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Motion by Cassens, seconded by Falkenburg to approve the minutes of February 2nd, 2010. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Cassens to accept a Petition by the South Shore Yacht Club Road District and set the election for March 30th, 2010. Election to be held at the Lohmiller home (28466 S. Shore Drive). With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen to approve travel of Michele Jensen, Accounts Payable Clerk, to attend Welfare Workshop in Pierre on March 17th and 18th, 2010. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen to surplus as junk the basement refrigerator; and surplus to sell Pentax 35MM camera, Inv#000678. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg to approve Joe Allen as an Alternate to the Western SD Juvenile Service Center Board. With no further discussion and all voting yes, the motion carried.

A billing from Barker Concrete and Construction was presented for interest accrued on billings for the CDB Grant on Provo Township Water Rehab Project in the amount of \$1,692.74.

Motion by Falkenburg, seconded by Cassens to pay ½ of submitted bill from Barker Construction and discussion was held on the fact that the billing payment processing procedure was changed from the original plan. The Auditor questioned if the current procedure of draw requests being presented and approved by the Commission will be the precedent for any future CDB grants, which it was agreed would be the procedure. Falkenburg called for the question and the Auditor asked for a roll call vote with Cassens, Falkenburg and Allen voting Aye; Ortner voting Nay. The motion passed.

Motion by Cassens, seconded by Allen to remove liens for deceased individuals in the amount of \$42,471.87. With no further discussion and all voting yes, the motion carried.

A short discussion was held on the signatures on the Road District petition, and whether they were registered voters in the proposed area.

Randy Seiler, Highway Superintendent, met with the Board for highway business, updates, fuel quotes and travel approval.

Motion by Falkenburg, seconded by Allen to approve travel for Seiler to attend the Short Course Workshop in Brookings on March 9th, 10th and 11th, 2010. With no further discussion and all voting yes, the motion carried.

Todd Seaman and Rich Zacher, South Dakota Department of Transportation, met with the Board to discuss the proposal of a jurisdictional transfer of a portion of State Highway #471 (from Edgemont to SD Hwy 71) to Fall River County. Financial information on the road was discussed and if the County accepted the transfer the State would put monies into the County STP balance or allow money to be invested and draw interest only. Any monies going into the FAS balance could be used on any qualifying road. The road has one bridge on the south edge of Edgemont, but with discussion this offer would exclude the Bridge and start south of there. Cassens and Ortner would be willing to see more financial figures. The current financial situation makes many future road projects unknown. Seaman has tentatively suggested the amount the State would pay would be approximately \$1,000,000.00, but figures will be more accurate after the State does more research and they will come back to the Board in a few months when they have collected data.

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Nina Steinmetz, Weed Supervisor, met with the Board to request approval to purchase a laptop to be used in the field, which will also allow the use of the GPS. The cost is estimated at \$800 to \$1000.

Motion by Falkenburg, seconded by Allen to approve a laptop purchase for the Weed Department. One more estimate will be obtained. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg to approve advertising for Right-of-Way Weed Spraying, with bids being opened on March 16th, 2010 at 10:50 am. With no further discussion and all voting yes, the motion carried.

Discussion was held on the hiring of an additional part-time person for the Weed Department and Steinmetz has put in for a grant for this.

Clint Gregory, Gregory Engineering met with the Board to present a plat for approval.

Motion by Cassens, seconded by Allen to approve the following plat resolution. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2010-08

WHEREAS, there has been presented to the County Board of Commissioners of Fall River County, South Dakota, the within Plat of Tract A, A Subdivision of Farm Unit 23, Angostura Project, Fall River County, South Dakota, Reference: Section 27 and 28, T7S, R7E, BHM, and

WHEREAS, after an inspection it appears said plat has been executed according to law and all taxes and special assessments upon the land included on said plat have been fully paid,

NOW THEREFORE, BE IT RESOLVED, that the within plat is hereby approved this 16th day of February, 2010.

/S/Michael P. Ortner
Michael P. Ortner, Chairman
Board of County Commissioners
Fall River County

ATTEST:
/S/Sue Ganje
Sue Ganje, County Auditor
Fall River County

Jeff Tarrell, Sheriff, met with the Board to present the 911 Software and Equipment proposals for Enhanced 911. Tarrell, Cassens, and Andy Timmins, were the subcommittee members for the proposals. Also present was Frank Maynard, EM. Cassens spoke of the recommendation for the Experient quote. Additional information on the quotes was presented, and there were questions of compatibilities with surrounding 911 centers, along with additional costs needed not addressed in the quotes.

