (Reg) \$2,500.00; D-P Tools Inc (Supp) \$148.26; D.A.D.'S Automotive Repair (Supp) \$24.67; Dakota Dunes North Sioux C (Pub) \$224.55; Dakotabilities (Allot) \$180.00; Denise Cody (Services) \$15.00; Dept of Revenue Division (Title) \$21.20; Electronic Engineering (Supp) \$7,882.98; Elk Point Ace Hardware (Supp) \$175.04; Filter Care (Supp) \$64.80; First Rate Excavate, Inc. (Supp) \$8,574.00; Frieberg, Nelson, & Ask L. (Pub Def) \$3,403.20; Honeywell (Maint) \$8,159.38; Horizon (Med) \$794.30; Innovative Monitoring (Supp) \$162.50; Intab (Supp) \$1,471.07; Integrity Steel Works (Maint) \$3,891.87; Jack's Uniform & Equip (Util) \$197.90, Jeffrey T Myers (Pub Def) \$3,403.20; Johnson Engineering Co (Big Bridge Design) \$11,597.22; Katie Johnson (Pub Def) \$3,403.20; Kone Inc (Maint) \$463.20; Leader Courier (Supp) \$295.62; LED Outfitters (Supp) \$229.99; Lucy Lewno (Services) \$165.00; Lyle E Savey (Mowing) \$30.00; Mark

Katterhagen (Services) \$15.00; McLaury Engineering Inc (Engineering) \$1,795.75; McLeods (Supp) \$1,784.86; Med-Tech Resource (Supp) \$621.08; Mercy Medical Center (Med) \$54.59; Microfilm Imaging System, (Maint) \$105.00; North Sioux City Auto (Maint) \$806.73; Office Systems (Maint) \$52.41; Olson's Ace Hardware (Repairs) \$12.96; One Office Solution (Supp) \$194.93; Persing Backhoe Service (Contract) \$84,548.98; Peterson, Stuart, Rumpca & (Pub Def) \$2,552.40; Pharm Chem Inc (Supp) \$968.80; Pomp's Tire Service (Supp) \$1,350.00; Premier Communications (Util) \$266.86; Quill Corporation (Supp) \$64.47; Richarz Repair, LLC (Service) \$405.25; Riverside Technologies Inc (Supp) \$209.90; Rumi Weigel (Mileage) \$6.72; Safety Benefits Inc. (Registrations) \$130.00; SD Federal Property Agency (Equip) \$1,030.00; SDSU Extension (Travel) \$121.04; Shop \$4-H National \$4-H (Supp) \$449.30; Sioux Equipment (Repairs) \$3,790.94; Sioux Laundry Inc. (Laundry) \$886.75; Southeast Farmers Coop (Supp) \$832.40; State Bar of South Dakota (Supp) \$575.00; Sturdevant's Auto Parts (Repairs) \$357.81; The Home Depot (Maint) \$551.27; Traffic Solutions (Rental) \$900.00; Transource (Repairs) \$151.50; Triview Communications (Supp) \$121.00; Ulteig Engineers, Inc (Engineering) \$157.00; Union County (Fuel) \$14,763.83; Vast Broadband (Util) \$884.65; Verizon Wireless (Util) \$266.35; Vermillion Auto Works (Supp) \$390.00; Wrenn's Plumbing & Heating (Maint) \$414.80.

#### New Hire

Motion by Joffer, second by Dailey to approve the following: Holly Rosenbaum P-T Jailer @ \$16.12 starting 9-23-2019. Carried.

#### Abatement #2019-002

Motion by Headid, second by Dailey to approve abatement #2019-009 from Eric and Robin Lockhorst. Should have been AG not small acreage. Parcel 12.00.18.4010, Total \$5,350.86. Big Spring TWP \$115.21, Beresford School \$4,955.17 Union County \$270.86 and Rural Fire \$9.62. Carried.

#### Supplements

Motion by Kimmel, second by Joffer to approve the following: 2<sup>nd</sup> and 3<sup>rd</sup> Quarters-Total of 29,777.14- Sheriff \$8,777.59, Weed \$6,200.00, Highway \$407.85, Jail \$1,846.70, EMA \$9,495.00 and Donations \$3,050.00. Carried.

