

FALL RIVER COUNTY MINUTES OF FEBRUARY 21, 2013

The Fall River Board of County Commissioners met in regular session on February 21, 2013. Present: Michael Ortner, Deb Russell, Joe Allen, Anne Cassens, Joe Falkenburg, and Sue Ganje, Auditor. Absent: none.

The Pledge of Allegiance was given and the meeting called to order at 9:00 AM.

The agenda was reviewed for conflicts; none were noted. Motion by Cassens, seconded by Falkenburg, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Motion by Ortner, seconded by Russell, to approve the minutes of the February 7, 2013 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Falkenburg, to correct the minutes of January 3, 2013 to reflect that the 3.25% wage increase is for employees beyond 6,240 hours of employment, rather than 4,860 as stated. With no further discussion and all voting yes, the motion carried.

Ortner presented a letter from Fall River Health Services regarding requirements of a guaranteed HUD loan. Motion by Falkenburg, seconded by Russell, to authorize the chairman to send a letter to Fall River Health Services indicating that Fall River County does not have the resources to assist with financing the addition of a long-term care facility. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, to approve the Auditor's Account with the Treasurer as follows. With no further discussion and all voting yes, the motion carried.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF FALL RIVER COUNTY:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 31st day of January, 2013.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,893.02</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>797,506.00</u>
Total Amount of Cash:	\$ <u>1,324.60</u>
Total Amount of Treasurer's Change Fund:	\$ <u>900.00</u>
Total Amount of Checks in Treasurer's Possession, Not Exceeding Three Days:	\$ <u>25,499.46</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>5,114.80</u>
CERTIFICATES OF DEPOSIT, First Interstate Bank:	\$ <u>3,470,000.00</u>
Black Hills FCU:	\$ <u>250,000.00</u>

Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:

Register of Deeds Change Fund:	\$500.00
Highway Petty Cash:	\$20.00
Election Petty Cash:	\$15.00

RETURNED CHECKS:

Armentrout, Jimmy, \$672.27, Taxes
Henry, Raymond, \$290.64, License
McMillin, Robert, \$272.95, License
Nielsen, Krista, \$336.10, License
Nielsen, Krista, \$150.61, License

TOTAL: \$4,556,495.45

Dated this 31st day of January, 2013.

/s/Sue Ganje

Sue Ganje, Auditor, Fall River County

The above balance reflects county monies, monies held in trust and monies collected for and to be remitted to other ENTITIES: SCHOOLS, TOWNS, TOWNSHIPS, FIRE AND AMBULANCE DISTRICTS AND STATE.

Applications for burial assistance were presented. Motion by Cassens, seconded by Russell, to approve \$1,300.00 in burial assistance for #2013-6, with the stipulation that the county attempt to recover the amount from any assets. With no further discussion and all voting yes, the motion carried.

Motion by Allen, seconded by Russell, to approve \$1,300.00 in burial assistance for #2013-7. With no further discussion and all voting yes, the motion carried.

An application for assistance was presented to the Board. Motion by Falkenburg, seconded by Allen, to approve CP #2013-5 for assistance of \$382.68 for power and \$80.80 for water, with a repayment schedule. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to surplus as junk the following items: asset #1604, a shredder; #1351, a monitor; #1036, 1209 and 1210, office chairs; #1491, a space heater; #0845, a typewriter; #0001, 0128 and 0031, tables; #0125, metal shelving; #0803, an air conditioner; #1273, a zip drive; #1993, an HP printer; all from the Auditor's Office, and #1147, a vacuum from maintenance. With no further discussion and all voting yes, the motion carried.

Discussion was held on ownership of a piece of county-owned property that was sold at auction. Motion by Russell, seconded by Cassens, to authorize preparing a deed to transfer county property sold at auction from Jason Hayden back to the county and refund the purchase price, but not the filing fee, to the payer. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to approve, as per Union contract, a three-year increase to \$11.83 per hour for Stacy Schmidt, effective January 28, 2013. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve travel for Ortner, Cassens and Russell to attend the Commissioner Workshop in Pierre, March 20-21, 2013 and for all

commissioners to attend the Fall Convention in Spearfish on September 16-18, 2013. With no further discussion and all voting yes, the motion carried.

