

## **FALL RIVER COUNTY MINUTES OF DECEMBER 5, 2013**

The Fall River Board of County Commissioners met in regular session on December 5, 2013. Present: Mike Ortner, Joe Allen, Anne Cassens, Joe Falkenburg, Deb Russell and Sue Ganje, Auditor. Absent: none.

An invocation and the Pledge of Allegiance were given. The meeting called to order at 9:00 AM. The agenda was reviewed for conflicts; none were noted. Motion by Russell, seconded by Falkenburg, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve the minutes of the November 21, 2013 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve the three-year raise for Josh Buckwheat to \$18.08 per hour, as per Union contract, effective November 19, 2013. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve the three-year raise for Vince Logue to \$18.08 per hour, as per Union contract, effective November 20, 2013. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to set the year-end meeting and hearing for supplements and contingency transfers for December 30, 2013 at 9:00 AM. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve and place on file the September, 2013 General Fund Surplus Analysis as follows. With no further discussion and all voting yes, the motion carried.

### **FALL RIVER COUNTY GENERAL FUND SURPLUS ANALYSIS**

**DATE: SEPTEMBER 30, 2013**

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1, which states: "The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year. The total unreserved, undesignated fund balance of the general fund of the county as of March thirty-first and September thirtieth shall be published in the minutes of the proceedings of the board of county commissioners and reported to the Department of Legislative Audit. The report shall be on forms prescribed by the Department of Legislative Audit."

The following analysis should be completed as of March thirty-first and September thirtieth of each year. Thereafter, the unreserved, undesignated fund balance amount should be published in the minutes of the governing board. This analysis should also be filed with the Department of Legislative Audit.

**ASSETS:**

10100	Cash	<u>1,583,189.42</u>
10800	Taxes Receivable--Current	<u>991,584.90</u>
11000	Taxes Receivable--Delinquent	<u>55,809.00</u>

**TOTAL ASSETS** 2,630,583.32

**LIABILITIES AND EQUITY:**

22400	Deferred Revenue	<u>1,047,393.90</u>
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**FUND BALANCES:**

27500	Committed (list)	
	<u>Bridge #24-135113</u>	<u>50,000.00</u>
27600	Assigned (one of the following)	
	March - 3/4 of the current year	
	September - 1/4 of current year + subsequent year	<u>677,636.25</u>
27700	Unassigned	<u>855,553.17</u>

**TOTAL LIABILITIES AND EQUITY** 2,630,583.32

Following Year's General Fund Budget  
(use current year for March analysis) 3,917,339.00

The unassigned fund balance, account 27700, divided by the following year's General Fund budget resulting in the fund balance percentage 21.84%

A request to transfer property to the County was presented. Motion by Falkenburg, seconded by Allen, to table the matter of accepting a transfer of property until the matter can be researched.

An application for burial assistance was considered. Motion by Falkenburg, seconded by Cassens, to approve \$1,300.00 for burial expenses for CP #13-28, with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Falkenburg, to approve a resolution revising mill levies for the general fund from 5.397 to 5.398 and the secondary road mill levy from .911 to .956. With no further discussion and all voting yes, the motion carried.

COUNTY TAX LEVIES	Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		

* General County Purposes		
(10-12-9)	\$ 2,514,120.00	5.398
Library	\$ 6,155.00	0.020
Courthouse, Jail, etc., Bldg.		
(7-25-1)	\$ 112,513.00	0.242
Secondary Road (Unorg. PT-76)		
(31-12-27)	\$ 244,493.00	0.956
Fire Protection (34-31-3)	\$ 2,759.00	0.214
TOTAL TAXES LEVIED BY COUNTY	\$ 2,880,040.00	6.83

\* These Amounts include the 25% to be distributed to cities.

