

FALL RIVER COUNTY MINUTES OF MARCH 25, 2014

The Fall River Board of County Commissioners met in regular session on March 25, 2014. Present: Michael 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 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 February 25, 2014 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve the minutes of the March 6, 2014 meeting. With no further discussion and all voting yes, the motion carried.

Applications for assistance were reviewed. Motion by Cassens, seconded by Allen, to approve a one-time only assistance of \$321.58 for electricity for CP# 2014-5, with a repayment plan. With no further discussion, Falkenburg voting no and all others voting yes, the motion was approved.

Motion by Allen, seconded by Cassens, to deny the application of CP #2014-6 for assistance with medical expenses due to the late date of the request and the failure of the applicant to obtain approval prior to services. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to formally approve the resignation of Becki Sotherland as Coroner, who has accepted a law enforcement position in Shannon County. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve the following reconciling items: \$8,062.98 transfer from the Weed Grant Fund to the General Fund; \$.02 transfer from the General Fund to the Alabaugh Fire Grant Fund; \$44.50 transfer from the Forestry Co-op Grant to the General Fund; \$1,117.44 transfer from the General Fund to the LEPC Grant Fund. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to approve the two-year raise for Martin Buchholz to \$15.05 per hour, per Union contract, effective March 24, 2014. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve the one-year raise for Ken Martin

to \$11.00 per hour, per Union contract, effective March 26, 2014. With no further discussion and all voting yes, the motion carried.

Notice was given that the Black Hills Association meeting will be held on March 28, 2014 in Sturgis.

The Board discussed returning to Tuesday meeting days; the matter will be on the next agenda for approval.

Ganje presented an agreement for review. Motion by Falkenburg, seconded by Cassens, to approve the agreement with Election Systems and Software for 2014 election services, authorizing the Auditor to sign. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to junk surplus items as listed and on file in the Auditor's office. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to surplus items for sale as listed and on file in the Auditor's office. With no further discussion and all voting yes, the motion carried.

Keith Andersen, Andersen Engineering, presented a resolution on behalf of High Plains Resources, which would allow for a soil land-farm facility. Motion by Falkenburg, seconded by Allen, to approve the resolution as follows. Noting a conflict, Falkenburg withdrew his motion.

Motion by Cassens, seconded by Allen, to approve the resolution as follows. With no further discussion, Falkenburg abstaining and all others voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2014-09

WHEREAS, High Plains Resources, LLC desires to establish a soil landfarm facility for the purpose of solid waste management; and

WHEREAS, Fall River County Board of Commissioners has approved siting the proposed facility, and

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

WHEREAS, High Plains Resources, LLC will file 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 any 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.

Dated at Fall River County, South Dakota this 25th day of March, 2014.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Nina Steinmetz, Weed Supervisor, asked the Board to approve a wage raise. Motion by Falkenburg, seconded by Russell, to approve raising the wage for sprayer Ray Palmer to \$10.00 per hour. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve the following resolution opposing the addition of Russian Olive trees to the South Dakota noxious weed list. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2014-10

A RESOLUTION OPPOSING THE LISTING OF RUSSIAN OLIVE TREES ON THE SOUTH DAKOTA LOCALLY NOXIOUS WEED LIST BY THE SOUTH DAKOTA WEED AND PEST CONTROL COMMISSION

WHEREAS the Russian Olive, *Elaeagnus angustifolia* L., was first imported to the US in the early 1900's for erosion control, windbreaks and "wildlife enhancement" purposes; and

WHEREAS the Russian Olive is a desirable ornamental shade tree that can reach heights from ten to twenty-five feet, grow and even thrive where few other trees can be made to grow; and

WHEREAS in Fall River County, South Dakota an estimated thirty percent of all planted windbreaks have Russian Olive trees and within the last ten years an estimated twenty acres of Russian Olives have been planted with minimal concern about invasive spreading; and

WHEREAS Russian Olive trees provide food and shelter during the harshest winters for Sharptail Grouse, Ringneck Pheasants and other wildlife species, often providing the only cover for miles around; and

THEREFORE the Fall River County commissioners oppose listing the Russian Olive tree on the South Dakota Locally Noxious Weed List by the South Dakota Weed and Pest Control Commission and the Chairman is authorized to sign the final version for the purposes expressed herein.