Keith Andersen, Andersen Engineering, presented a plat for approval. Motion by Falkenburg, seconded by Allen, to approve the plat of Tract Ambulance as follows, contingent upon the Treasurer's signature. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2013-07

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Tract Ambulance located in the NE ¼ NE ¼ of Section 26, T7S, R5E, 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 section 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 21st day of February, 2013.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Ortner noted that a petition was filed by which the county intervened as an interested party in the water rights application of Powertech.

Frank Maynard, Emergency Management and Maintenance, presented a quote for installation of a back-flow preventer on the boiler by Steven's Plumbing at a cost of \$889.60. Propane quotes for the courthouse were also presented.

	<u>9,000 gal. Propane</u>
Nelson's Oil	\$1.39 per gal.
D & J Petroleum	\$1.235 per gal.
CBH Cooperative	declined

Motion by Russell, seconded by Cassens, to accept the quote from D & J Petroleum of \$1.235 per gallon for 9,000 gallons of propane. With no further discussion and all voting yes, the motion carried.

Discussion was held on T-12 light fixtures that are becoming obsolete and will need to be updated to T-8 fixtures. Maynard said the jail and the Nurse's office need to be converted, which may be accomplished with fewer fixtures than currently in use. An inventory of obsolete fixtures will be done; the Board endorsed the transition.

Maynard discussed upcoming training opportunities and reported on a Homeland

Security meeting he attended on February 15, 2013. Funding may be available for school security and he is working with school and Sheriff's Office personnel to apply for the funds. Maynard presented additional updates on activities, including information on the Biggert-Waters Flood Insurance Reform Act of 2012 and a re-cap of area fires.

Susie Hayes, Director of Equalization, met with the Board to discuss clarifications of the new discretionary formula. Falkenburg asked if the 25% increase on agriculture lands was necessary; Hayes will research the ramifications of not taking the required increase for a report to the Board.

Sheriff Rich Mraz informed the Board that a dispatcher is retiring March 20, 2013. Motion by Falkenburg, seconded by Russell, to authorize advertising a full-time dispatcher position. With no further discussion and all voting yes, the motion carried.

Allen asked Mraz if tow bills paid by the county for stolen vehicles can be recovered; Mraz will investigate.

Randy Seiler, Highway Superintendent, presented a pipeline easement. Motion by Falkenburg, seconded by Russell, to approve a pipeline easement for Kevin DeBoer for a 15' wide easement on County Highway #2A for a pipeline adjacent to the NE ¼ of Section 30, T7S, R8E and the NW ¼ of Section 29 in T7S, R8E of the BHM, Fall River County, South Dakota, and from the NW ¼ of Section 29, T7S, R8E, to the SW ¼ of Section 20, T7S, R8E of the BHM, Fall River County, South Dakota, with the stipulation they will fix the black top if there is any settling. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve travel for Seiler to attend a Short Course workshop in Deadwood on March 12-14, 2013. With no further discussion and all voting yes, the motion carried.

An agreement with the state for a signing project was discussed. Motion by Russell, seconded by Allen, to approve entering into an agreement for a signing project, paid by the state and maintained by the county. After discussion, Cassens, Falkenburg and Allen voting no, Ortnor and Russell voting yes, the motion failed.

Seiler noted that signs are state-mandated and the county could incur liability if they are not installed and an accident occurs. The state program only allows for installation of signs in three counties per year and they should last ten to fifteen years. Falkenburg opted to change his vote to yes and therefore, the motion carried.

Seiler reported that the Chilson and Cheyenne River bridges are in need of inspection. A report on the Cheyenne River Bridge recommends its closure as it requires a 5-ton load limit. Motion by Russell, seconded by Cassens, to close the Cheyenne River Bridge on Old Highway 79, providing notification that it is upon the recommendation of the state inspection. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve hiring Brosz Engineering to conduct 2013 bridge inspections. With no further discussion and all voting yes, the motion carried.