As of 9/25/13, these levies are not approved by the Department of Revenue

### FALL RIVER COUNTY RESOLUTION #2013-27 - REVISED

#### ADOPTION OF ANNUAL BUDGET FOR FALL RIVER COUNTY, SOUTH DAKOTA

WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE, BE IT RESOLVED, that such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR FALL RIVER COUNTY, SOUTH DAKOTA and all its institutions and agencies for calendar year beginning January 1, 2014, and ending December 31, 2014, and the same is hereby approved and adopted by the Board of County Commissioners of Fall River County, South Dakota, this 25<sup>th</sup> day of September, 2013. The Annual budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Fall River County, South Dakota. The accompanying Taxes are levied by Fall River County for the year January 1, 2014 through December 31, 2014.

Dated at Fall River County, South Dakota this 5<sup>th</sup> day of December, 2013.

/s/ Michael P. Ortner  
Michael P. Ortner, Chairman

/s/ Joe Falkenburg  
Joe Falkenburg, Commissioner

/s/ Anne Cassens  
Anne Cassens, Commissioner

/s/ Joe Allen  
Joe Allen, Commissioner

/s/ Deborah Russell  
Deborah Russell, Commissioner

Discussion was held on sending a representative to the NACO Legislative Conference in March. Motion by Allen, seconded by Russell, to approve Cassens attending the NACO Conference in Washington, DC, on March 1-5, 2014. Motion by Falkenburg, seconded by Russell, to amend the motion to include Ortner as an alternate representative. With no further discussion and all voting yes, the motion to amend carried. With no further discussion and all voting yes, the amended motion carried.

A loss control survey from Safety Benefits was presented for review; a response will be logged with the company within sixty days.

Wendy Weakland, VSO, sought approval to purchase a tablet computer to allow for better mobility when serving clients. Motion by Falkenburg, seconded by Allen, to approve the purchase of a tablet computer. With no further discussion and all voting yes, the motion carried.

Jackie Waldner, County Health Nurse, provided the Board with a quarterly report, noting the number of clients served has increased over 2012.

Treasurer Lori Bachand, State's Attorney Jim Sword and Deputy State's Attorney Pat Ginsbach met with the Board to discuss the future procedures for taking tax deeds. At issue are properties that are nuisances, some requiring demolition of structures, of which the county is obligated to take the deed. Discussion was held on inspections and the city process for enforcing problem properties.

Motion by Cassens, seconded by Russell, to set a tax deed property sale for January 16, 2014. With no further discussion and all voting yes, the motion carried.

The second reading of Ordinance #2013-02 was held, which establishes on-sale liquor licenses for full-service restaurants. Motion by Cassens, seconded by Falkenburg, to approve Ordinance #2013-02. With no further discussion and all voting yes on a roll call vote, the motion carried.

Motion by Cassens, seconded by Russell, to approve Resolution #2013-33 setting \$10,000.00 as the fee for liquor licenses for full-service restaurants. Ginsbach noted that the fee will be set for ten years and could be a way of recouping some of the costs associated with alcohol abuse. As license holders are required to document that sixty percent of their sales are from food, Ortner noted that the licenses are not equitable to regular liquor licenses. Allen suggested a compromise that would set the fee at a rate that was fair to holders of existing licenses.

Motion by Cassens, seconded by Falkenburg, to amend her motion to set the fee at \$15,000.00, as per the discretion of the Board. Falkenburg called for the vote and with no further discussion and all voting yes, the amendment to the motion carried.

With no further discussion on the amended motion, Allen voting no and all others voting yes on a roll call vote, the amended motion carried and the fee set at \$15,000.00.