#### Resignation

Motion by Headid, second by Dailey to approve the following: Jackie Bales Dispatcher 9-24-2019. Carried.

#### Travel

Motion by Kimmel, second by Dailey to approve travel for Lisa Schenzel to Pierre Oct 21-23 for Investigative Statement Analysis. Carried.

#### Budget

Secondary Road budget should have been \$52,336 not \$62,336.

#### Department Head Report

Scott Sexton Public Build., and Andy Minihan EMA gave their monthly updates.

#### Recess

Chairman declared a recess from 9:25 to 9:30.

#### Highway

Hwy. Supt. Buom met with the board to discuss various matters.

Motion by Headid, second by Dailey to authorize chairman to sign the contract for the 7 Notice to Proceed for Ulteig Engineering, for (seven (7) BIG P.E. Grants). The seven bridges are: 64-134-040, 64-084-030, 64-070-130, 64-050-092, 64-040-144, 64-034-090 and 64-020-063. Carried.

#### Executive Session

Motion by Headid, second by Dailey to enter into executive session for personnel matters at 9:42am. Carried. Chairman declared the board out of executive session at 10:00.

State's Attorney

State's Attorney Miller and Deputy State's Attorney Bates met with the board on two resolutions. Also present was Don Larsen and Duane Tielke.

Motion by Headid, second by Joffer to pass the following Resolution. Carried.

**UNION COUNTY BOARD OF COMMISSIONERS  
RESOLUTION #2019-02**

Union County Ordinance UCC 2003-02, an ordinance that provides for the declaration and abatement of nuisances, provides in Section 4 of that ordinance:

1. Whenever the Union County Land Use Administrator, or his or her authorized designee, shall determine that a public nuisance exists, the Administrator shall report such violation to the Union County Board of Commissioners
2. The Union County Board of Commissioners shall determine if a nuisance does exist. If, in the opinion of the Board of Commissioners a nuisance does exist, that individual responsible for the nuisance shall be notified of such violation by registered mail, return receipt requested. In the notice the Commissioners shall set a public hearing within thirty (30) days of mailing the notice of violation.
3. After the hearing, if the Union County Board of Commissioners determines that a nuisance does exist, they may order the nuisance to be removed within thirty (30) days from the date of hearing.
4. After the thirty (30) days, if the nuisance has not been removed, the Union County Board of Commissioners may order the nuisance to be removed at the owner's expense. Such expense shall be added to the property tax of the property creating the nuisance.

WHEREAS, on May 22, 2018 the Union County Board of Commissioners determined that such a nuisance as described by UCC-2003-02 existed on property owned by Donald Larsen at 30198 471<sup>st</sup> Ave., Beresford, SD.

AND WHEREAS, the Union County Board of Commissioners notified Donald Larsen of the nuisance violation through registered mail, return receipt requested through the Union County Land Use Administrator Dennis Henze dated May 22, 2018.

AND WHEREAS, the property owner, Donald Larsen failed to abate the nuisance within 30 days since that determination was made.

AND WHEREAS, this matter was referred to the State's Attorney to determine if the State's Attorney could work with Donald Larsen to remove the nuisance.

AND WHEREAS, the State's Attorney's office has been attempting to work with Donald Larsen for over a year to work out arrangements where Donald Larsen would abate the nuisance.

AND WHEREAS, Donald Larsen still has not cooperated with fully abating the nuisance in that time as the nuisance still exists on the property of 30198 471<sup>st</sup> Ave., Beresford, SD.

**NOW THEREFORE BE IT RESOLVED that Union County shall authorize the nuisance to be removed. Specifically, Union County is authorizing the removal of the nuisance, including, but not limited to, any inoperable equipment, inoperable vehicles, appliances, household furnishings, and scrap metal or other unsightly trash or junk having no value other than nominal scrap or junk value located outside of any permanent structure or any other items described in UCC 2003-02, Section 2, Subsection 1. Such items shall be delivered to the nearest scrapyards that is willing to take such items. If there are items which are not accepted by any nearby scrapyards, they shall be disposed of as efficiently as possible. Any proceeds made from scrapping such items shall be applied to the cost of removal of such items. Any excess proceeds made from scrapping such items shall be returned to the property**

**owner, Donald Larsen. To the extent that scrapping such items does not cover the cost of the removal, that portion of the expense shall be added to the property tax of 30198 471st Ave., Beresford, SD.**

Motion by Headid, second by Joffer to pass the following Resolution. Carried.

