

## **FALL RIVER COUNTY MINUTES OF FEBRUARY 7, 2013**

The Fall River Board of County Commissioners met in regular session on February 7, 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. A moment of silence was observed in honor of Kimberly Miiller, daughter of Emergency Management director Frank Maynard, who passed away on January 25, 2013.

The agenda was reviewed for conflicts; none were noted. Motion by Falkenburg, seconded by Russell, 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 January 17, 2013 meeting. With no further discussion and all voting yes, the motion carried.

An application for assistance was presented. Motion by Cassens, seconded by Allen, to deny assistance for CP #13-3. With no further discussion and all voting yes, the motion carried.

An applicant for assistance met with the Board. Motion by Cassens, seconded by Allen, to approve \$350.00 in January rent assistance for CP #13-4, with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to appoint Michele Jensen as an additional Deputy Auditor with an increase of \$.75 per hour, as per Union contract, effective immediately. With no further discussion and all voting yes, the motion carried.

A request to sell Girl Scout cookies from the courthouse parking lot was considered. Motion by Ortner, seconded by Allen, to allow the Girl Scouts to set up a station to sell cookies at the north end of the parking lot. With no further discussion, Cassens and Russell voting no, all others voting yes, the motion carried.

Ortner shared information with the Board on bonding by oil and gas companies on federal lands.

Motion by Falkenburg, seconded by Russell, to change the second meeting date in March to March 19, 2013 to allow for attendance at the Commission and Welfare Workshop in Pierre on March 20-21. With no further discussion and all voting yes, the motion carried.

The Board was reminded of a DENR hearing on March 18, 2013 at 8:30 AM in Rapid City regarding a groundwater discharge plan application made by Powertech.

Russell reported on her attendance at the Black Hills Council of Local Governments, noting she

was elected secretary. Ortner reported delegates travelled to Washington, DC, to meet with the Secretary of Veterans Affairs.

John McBride, Andersen Engineering, presented a plat for approval. Motion by Falkenburg, seconded by Cassens, to approve the following plat of Lot 39 of Cobblestone Mountain Estates. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2013-05**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Lot 39 of Cobblestone Mountain Estates Subdivision located in the SE ¼ SE ¼ of Section 2, 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 7<sup>th</sup> 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

Michael Gregorich asked the Board to remove a lien from one of two properties he owns in the county. Motion by Falkenburg, seconded by Cassens, to remove a \$2,066.92 lien from a property owned by Michael Gregorich, which will allow for its sale, and retain the lien on his remaining property. With no further discussion and all voting yes, the motion carried.

Possible intervention on Powertech's application for a large-scale mine permit was discussed, including the option of hiring an expert. Motion by Falkenburg, seconded by Russell, to intervene as an interested party by petition in the matter of Powertech's application for large-scale mine permit use. Allen questioned the procedure by which the Board would determine their support or opposition of the project, which will be added to a future agenda. Jerri Baker asked how she could help get public input from county residents to the Board.

Ortner suggested hiring Dr. Perry Rahn, SDSMT, to examine evidence and provide an unbiased opinion, with his findings becoming public information. With no further discussion on the motion to intervene and all voting yes, the motion carried.

Ortner noted that he will be attending an informational meeting in Rapid City on February 8, 2013, in Rapid City and asked if he should contact Dr. Rahn. Motion by Russell, seconded by Falkenburg, to authorize Ortner to contact Dr. Perry Rahn about whether he would be interested in serving as an expert consultant for the county. With no further discussion, Cassens voting no and all others voting yes, the motion carried.

Randy Seiler, Highway Superintendent, presented fuel bids.

300 gal. Unleaded in Edgemont

Nelson's Oil                   \$2.875 per gal.  
PJ's                           declined bid

Motion by Cassens, seconded by Falkenburg, to approve Nelson Oil's bid of \$2.875 per gallon of unleaded as the lone bid. With no further discussion and all voting yes, the motion carried.