**FALL RIVER COUNTY RESOLUTION # 2013-33**

**RESOLUTION SETTING FEE FOR FULL-SERVICE RESTAURANT ON-SALE LIQUOR LICENSE FEE**

WHEREAS Fall River County, South Dakota, has adopted Ordinance #2013-02 authorizing the issuance of full-service restaurant on-sale liquor licenses; and

WHEREAS, Fall River County has yet to set a fee for such licenses; and

WHEREAS, as required by State law, the fee charged for the grant of a full-service restaurant on-sale liquor license shall be at or above the current fair market value for such license, based upon the documented price of the on-sale license most recently sold between January 1, 2003 and January 1, 2008, through an arm's-length transaction; and

WHEREAS, the documented price of the on-sale liquor license most recently sold between January 1, 2003 and January 1, 2008 through an arm's-length transaction is \$25,000; and

WHEREAS, any fair market value so established shall be at least a minimum of one dollar (\$1.00) for each person residing within the County of Fall River, but outside the boundary of any municipality, as measured by the last preceding decennial federal census; and

WHEREAS, the population of Fall River County, as documented by the 2010 federal census, less the population of Hot Springs, Edgemont and Oelrichs, is 2,483; and

WHEREAS, the Fall River Board of Commissioners believe \$15,000.00 to be a fair market value, which exceeds the required minimum of one dollar (\$1.00) per person for each person residing within the County;

NOW THEREFORE, BE IT RESOLVED that the fee for a full-service restaurant on-sale liquor license shall be \$15,000.

Dated this 5<sup>th</sup> day of December, 2013.

APPROVED:

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Commission

ATTEST:

/s/ Sue Ganje

Sue Ganje, County Auditor

Randy Seiler, Highway Superintendent, presented fuel transfers for approval. Motion by Cassens, seconded by Falkenburg, to approve transfers to reimburse the Highway Department for fuel used from November 1, 2013 through November 30, 2013 in the following amounts: the Sheriff's Office, \$2,021.71; the Courthouse, \$408.57; and the Weed Board, \$104.89. With no further discussion and all voting yes, the motion carried.

Seiler provided the Board with department updates and stated he expects FEMA to reimburse the county for costs associated with Winter Storm Atlas and the resulting disposal of livestock carcasses, and is awaiting a meeting with their representatives. Seiler asked for approval to have plow wings installed. Motion by Falkenburg, seconded by Russell, to approve \$6,500.00 for the installation of wings on the new motor grader. With no further discussion and all voting yes, the motion carried.

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

**General Fund**

Commissioners	November Salaries	\$2,761.53
Auditor's Office	November Salaries	\$7,309.66
Elections	November Salaries	\$1,116.25
Treasurer's Office	November Salaries	\$5,367.45
and additional overtime of		\$221.25
State's Attorney Office	November Salaries	\$5,436.67
and additional overtime of		\$89.74
Maintenance	November Salaries	\$4,500.68
Department Of Equalization	November Salaries	\$8,062.19
and additional overtime of		\$174.25
Register Of Deeds Office	November Salaries	\$4,131.15
Veterans Services Office	November Salaries	\$1,706.82
GIS	November Salaries	\$1,918.34
and additional overtime of		\$153.33
Nurse's Office	November Salaries	\$2,027.07
and additional overtime of		\$71.37
Sheriff's Office	November Salaries	\$16,675.99
and additional overtime of		\$1,149.58
Jail	November Salaries	\$6,178.78
and additional overtime of		\$1,773.07
Dispatch	November Salaries	\$7,850.50
and additional overtime of		\$332.73
24/7	November Salaries	\$2,030.74
County Extension Office	November Salaries	\$1,907.42
and additional overtime of		\$21.06
Weed Dept	November Salaries	\$2,097.47
Coroner	November Salaries	\$221.64
Alano Society	Allotment	\$750.00
Black Hills Powersports	Repair	\$450.33
Bingham, James	CAAF	\$7,037.40
BH Family Health Clinic	Inmate	\$592.00
Black Hills Power	Utility	\$3,536.51
Cheyenne Sanitation	Utility	\$308.00
Dakota Leasing Company	Copier	\$190.00
Dale's Repair	Repair	\$244.50
Dept Of Animal Sciences	Supply	\$57.50
Edgemont Herald Tribune	Publishing	\$233.77
Falkenburg, Joe	Travel	\$153.92
High Plains Graphics	Supply	\$75.00