Motion by Falkenburg, seconded by Allen to set a meeting with the Subcommittee at the next meeting for a final decision. With no further discussion and all voting yes, the motion carried.

Tarrell spoke on the Multi Coalition Grant, which includes 4 counties, in which South Dakota Public Safety will provides funds to reimburse participating County's overtime costs for sobriety check points, etc. Tarrell advised the jail count is 12.

Public Comment was given, time being 10:35 a.m. Susan Henderson spoke that she did not want to take highway 471 from the State highway system and add it to the County system.

Break was taken.

Motion by Cassens, seconded by Falkenburg to approve the following bills. With no further discussion and all voting yes, the motion carried.

GENERAL

A&B Business Equipment	Copier	\$ 204.63
Behavior Management Sys	2010 Allotment	7,500.00
Black Hills Chemical	Supply	329.32
Black Hills Power	Utility	2,543.21
Bryan's Crane Service	Crane Rental	280.50
Cardmember Service	Misc	330.54
Carol Butzman Consulting	MI	546.74
CBM Food Service	Prison	2,320.24
Century Business Leasing	Copier	86.71
Cheyenne Sanitation	Utility	296.80
Culligan Soft Water	Supply	84.25
Dale's Repair	Car Maint	43.00
Diesel Machinery, Inc	Repair	316.00
Edgemont, City of	Library Allotment	3,500.00
Edgemont Herald Tribune	Publishing	1,029.34
Falkenburg, Joe	Travel	149.48
Family Dollar Store	Supply	32.86
Fall River Lawn & Snow	Snow Plowing	220.00
Fennell Design Inc	Retainer	1,000.00
Glass Pro +	Car Maint	288.85
Golden West Telephone	Telephone	1,720.24
High Plains Graphics	Supply	100.00
City of Hot Springs	Utility	251.99
Hot Springs Meal Site	2010 Allotment	2,500.00
HSR Fueling LLC	Supply	137.07
Kappedal, Jean	Crt Rep	232.40
Lone Star Heating & Air	Repair	577.90
Lyle's Handyman	Repair	214.20
McLeods Office Supply Co.	Supply	66.16
Neisner, Carl	Postage	7.70
Neve's Uniform Inc	Supply	5.85
O'Day, Valarie	Crt Rep	220.20
Pennington County Auditor	MI	14.00
Penn Co Jail	MI	1,045.80
Penn County Sheriff	MI	10.00
Plumbing Heating & Ac	Repair	60.17
Prairie Hills Transit	2010 Allotment	10,000.00
Radioshack	Supply	29.99
Rapid City Journal (The)	Publishing	199.23
Rushmore Office Supply	Supply	126.92
Servall	Supply	144.23
Software Services Inc	Support	1,220.00
State Remittance Center	MI	120.00
Twilight First Aid &	Supply	66.95

Pro Build	Repair	41.28
Verizon Wireless	Cell Phone	539.06
Wells Fargo	Copier	576.88
Western Business Solution	Contract	386.00
Western SD Juv Serv Ctr	Juv	11,000.00
Willoughby Industries	Repair	701.52

COUNTY ROAD & BRIDGE

Black Hills Power	Utility	613.08
Cheyenne Sanitation	Utility	76.32
Edgemont, City of	Utility	43.74
Edgemont Herald Tribune	Publishing	24.43
Golden West Telephone	Telephone	248.65
City of Hot Springs	Utility	19.54
Rapid City Journal (The)	Publishing	16.35
Verizon Wireless	Cell Phone	38.49

911 SURCHARGE REIMB

Golden West Telephone	Telephone	20.00
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EMERGENCY MGT

Cardmember Service	Misc	315.89
Conrad's Big C Signs Inc	Supply	2,080.32
Dakota Graphics	Supply	925.00
Golden West Telephone	Telephone	79.91
SDEMA	Dues	60.00
Timmins, Andreas	Travel	69.43
Verizon Wireless	Cell Phone	155.21

L.E.P.C. GRANT

HSR Fueling LLC	Misc	75.71
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Keith Andersen, Andersen Engineering, met with the Board to present a plat for approval.

Motion by Falkenburg, seconded by Allen to approve the following plat resolution. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2010-09

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of South Shore Yacht Club Estates Subdivision, Lots 1R-5R, Tract 8 Containing All of Lots 1-5, Tract 8, South Shore Yacht Club Estates Subdivision of Tract A-3 of Hoffman Addition, Section 7, T9S, R6E, BHM, Fall River County, South Dakota, and

WHEREAS, it appearing to this Board that the system of streets conforms to the system of streets of existing plats and sections lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed;

NOW THEREFORE, BE IT RESOLVED, that said plat is hereby approved in all respects.