Fuel transfers were presented for approval. Motion by Falkenburg, seconded by Russell, to approve transfers to reimburse the Highway Department for fuel used from December 21, 2012 through January 30, 2013 in the following amounts: Sheriff's Office, \$3,177.65; Weed Board, \$41.37; Equalization, \$99.24; Courthouse, \$613.27; and \$163.39 for work done for the courthouse parking lot. With no further discussion and all voting yes, the motion carried.

Cassens provided Seiler with contact information for the Burlington Northern Railroad, noting a personnel change due to retirement. The town of Oelrichs has contacted Seiler and Russell about the county road that is the main street running through town, informing them that a meeting is scheduled in Oelrichs on February 12, 2013 at 7:00 PM. Russell and Seiler will assess the road prior to Russell's attendance at the meeting.

Seiler requested approval to advertise and hire full-time help due to upcoming retirements of two staff members. Discussion was held on staffing and evaluation of the department personnel needs. With no commitment for one or two new hires, Seiler suggested advertising with no closing date. Motion by Cassens, seconded by Falkenburg, to advertise a full-time position in the highway department, listing no closing date for applications. With no further discussion, Allen voting no and all others voting yes, the motion carried.

A hearing was held at 10:15 AM as advertised on the continuation of emergency private roadwork. Motion by Falkenburg, seconded by Allen, to approve the continuation of emergency private roadwork as per SDCL 31-11-41 through 31-11-45. With no further discussion and all voting yes, the motion carried.

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

**General Fund**

Commissioners	January Salaries	\$3,393.55
Auditor's Office	January Salaries	\$6,493.85
and additional overtime of		\$4.25
Elections	January Salaries	\$1,025.21
Treasurer's Office	January Salaries	\$5,926.03
and additional overtime of		\$10.88
State's Attorney Office	January Salaries	\$5,455.89
and additional overtime of		\$4.52

Maintenance	January Salaries	\$4,067.84
Department Of Equalization	January Salaries	\$5,054.81
and additional overtime of		\$18.75
Register Of Deeds Office	January Salaries	\$3,828.93
Veterans Services Office	January Salaries	\$1,707.36
GIS	January Salaries	\$1,743.94
and additional overtime of		\$69.25
Nurse's Office	January Salaries	\$1,866.79
Sheriff's Office	January Salaries	\$17,855.10
and additional overtime of		\$2,719.85
Jail	January Salaries	\$5,904.15
and additional overtime of		\$1,684.44
Dispatch	January Salaries	\$8,913.38
and additional overtime of		\$499.54
24/7	January Salaries	\$1,968.12
County Extension Office	January Salaries	\$1,750.98
Weed Dept	January Salaries	\$2,097.47
Coroner	January Salaries	\$147.76
Action Mechanical Inc	Repair	\$162.04
Avera Queen Of Peace	Inmate	\$1,272.03
AT&T Teleconference	Telephone	\$11.84
Beesley Law Office	CAAF	\$1,023.00
BH Council Of Local Gov	Assmnt	\$3,685.00
Black Hills RC & D	Dues	\$100.00
Bingham, James	CAAF	\$1,724.90
Black Hills Power	Utility; Assist	\$3,465.37
CBM Food Service	Inmate	\$8,047.14
Century Business Leasing	Copier	\$264.91
Cheyenne Sanitation	Utility	\$280.00
Claims Associates	Lawsuit	\$4,411.76
Colbath, Angela M	CAAF	\$803.60
Dakota Leasing Company	Copier	\$190.00
Dale's Repair	Car Maint	\$47.00
Diamond Pharmacy	Inmate	\$204.20
Edgemont Herald Tribune	Publishing	\$718.92
Empower Coalition	Allotment	\$3,000.00
Environmental Products	Repair	\$97.20
Fall River Auto Supply	Supply; Repair	\$1.89
Fall River Health	Inmate; Pro Ser	\$36.40
Flint Electric	Repair	\$115.27
Golden West	Telephone	\$1,339.69
Great Western Tire	Supply	\$1,722.80
Gunderson, Palmer	Lawsuit	\$315.00