Hills Edge Auto Sales	Repair	\$209.78
Hillyard Floor Care Supp	Supply	\$532.96
Hot Springs Ace Hardware	Supply; Repair	\$267.44
Hot Springs Automotive	Supply; Repair	\$459.48
City Of Hot Springs	Utility	\$243.01
City Of Hot Springs	Rent	\$75.00
Hot Springs Meal Site	Allotment	\$3,500.00
Internal Revenue Service	Taxes	\$748.05
Keizer, Brad	Travel	\$119.88
Massa Donald DDS	Inmate	\$142.00
Meridian It Inc	Data Proc	\$3,200.84
National Assn Of Counties	Dues	\$450.00
Nelsons Oil & Gas Inc.	Fuel	\$13,292.64
Neve's Uniform Inc	Uniform	\$673.50
Norton,Tina	Inmate	\$245.00
O'Neill, Justin	CAAF	\$5,285.23
Orrock, Ken	Conf Dep	\$561.00
Otis Elevator Company	Elevator	\$336.63
Powell, Debra J	Inmate	\$70.00
Fall River Co Fair-Booths	Allotment	\$2,900.00
Quill Corporation	Supply	\$782.30
Radioshack	Supply	\$99.98
Rapid City Journal	Publishing	\$186.29
Rapid City Regional	MI	\$1,241.92
SD Department Of Revenue	Inmate	\$245.00
Servall	Supply	\$122.41
Shopko	Inmate; Supply	\$1,950.07
US Bank	Copier	\$141.36
United States Postal Serv	Postage	\$1,535.08
Vandiest Supply	Supply	\$1,724.00
Verizon Wireless	Cell Phone	\$460.82
Yankton Co. Sheriff	MI	\$25.00
	<b>General Fund Total</b>	<b>\$140,742.33</b>

### Road & Bridge

County Road & Bridge Admin	November Salaries	\$4,451.79
County Road & Bridge Const	November Salaries	\$22,925.44
and additional overtime of		\$288.89
A & B Welding Supply Co.	Supply	\$174.51
Black Hills Power	Utility	\$554.74
Black Hills Truck & Trail	Equip	\$23,451.00
Brosz Engineer	Prof Serv	\$200.00
Butler Machinery Co.	Supply; Repair	\$3,072.49

Cheyenne Sanitation	Utility	\$74.00
Crowley, Gary	Clothing	\$97.97
Dakota Fluid Power Inc	Repair	\$1,277.85
Dale's Tire	Supply	\$7,487.28
Diesel Machinery, Inc	Repair	\$350.00
DWare Inc	Software	\$1,550.00
Eddies Truck Sales	Repair; Supply	\$389.45
Edgemont, City Of	Utility	\$36.75
Edgemont Herald Tribune	Publishing	\$25.40
Fall River Auto Supply	Supply; Repair	\$360.42
Forward Distributing	Supply	\$157.70
Godfrey Brake Service	Supply; Repair	\$477.92
Hot Springs Automotive	Supply; Repair	\$916.13
City Of Hot Springs	Utility	\$19.58
Ricoh USA Inc	Copier	\$75.00
Inland Truck Parts Co.	Supply	\$47.60
Kimball Midwest	Supply	\$209.00
Lyle Signs	Supply	\$87.78
Machinery Trader Central	Publishing	\$864.00
MG Oil	Supply	\$1,458.68
Nelsons Oil & Gas Inc.	Fuel	\$52,124.71
Norton's Sinclair	Supply; Repair	\$34.79
Powerplan BF	Repair	\$359.89
Quill Corporation	Supply	\$9.99
Radioshack	Supply	\$37.98
Rapid City Journal	Publishing	\$88.65
Rapid Delivery	Repair; Supply	\$114.00
Rushmore Communications	Utility	\$225.00
Safety Kleen	Repair	\$106.00
Seiler, Randy	Phone	\$35.00
	<b>Road &amp; Bridge Total</b>	<b>\$124,217.38</b>