Dated at Fall River County, South Dakota this 25th day of March, 2014.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Steinmetz asked the Board to consider a \$3,000.00 sponsorship for the annual *Weed and Pest Invader*, which provides education on the subject throughout the state. Steinmetz

normally allocates \$500.00 from her budget for the publication. Motion by Cassens, seconded by Falkenburg, to allow for \$1,000.00 from the Weed and Pest budget to be directed to the publication and distribution of *Weed and Pest Invader*. With no further discussion and all voting yes, the motion carried.

Cassens reported on the NACo Legislative Conference she attended in Washington, DC, discussing sessions on criminal justice, mental health care, health benefits and coal regulations.

Ortner reported that Attorney General Marty Jackley has offered to contribute \$15,000.00 toward the cost of a secured storage facility for evidence, which could be a joint venture with the City of Hot Springs.

Frank Maynard, Emergency Management, asked the Board for travel approval. Motion by Falkenburg, seconded by Allen, to approve travel for Maynard to attend the Incident Management Assistance Team meeting in Pierre on March 31, 2014. With no further discussion and all voting yes, the motion carried.

Maynard reported that severe weather spotter training will be held in Oelrichs on April 9, 2014 and a four-county drill exercise is being planned for May.

Randy Seiler, Highway Superintendent, updated the Board on activity and sought direction on a 1990 dump truck needing repairs at an estimate of \$4,500.00. County bridges were discussed, including a study on the Igloo Bridge. Seiler said the state and DOT representatives would meet with the commission to discuss possible alternatives. The annual Board road tour was set for May 6, 2014.

A sign agreement was presented. Motion by Russell, seconded by Falkenburg, to approve a sign retroreflectivity plan, authorizing the chairman to sign. With Cassens voting no, all others voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, 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	\$474.70
Assn Of SD County W&P Bds	Dues; Supply	\$157.50
Audra Malcomb Consulting	MI	\$618.45
Bob Barker Company Inc	Supply	\$4,301.57
Beesley Law Office	CAAF	\$1,017.30
Bingham, James	MI	\$528.25
Brant, Annette	Prof Serv	\$44.40
Cardmember Service	Misc	\$3,995.02
CBM Food Service	Inmate	\$4,362.48
Century Business Leasing	Copier	\$456.44

Cheyenne Sanitation	Utility	\$280.00
Culligan Soft Water	Water	\$105.75
Dale's Repair	Car Maint	\$56.49
DeMersseman Jensen	CAAF	\$2,157.70
Dell Business Credit	Equip	\$2,419.94
Edgemont Herald Tribune	Publishing	\$254.33
Executive Mgmt Finance	BIT	\$19.00
Falkenburg, Joe	Travel	\$115.44
Golden West	Telephone	\$1,603.64
High Plains Graphics	Supply	\$20.00
Hot Springs Area Chamber	Rental	\$60.00
Lead Deadwood Reg Hosp	Investigation	\$265.01
McLeods Office Supply Co.	Supply	\$140.89
Microfilm Imaging Systems	Lease	\$515.00
MOCIC	Dues	\$100.00
Mobile311 LLC	Contract	\$400.00
Mueller Civic Center	Rent	\$85.00
March, Jason	Training	\$117.36
Nettinga, Joan	Supply	\$46.89
Neve's Uniform Inc	Uniform	\$505.00
Norton's Sinclair	Car Maint	\$45.00
O'Neill, Justin	CAAF	\$1,162.26
Orrock, Ken	Conflict Dep	\$4,984.25
Pennington County Auditor	MI	\$60.00
Penn Co Jail	Inmate	\$544.00
Penn County Sheriff	Inmate; MI	\$732.30
Pizza Hut	Juror	\$59.25
Purchase Power	Postage	\$973.55
Radioshack	Supply	\$19.98
Regional Health	Morgue	\$1,218.00
Rushmore Communications	Repair	\$685.60
SD Assn Of County Comm.	Cat Legal	\$1,289.17
SD Human Services Center	MI	\$600.00
Servall	Supply	\$132.18
Skinner, Matthew L. Pc	CAAF	\$666.70
Software Services Inc	Support	\$11,303.00
Springs Senior Citizens	Allotment	\$4,100.00
State Remittance Center	MI; 24/7	\$1,492.29
United States Postal Serv	Postage	\$1,974.19
Weakland, Wendy	Travel	\$73.00
Cassens, Anne	Travel	\$1,598.00
General Fund Total		\$58,936.27