**UNION COUNTY BOARD OF COMMISSIONERS  
RESOLUTION #2019-03**

Union County Ordinance UCC 2003-02, an ordinance that provides for the declaration and abatement of nuisances, provides in Section 4 of that ordinance:

1. Whenever the Union County Land Use Administrator, or his or her authorized designee, shall determine that a public nuisance exists, the Administrator shall report such violation to the Union County Board of Commissioners
2. The Union County Board of Commissioners shall determine if a nuisance does exist. If, in the opinion of the Board of Commissioners a nuisance does exist, that individual responsible for the nuisance shall be notified of such violation by registered mail, return receipt requested. In the notice the Commissioners shall set a public hearing within thirty (30) days of mailing the notice of violation.
3. After the hearing, if the Union County Board of Commissioners determines that a nuisance does exist, they may order the nuisance to be removed within thirty (30) days from the date of hearing.
4. After the thirty (30) days, if the nuisance has not been removed, the Union County Board of Commissioners may order the nuisance to be removed at the owner's expense. Such expense shall be added to the property tax of the property creating the nuisance.

WHEREAS, on October 24, 2017 the Union County Board of Commissioners determined that such a nuisance as described by UCC-2003-02 existed on property owned by Duane Tielke at 31998 473<sup>rd</sup> Ave., Elk Point, SD 57025 consisting of "inoperative motor vehicles, refrigerators, and household appliances."

AND WHEREAS, the Union County Board of Commissioners notified Duane Tielke of the nuisance violation through registered mail, return receipt requested through the Union County Land Use Administrator Dennis Henze dated Nov. 1, 2017.

AND WHEREAS, the property owner, Duane Tielke failed to abate the nuisance within 30 days since that determination was made.

AND WHEREAS, this matter was referred to the State's Attorney to determine if the State's Attorney could work with Duane Tielke to remove the nuisance.

AND WHEREAS, the State's Attorney's office has been attempting to work with Duane Tielke for over a year to work out arrangements where Duane Tielke would abate the nuisance.

AND WHEREAS, Duane Tielke still has not cooperated with fully abating the nuisance in that time as the nuisance still exists on the property of 31998 473<sup>rd</sup> Ave., Elk Point, SD 57025.

**NOW THEREFORE BE IT RESOLVED that Union County shall authorize the nuisance to be removed. Specifically, Union County is authorizing the removal of the nuisance, including, but not limited to, any inoperable equipment, inoperable vehicles, appliances, household furnishings, and scrap metal or other unsightly trash or junk having no value other than nominal scrap or junk value located outside of any permanent structure or any other items described in UCC 2003-02, Section 2, Subsection 1. Such items shall be delivered to the nearest scrapyards that is willing to take such items. If there are items which are not accepted by any nearby scrapyards, they shall be disposed of as efficiently as possible. Any proceeds made from scrapping such items shall be applied to the cost of removal of such items. Any excess proceeds made from scrapping such items shall be returned to the property**

**owner, Duane Tielke. To the extent that scrapping such items does not cover the cost of the removal, that portion of the expense shall be added to the property tax of 31998 473<sup>rd</sup> Ave., Elk Point, SD 57025.**

Mr. Larsen and Mr. Tielke both voiced their opinions.

Recess

Chairman declared a recess from 10:38 to 10:42.

Sheriff

Sheriff Limoges and Dave Oberg met with the board to discuss wages for the 3 Special Deputies.

Motion by Headid, second by Dailey to put the 3 Special Deputies at \$16.12 an hour immediately and .75 cents January 1, 2020. Carried.

Motion by Joffer, second by Dailey to increase P-T Jailer by 2. Carried.

Adjournment

Motion by Kimmel, second by Headid to adjourn at 11:03 p.m. until October 22, 2019. Carried.

ATTEST: \_\_\_\_\_  
Jackie Sieverding, Auditor  
Union County

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

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