**911**

911	November Salaries	\$1,715.93
and additional overtime of		\$473.76
Hot Springs Ace Hardware	Supply; Repair	\$58.38
Century Link	Telephone	\$5.35
	<b>911 Reimbur. Total</b>	<b>\$2,253.42</b>

**Emergency Mgt**

Emergency Management	November Salaries	\$2,707.41
Black Hills Land Analysis	Grant	\$4,000.00
Mueller Civic Center	Rent	\$65.00



United States Postal Serv	Postage	\$1.32
Verizon Wireless	Cell Phone	\$176.09
	<b>Emergency Mgmt Total</b>	<b>\$6,949.82</b>

**Fire Protection Fund**

Oral Fire Dept	Allotment	\$1,000.00
Smithwick Fire Department	Allotment	\$1,700.00
	<b>Fire Protection Fund Total</b>	<b>\$2,700.00</b>

**Courthouse Building Fund**

Rapid Fire Protection Inc	Repair	\$744.60
State Supply	Repair	\$153.57
Pro Build	Repair	\$31.40
	<b>Courthouse Bldg Fund Total</b>	<b>\$929.57</b>

**Grand Total** **\$276,862.95**

A break was taken at 10:21 AM. The meeting resumed at 10:30 AM with public comment. Paul Nabholz questioned the need for a county storage building.

Information that the PILT funds for 2014 have not been authorized was discussed. Motion by Falkenburg, seconded by Allen, to authorize the chairman to draft letters to the congressional delegates regarding the 2014 PILT funds and a Federal Agriculture Bill, presently in conference committee. With no further discussion and all voting yes, the motion carried.

Lyle Jensen, Courthouse Superintendent, asked the Board for approval to purchase a dishwasher for the jail. Motion by Allen, seconded by Russell, to approve purchase of a Hobart dishwasher for the jail at a cost of \$6,313.30. With no further discussion and all voting yes, the motion carried.

Frank Maynard, Emergency Management, updated the Board on FEMA reimbursements, noting a meeting is slated for December 9, 2013.

A hearing was held on supplements and transfers at 10:55 AM as advertised. Motion by Cassens, seconded by Falkenburg, to approve to approve supplements in the following amounts. With no further discussion and all voting yes, the motion carried.

**SUPPLEMENTS:**

<u>Description</u>	<u>Amount</u>
Fire	\$19,185.27
VSO	\$ 50.00
Commissioners	<u>\$ 181.30</u>
	<b>\$19,416.57</b>

Motion by Falkenburg, seconded by Russell, to approve contingency transfers in the

following amounts. With no further discussion and all voting yes, the motion carried.

**CONTINGENCY TRANSFERS:**

<u>DEPT</u>	<u>AMOUNT</u>
Commissioners	\$ 5,100.00
Data Processing	\$ 6,320.00
Court Appointed Attorney	\$ 6,825.00
Dept. of Equalization	\$27,370.00
VSO	\$ 3,015.00
LEPC	\$ 790.00
Mental Health Care	\$ 1,345.00
Mental Health Board	<u>\$ 3,520.00</u>
	<b>\$54,285.00</b>

Motion by Falkenburg, seconded by Russell, to approve the transfer of a liquor and malt beverage license from L & M Freidel, LLC, DBA the Stateline Club, to Tom Badger, DBA the Stateline Casino. With no further discussion and all voting yes, the motion carried.

The hearing on 2014 liquor and wine licenses was held at 11:00 AM as advertised. Motion by Falkenburg, seconded by Allen, to approve 2014 liquor licenses for the Angostura Den, Coffee Cup Fuel, Laura Inman DBA Pirate's, Inc and the State Line Club and wine licenses for Moyle Petroleum DBA Breakers and the Coffee Cup, authorizing the chairman to sign. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to enter into Executive Session for personnel and legal matters, per SDCL 1-25-2(1) and 1-25-2(2). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:03 AM.

The Board came out of Executive Session at 11:15 AM. Motion by Cassens, seconded by Russell, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 11:15 AM.

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

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