H & R Sprinkler Systems	Cont Ser	\$130.00
Hillyard Floor Care Supp	Supply	\$978.65
Hot Springs Ace Hardware	Supply; Repair	\$535.90
Hot Springs Automotive	Supply; Repair	\$205.65
City Of Hot Springs	Utilities	\$267.51
Inventory Trading Company	Uniform	\$815.00
Keizer, Brad	Travel	\$123.70
Katie J Thompson	MI	\$308.65
McLeods Office Supply Co.	Supply	\$330.83
Mobile311 LLC	Support	\$200.00
Nelsons Oil & Gas Inc.	Fuel	\$794.40
Neve's Uniform Inc	Uniform	\$303.73
Nortons Sinclair	Supply; Repair	\$219.95
O'Day, Valarie	Court Rep	\$209.00
O'Neill, Justin	CAAF	\$1,808.57
Penn Co Sts Attny Office	MI	\$215.00
Pennington County Auditor	MI	\$168.00
Pheasantland Industries	Supply	\$56.58
Pitney Bowes	Rent	\$1,401.38
Prairie Hills Transit	Allotment	\$13,000.00
Quill Corporation	Supply	\$1,117.78
Radioshack	Supply	\$62.98
Rapid City Journal	Publishing	\$160.15
Regional Health Physician	Inmate	\$48.72
S H Alcohol & Drug Ref.	Allotment	\$7,000.00
Scotts Bluff County	Inmate Brd	\$840.00
SD Association Of	Dues	\$55.00
SD Department Of Revenue	Inmate	\$175.00
SDSU West River Ag Center	Travel	\$54.95
Stielow Law Offices PLLC	MI	\$98.28
Servall	Supply	\$325.59
Shopko	Meds; Supply	\$1,235.86
Software Services Inc	Support	\$2,400.00
Sotherland, Becki	Travel	\$37.00
Stan Houston Equip. Co.	Supply	\$382.96
State Radio Communication	TTY	\$2,250.00
State Remittance Center	MI; Nurse	\$2,205.00
Summit Signs & Supply Inc	Supply	\$211.50
Schoenfelder, Paul	Inmate	\$70.00
Tiger Direct	Supply; Equip	\$478.63
Pro Build	Supply; Repair	\$30.73
US Bank	Copier	\$141.36
Verizon Wireless	Cell Phone	\$492.34

Weakland, Wendy	Travel	\$74.86
Willoughby Industries	Supply	\$195.24
Winslow, Shari	Ins Reimb	\$1,000.00
Cazer, Michelle	Blood Draw	\$70.00
Hamaker, Bobbie	Ins Reimb	\$500.00
Witnesses	Witness Fee	\$124.42
	<b>General Fund Total</b>	<b>\$161,163.45</b>

### Road & Bridge

County Road & Bridge Admin and additional overtime of	January Salaries	\$5,003.91
County Road & Bridge Const and additional overtime of	January Salaries	\$29.61
County Road & Bridge Const and additional overtime of	January Salaries	\$17,472.91
A & B Welding Supply Co.	Supply	\$1,643.68
Adams ISC	Supply	\$168.76
Advanced Drug Testing	Repair	\$10.35
Black Hills Power	Prof Ser	\$52.00
Black Hills Power Equip	Utility; Assist	\$793.70
Butler Machinery Co.	Repair	\$51.98
Cheyenne Sanitation	Repair; Supply	\$1,673.09
Dale's Tire	Utility	\$74.00
Eddies Truck Sales	Supply	\$1,018.66
Edgemont, City Of	Supply	\$1,115.17
Edgemont Herald Tribune	Utility	\$36.75
Evans, Patrick	Publishing	\$28.78
Excel Truck & Trailer Re	Clothing	\$100.00
Fall River Auto Supply	Repair	\$992.93
Fall River Health	Supply; Repair	\$336.33
Forward Distributing	Inmate; Pro Ser	\$64.00
Godfrey Brake Service	Supply	\$190.50
Golden West	Supply; Repair	\$208.37
Great Western Tire	Telephone	\$251.72
Grimm's Pump Service Inc	Supply	\$1,989.88
Hot Springs Ace Hardware	Repair	\$367.96
Hot Springs Automotive	Supply; Repair	\$227.65
City Of Hot Springs	Supply; Repair	\$1,185.23
Ricoh USA Inc	Utilities	\$27.49
Johnson Machine	Copier	\$75.00
Kimball Midwest	Repair	\$64.76
Lyle Signs	Supply	\$319.41
MG Oil	Supply	\$410.67
Montgomery, Mike	Supply	\$1,948.74
Nelsons Oil & Gas Inc.	Clothing	\$100.00
	Fuel	\$20,807.27