Seiler informed the Board he will be attending a meeting in Rapid City and will provide the Board with a report on the meeting. Department staff will also be attending training on road grader operation. Motion by Falkenburg, seconded by Russell, to approve travel for Seiler to attend a meeting on March 20-21, 2013 and employees to attend training sessions on March 20, 2013, all in Rapid City. With no further discussion and all voting yes, the motion carried.

Russell and Seiler reported on a meeting they attended in Oelrichs in reference to main street, which is a county road. Seiler informed the town that the county will work with the town on drainage and maintenance of the road, but will not be blacktopping the road. The town is hiring a company to work with them on other street issues including drainage and parking.

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

General Fund

A&B Business Equipment	Copier	\$380.91
Audra Malcomb Consulting	MI	\$1,109.72
Beesley Law Office	CAAF	\$2,260.60
Bingham, James	CAAF	\$210.00
BH Family Health Clinic	Inmate	\$802.00
Cardmember Service	Misc	\$1,342.26
CBM Food Service	Inmate	\$2,582.82
Century Business Leasing	Copier	\$218.52
Credit Collections Bureau	#1977846	\$436.11
Culligan Soft Water	Water	\$103.75
Dale's Repair	Tow	\$418.00
Dell Business Credit	Equip	\$752.52
Edgemont Public Library	Allotment	\$3,500.00
Fall River Sheriff Trust	Trust Acct	\$10.00
FR Soil Conservation Dist	Allotment	\$9,000.00
Fall River Community	Allotment	\$3,000.00
Glasshoff, Kayla	Court Rep	\$285.60
Heartland Paper Co	Supply	\$64.77
Hillyard Floor Care Supp	Supply	\$20.29
Hot Springs Ambulance	Inmate	\$590.40
Hot Springs Public Lib	Allotment	\$20,000.00
City Of Hot Springs	Utility	\$24.00
Lone Star Heating & Air	Labor	\$239.70
Martin, Stacey	Supply	\$31.79
McLeods Office Supply Co.	Supply	\$282.67
Microfilm Imaging Systems	Lease	\$275.00

Mobile311 LLC	Support	\$200.00
Nettinga, Joan	Supply	\$12.80
Norton's Sinclair	Car Maint	\$459.95
O'Neill, Justin	CAAF	\$818.83
Palmer, Ray	Travel	\$43.66
Penn Co Sts Attny Office	MI	\$215.00
Penn Co Sheriff	Inmate	\$218.40
Purchase Power	Postage	\$1,013.65
Powell, Debra J	Inmate	\$35.00
Radioshack	Supply	\$92.97
Rapid City Journal	Publishing	\$192.89
Schoener Machine & Tool	Supply	\$83.93
Sotherland, Becki	Travel	\$25.16
Stephens Law Office	CAAF	\$315.00
Schoenfelder, Paul	Inmate	\$105.00
Tiger Direct	Equip	\$784.49
US Bank	Copier	\$144.82
United States Postal Serv	Postage	\$2,930.16
Village Repair	Car Maint	\$52.35
Western SD Juv Serv Ctr	Juvenile	\$8,100.00
Cazer, Michelle	Inmate	\$35.00
	General Fund Total	\$63,820.49

Road & Bridge

B H Electric Coop Inc.	Utility	\$26.30
Ranchers Feed & Supply	Supply	\$3.49
Rapid City Journal	Publishing	\$15.23
	Road & Bridge Total	\$45.02

Emergency Mgt

Cardmember Service	Misc	\$129.44
Purchase Power	Postage	\$6.24
United States Postal Serv	Postage	\$2.02
	Emergency Mgmt Total	\$137.70

911 Surcharge Reimb

Century Link	Telephone	\$633.61
Rushmore Communications	Maint	\$138.00
	911 Surcharge Reimb	\$771.61