Dated at Fall River County, South Dakota, this 16th day of February, 2010.

/S/Michael P. Ortner
Michael P. Ortner, Chairman
Board of County Commissioners
Fall River County

ATTEST:

/S/Sue Ganje
Sue Ganje, County Auditor
Fall River County

Andersen presented a Certificate of Substantial Completion for approval.

Motion by Falkenburg, seconded by Cassens to approve the Certificate of Substantial Completion for the Provo Water Township Rehabilitation Project, and authorize the Chairman of the Board to sign all 3 copies. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Cassens to approve for payment request #5 in the amount of \$44,644.62 for the Provo Township Water Rehabilitation Project and authorize the Chairman to sign, along with signatures of all commissioners.

Terri Halls, Director of Equalization, met with the Board to present an abatement for approval.

Motion by Falkenburg, seconded by Cassens to approve abatement for Kenneth Keil for 3 months of house value only, as house burned in September, 2009, in the amount of \$166.71 for the legal of #75520-05500-00700, Sulfur Springs 1st Addition: Lots 7 & 8. With no further discussion and all voting yes, the motion carried.

Lori Bachand, Treasurer, met with the Board to request approval for a Delinquent Tax Agreement.

Motion by Falkenburg, seconded by Allen to approve Delinquent Tax Agreement for Tracey Lively at \$100.00 per month, with an increase to \$150.00 during the summer months. With no further discussion and all voting yes, the motion carried.

Frank Maynard, Emergency Management Supervisor, and Andy Timmins, Assistant, met with the Board to request travel approval for Andy Timmins to attend the ICS 300 & 400 classes on March 6th, 7th, 27th, and 28th, 2010 at the Doty Fire Department. Andy will drive each day to class. Maynard also reported on the Security Grant.

Motion by Falkenburg, seconded by Allen to reauthorize the re-advertising of the Fuel Reduction Grant Project. With no further discussion and all voting yes, the motion carried.

Tom Davis spoke on the need for amplification of sound at the Commission table as he is unable to hear people meeting with the Board.

A corrected petition was presented for the Road District.

Motion by Cassens, seconded by Allen to reconsider earlier action as signatures on said petition did not contain those of registered voters, as there are none at this time in the petitioned area. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen to accept corrected petition for the South Shore Yacht Club Road District. With no further discussion and all voting yes, the motion carried.

The 1st reading for the Ordinance Providing for the Control of Animals within Fall River County was held. Present were Wally Cachro, Brenda Puskarich, Ray Palmer, Susan Henderson, Tom Davis, Curt Nettinga and States Attorney, Jim Sword.

The changes made to the previous readings were reviewed.

Motion by Allen, seconded by Cassens to open for discussion for the 1st reading. With no further discussion and all voting yes, the motion carried.

Brenda Puskarich spoke against the need for this Ordinance and questioned the procedures for complaints, and also questioned time frame and fines to reclaim dogs.

Wally Cachro spoke that he was glad the Ordinance has been continued, and he supports it.

Susan Henderson asked the number of complaints which prompted this Ordinance, and spoke of concerns that this will tie up the Sheriff's Department.

Brenda Puskarich spoke on the existing state laws and shared an incident where State Law was not enforced and asked how the County Law would be enforced.

Wally Cachro spoke that several times Dispatch has advised him that they can't do anything as there was no Ordinance. Tom Davis spoke of an issue he has had, with Ray Palmer stating that the owner in Tom's situation should be arrested and charged using the Public Nuisance laws. States Attorney Jim Sword spoke about Public Nuisance Law, which was usually too vague to get convictions.

Ray Palmer and Brenda Puskarich spoke with concern on the future of the Animal Sanctuary north of town, along with the Mutt House.

Ortner called for the approval of the First Reading of the Animal Ordinance Providing for the Control of Animals within Fall River County, and the Auditor called for a roll call vote with Cassens, Falkenburg (this time), Allen and Ortner voting aye, the First Reading passed.

Motion by Falkenburg, seconded by Cassens that the Second Reading be set for March 16th, 2010 at 11:00 a.m. With no further discussion and all voting yes, the motion carried.

Motion by Ortner, seconded by Falkenburg to go into executive session for personnel, time being 11:53 a.m. With no further discussion and all voting yes, the motion carried.

Came out at 12:01 p.m.

Motion by Cassens, seconded by Falkenburg to adjourn meeting, time being 12:02 p.m. With no further discussion and all voting yes, the motion carried.

Chairman

Michael P. Ortner,

**Board of County Commissioners
Fall River County**

ATTEST:

**Sue Ganje, County Auditor
Fall River County**