Northern Truck Equip	Repair	\$1,300.00
Nortons Sinclair	Supply; Repair	\$22.14
Radioshack	Supply	\$7.68
Ranchers Feed And Seed	Supply	\$3.49
Rapid Chevrolet Co., Inc	Repair	\$874.76
Rapid City Journal	Publishing	\$17.48
Rapid Delivery	Repair; Supply	\$68.40
Rockmount Research &	Supply	\$970.44
Rushmore Communications	Utility	\$225.00
Safety Kleen	Repair	\$443.46
SD Dept Of Transportation	Pro Ser	\$307.74
Sheehan Equipment, Inc.	Repair	\$244.03
Simunek, Jan	Clothing	\$100.00
Sioux City Foundry	Supply	\$1,260.00
Summit Signs & Supply Inc	Supply	\$117.00
Pro Build	Supply; Repair	\$34.26
Verizon Wireless	Cell Phone	\$30.78
	<b>Road &amp; Bridge Total</b>	<b>\$24,150.11</b>

#### 911

911	January Salaries	\$1,765.96
and additional overtime of		\$276.36
Golden West Technologies	Contract	\$1,590.00
Golden West	Telephone	\$44.62
Century Link	Telephone	\$6.31
Century Link	Telephone	\$624.25
Radioshack	Supply	\$74.97
	<b>911 Reimbur. Total</b>	<b>\$4,382.47</b>

#### Emergency Mgt

Emergency Management	January Salaries	\$2,707.42
Golden West	Telephone	\$114.45
Hot Springs Automotive	Supply; Repair	\$47.14
River Lodge	Travel	\$60.11
Motorola Solutions Inc	Equip	\$2,033.00
Pitney Bowes	Rent	\$28.60
Verizon Wireless	Cell Phone	\$173.43
	<b>Emergency Mgmt Total</b>	<b>\$2,707.42</b>

#### 24/7 Sobriety Fund

Gen Diagnostics Inc	24/7	\$953.50
	<b>24/7 Sobriety Fund Total</b>	<b>\$953.50</b>

**Courthouse Building Fund**

Action Mechanical Inc	Repair	\$1,812.50
Chemsearch	Repair	\$599.50
Environmental Products	Repair	\$62.96
Hot Springs Ace Hardware	Supply; Repair	\$81.80
Iron Mountain Electric	Repair	\$1,071.43
Lone Star Heating & Air	Labor	\$511.62
Temperature Technology	Repair	\$555.76
Pro Build	Supply; Repair	\$20.67
	<b>Courthouse Bldg Fund Total</b>	<b>\$4,716.24</b>

**Grand Total** **\$198,073.19**

A break was taken at 10:17 AM. The meeting resumed with public comment.