Courthouse Building Fund

Eagle Enterprises LLC	Repair	\$559.64
	Courthouse Bldg Fund Total	\$559.64

Due To Schools

First Interstate Bank	Taxes	\$50,147.02
Hot Springs School	Taxes	\$165,114.68
Oelrichs School District	Taxes	\$10,016.72
Due To Schools Total		\$225,278.42

Due To Townships

First Interstate Bank	Taxes	\$980.55
Due To Townships Total		\$980.55

Due To Cities & Towns

Bank Of The West	Taxes	\$51,749.22
First Interstate Bank	Taxes	\$13,287.46
Hot Springs City Td 7	Taxes	\$1,523.10
Oelrichs, Town Of	Taxes	\$1,066.54
Due To Cities & Towns Total		\$67,626.32

Ambulance Districts

Bank Of The West	Taxes	\$2,818.36
First Interstate Bank	Taxes	\$284.84
First Interstate Bank	Taxes	\$600.01
Ambulance Districts Total		\$3,703.21

Due To Fire Districts

Ardmore Fire District	Taxes	\$255.83
First Interstate Bank	Taxes	\$3,221.23
First Interstate Bank	Taxes	\$149.44
Minnekahta Fire	Taxes	\$191.46
Oelrichs Vol Fire Dept	Taxes	\$367.22
Due To Fire Districts Total		\$4,185.18

Pine Shadow Rd District

First Interstate Bank	Taxes	\$575.24
Pine Shadow Rd Dist Total		\$575.24

Cascade Mtn Rd District

First Interstate Bank	Taxes	\$226.08
Cascade Mtn Rd Dist Total		\$226.08

Eagle Valley Rd District

Black Hills Federal	Taxes	\$152.92
Eagle Valley Rd Dist Total		\$152.92

Country Club Est Rd Dist

First Interstate Bank	Taxes	\$258.84
	Co. Club Est Rd Dist Total	\$258.84
Hot Brook Road District		
Hot Brook Rd District	Taxes	\$224.11
	Hot Brook Road Dist Total	\$224.11
Waters Edge Road Dist		
Waters Edge Road Dist	Waters Edge Road Dist	\$69.62
	Waters Edge Road Dist Total	\$69.62
M & P Flow Thru		
SD Assn Of Co. Officials	M&P	\$252.00
	M & P Flow Thru Total	\$252.00
	Grand Total	\$368,866.95

A break was taken at 10:22 AM. The meeting resumed with Public Comment. Ed Harvey discussed valuation of agriculture lands. Susan Henderson asked if Powertech has buildings on their property and a discussion was held on discretionary values.

Cindy Brunson presented information on injection wells operated by Peter Roosevelt and minutes of a DENR meeting. Concerns about water quality and the limited liability of mining ventures were discussed.

Pat Ginsbach, Deputy State's Attorney, Melody Engebretson, Register of Deeds, and Susie Hayes met with the Board to discuss the issue of how to file documents on property that is platted and then later vacated. Engebretson believes the property needs to be re-platted before a deed can be filed, with which the Board concurred.

Community Health Nurse Tracy Bowman presented the Board with her resignation, effective March 7, 2013. Advertisement of the full-time position notes four weekdays are spent in Fall River County and one day per week in Pine Ridge. The Board thanked Bowman for her service.

Jerri Baker, representing citizens concerned about Powertech, asked the Board if they still oppose the project. Ortner stated that the Board has filed in opposition of their water application but that they have not made a final decision as to endorsement of the project. Baker stated that 427 signatures in opposition to the uranium mine have been collected and offered to provide the Board with any requested information. Concerns were voiced about possible contamination of water and a lack of funds to deal with any resulting pollution. Cassens noted that most of the Edgemont area citizens do not oppose the project; Allen stated he opposes it due to worries about risk related to the quality of area groundwater; the remaining commissioners reiterated they have not come to a determination.

Motion by Falkenburg, seconded by Allen, to enter in Executive Session for personnel and legal matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:37 AM.

The Board came out of Executive Session at 11:54 AM. Motion by Falkenburg, seconded by Russell, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 11:54 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