Road & Bridge

B H Electric Coop Inc.	Utility	\$27.28
Cardmember Service	Misc	\$84.79
Cheyenne Sanitation	Utility	\$74.00
Edgemont, City Of	Utility	\$36.75
Golden West	Telephone	\$264.41
City Of Hot Springs	Utility	\$17.70
Road & Bridge Total		\$504.93

911 Surcharge Reimb

Golden West Technologies	Contract	\$795.00
Golden West	Telephone	\$64.62
Century Link	911	\$628.33
911 Surcharge Reimb Total		\$1,487.95

Emergency Mgt

Cardmember Service	Misc	\$47.33
Golden West	Telephone	\$107.98
Rushmore Communications	Repair	\$854.75
Emergency Mgt Total		\$1,010.06

Total **\$308,285.83**

A break was taken at 10:27 AM. The meeting resumed at 10:39 AM with public comment. Ray Palmer reported he is meeting with the county Fair Board to discuss plans for the proposed shuttles for use during the fair and the display of the Viet Nam Memorial wall replica. Ed Harvey asked about any investigation into the Treasurer's office; the Board stated that the matter was a personnel issue only at this time. Susan Henderson repeated a concern that State's Attorney Jim Sword expressed to her that back taxes would be uncollectable; the Board advised her that Sword has not informed them of that opinion. Deputy State's Attorney Pat Ginsbach has drafted a letter to be sent to individuals who are not in compliance on delinquent property tax agreements and staff is working on those and other trust accounts.

Sheriff Rich Mraz presented a jail report and asked for hire approval. Motion by Falkenburg, seconded by Russell, to approve hiring Judith Bredleau and Jennifer Dixon for the 24/7 program, effective March 21, 2014 at a rate of \$10.00 per hour. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve hiring Nathaniel Merriman as a Jailer, at \$11.50 per hour, per Union contract. With no further discussion and all voting yes, the motion carried.

Lyle Jensen, Building Superintendent, reported the jail refrigerator is inoperative and

presented a quote for approval. Motion by Russell, seconded by Falkenburg, to approve \$599.00 for a new refrigerator for the Jail. With no further discussion and all voting yes, the motion carried.

Kelli Rhoe, Acting Treasurer, asked for travel approval. Motion by Allen, seconded by Cassens, to approve travel for Rhoe, along with Register of Deeds Mel Engebretson and Auditor Sue Ganje, to attend the Spring Workshop in Pierre on May 7-8, 2014. With no further discussion and all voting yes, the motion carried.

Rhoe thanked the Board for their support of the office and discussed fees on Wells Fargo accounts. Motion by Falkenburg, seconded by Cassens, to approve closing the Wells Fargo accounts at this time as they are subject to a monthly maintenance fee. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to enter into Executive Session for personnel and legal matters, per SDCL 1-25-2(1) and (3). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:08 AM.

The Board came out of Executive Session at 11:33 AM and discussed pursuing legislation regarding the annual publication of delinquent property taxes.

Motion by Russell, seconded by Cassens, to set \$31,200.00 as the salary for Kelli Rhoe during her tenure as Acting Treasurer, retroactive to March 6, 2014. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 11:59 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