State Veterans Home Superintendent Larry Wilcox and Building Maintenance Supervisor Tom Inman met with the Board to provide updated information on a proposed site for disposal of rock and rubble, including a letter from the SD DENR. The project will be open for bid by any interested contractors. If Inman’s location is used, it will be for restricted use only, with additional compliance requirements. Inman stated he has talked to adjacent landowners and that access to the site will be obtained via Inman’s property off Highway 1, with trucks travelling on Highway 385. Cassens asked if they had contacted the local rubble sites, which Wilcox says has been done, but Inman was unable to contact the Edgemont landfill. A state-required resolution for the site was presented. Motion by Russell, seconded by Allen, to approve the following Resolution establishing a rubble site for the demolition of buildings at the State Veterans Home. Cassens noted that as a member of the Fall River / Custer Landfill Board, she could not support the resolution. With no further discussion, Cassens and Falkenburg voting no and all others voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2013-06**

WHEREAS, South Dakota State Veterans Home desires to establish a construction and demolition debris restricted use facility for the purpose of solid waste management; and

WHEREAS, the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, South Dakota State Veterans Home has filed a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, DENR will review that application to determine that the facility can be operated within the South Dakota laws and regulations; and

WHEREAS, DENR may recommend the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and / or conditions of the permit are contested by an interested party; and

WHEREAS, the County Commission of Fall River County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;



IT IS THEREFORE RESOLVED that the County Commission of Fall River County hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.

APPROVED this 7<sup>th</sup> day of February, 2013, by the Fall River County Commission in regular session at Hot Springs, South Dakota.

/s/ Mike Ortner

Mike Ortner, Chairman

/s/ Joe Allen

Joe Allen

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Joe Falkenburg, Vice-Chairman

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Anne Cassens

/s/ Deb Russell

Deb Russell

Attest:

/s/ Sue Ganje

Sue Ganje, County Auditor

Susie Hayes, Director of Equalization, presented abatements for approval. Motion by Falkenburg, seconded by Allen, to approve the abatement of taxes for Ryan and Rachel Welsh, parcel Tract A in Farm Unit #49, 2012 taxes in the amount of \$152.06 to reflect owner-occupied status. With no further discussion and all voting yes, the motion carried.

Motion by Allen, seconded by Russell, to approve the abatement of taxes for Thomas and Suzanne Embree, parcel Newhouse Subdivision Lot 7, 2012 taxes in the amount of \$1,217.30 to reflect owner-occupied status. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve the abatement of taxes for parcel Minnekahta First Addition, Lot 10, Blk 19, 2012 taxes in the amount of \$1,664.76 to reflect exempt veteran's status. With no further discussion and all voting yes, the motion carried.

2013 valuation intentions were presented by Hayes. Crop soil valuations will increase by 25% and non-crop soils by 6%. Agriculture buildings and houses on agriculture land will not change; neither will non-agriculture values as Hayes hopes future neighborhood reassessments will better adjust those properties as they are completed. The Board thanked Hayes for her report and noted that agriculture land information should be dispersed at events, such as the Ag Banquet and County Fair, and at the Oral Community Room.

Frank Maynard, Emergency Management, informed the Board that repairs to the Jail roof are unable to be completed until the roof covering thaws. To meet code, an air-gap back-flow preventer needs to be installed off the main water feed to the courthouse boiler, for which he is obtaining estimates. A proposal to bid for propane was discussed. Motion by Falkenburg, seconded by Russell, to authorize Maynard to advertise for bids for propane when levels reach 12% and order the resulting lowest bid. With no further discussion and all voting yes, the motion carried.

As SLA requirements include a Public Information Officer, Maynard requested travel approval for Andy Timmins to attend training. Motion by Falkenburg, seconded by Allen, to approve travel for

Timmins to attend the S-203 Introduction to Incident Information training in Interior, February 25 – March 1, 2013, at a cost of \$433.40. With no further discussion and all voting yes, the motion carried.

Maynard reported that a Homeland Security meeting is scheduled for February 15, 2013 in Rapid City, which will establish guidelines for excess 2010 funds and prioritize 2013 funds. Schools are invited to provide input on security needs. Additionally, the state has allocated funds for installing a warning siren at Angostura State Park. Funding for a siren in Edgemont is currently unavailable; Maynard will continue to pursue sources.

Motion by Falkenburg, seconded by Allen, to go into 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 11:29 AM.

The Board came out of Executive Session at 11:50 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 11:55 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