

FALL RIVER COUNTY MINUTES OF APRIL 4, 2017

The Fall River Board of County Commissioners met in regular session on April 4, 2017. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz, Deb Russell and Sue Ganje, Auditor.

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. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Russell, seconded by Nabholz, to approve the minutes of March 21, 2017.

Motion made by Russell, seconded by Abbott, to approve the January 31, 2017 Auditor's Account with the County Treasurer.

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, 2017.

Total Amt of Deposit in First Interstate Bank: \$614,970.07

Total Amount of Cash: \$3,955.13

Total Amount of Treasurer's Change Fund: \$900.00

Total Amount of Checks in Treasurer's

Possession Not Exceeding Three Days: \$32,250.54

SAVINGS:

 First Interstate Bank : \$3,185,424.49

CERTIFICATES OF DEPOSIT:

 First Interstate-Hot Springs: \$2,684,371.64

 Black Hills Federal Credit Union: \$250,000.00

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

NOW, THEREFORE, BE IT ORDERED, that the Fall River County Commissioners shall declare the Flyway Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political, effective as of today's date, with taxing authority for the 2017 tax year payable in 2018 and after, and

BE IT FURTHER ORDERED, that the Flyway Road District be described as follows:

Black Hills Flyway Subdivision: Lots 1, 3-5*, 7, 8, 32-66* and Landing Strip Lot, and Lot 6R of Black Hills Flyway Subdivision which is now subdivided into Tracts 1-15* Platted as Silverspur Ranchettes all located in the NW1/4, SW1/4NE1/4, W1/2SE1/4, NW1/4SW1/4, NE1/4SW1/4, and SE1/4SW1/4 in Section 8, T8S, R5E, Black Hills Meridian, Fall River County, South Dakota

(*Indicates inclusive)

DATED this 4th day of April, 2017.

/s/Joe Falkenburg, Chair
Board of Fall River County Commissioners

/s/Sue Ganje
Fall River County Auditor

Joe Allen, Commissioner, was to present the Excessive Engine Noise Ordinance, but more information is needed. Motion made by Russell, seconded by Allen to table the ordinance until April 18.

Jim Sword, State's Attorney, met with the board for purchase approval. Motion made by Allen, seconded by Abbott to authorize purchase of a computer and software for the State's Attorney Office.

Falkenburg wondered if Sword could use his deputy attorney as a conflict deputy for the time being. Sword thought that would be appropriate.

George Kotti, interim Mayor of Hot Springs, met with the board to introduce himself, noting his appreciation for the job the Commissioners do. Kotti and Falkenburg mutually agreed on the need for both entities to work together.

Uriah Luallin asked if it was okay to video the meeting. Nabholz responded that they were waiting for the judge to determine if it is a court room or a commission meeting room. Luallin noted that videotaping meetings would be good for those who cannot attend meetings. The judge sent a message later in the meeting to state there would be no cameras.

Ben Tubbs spoke of issues at the Edgemont railroad crossing, and that there would be over an hour wait if a crew had to change. He does not support an Excessive Noise Ordinance. Nabholz commented on the maintenance of the road to the Battle Mtn towers. Seiler will be questioned later in the meeting.

Susie Simkins, Director of Equalization, requested the board set a second date for

equalization appeals. It was agreed to continue appeals on the afternoon of the next meeting on April 18, 2017.

Simkins presented an abatement for approval due to a clerical error, and that the taxpayer had not contacted her about this. Although she is recommending the abatement she wondered what responsibility the taxpayer should have on issues like this. Russell stated that they should err on the side of helping people. Motion made by Allen, seconded by Nabholz, to approve abatement for Alan L. and Jo A. Windedahl, pay '17 taxes, parcel number 65236-00000-00400, in the amount of \$452.41. Reason: to correctly reflect owner occupied status.

Simkins presented a second abatement for approval that should have been on the exempt list. The board decided to wait until the exempt list is approved first.

Randy Seiler, Highway Superintendent, came to the table early to discuss the state's current plan to lower Chilson Bridge, and become a one lane bridge. This would increase the cost to the County and ROW would also need to be purchased. Seiler will pass on commissioner comments about the increased costs to the Engineer

Dan Cullen, VSO officer, met with the board for a report on the last quarter of 2016 and the first quarter of 2017. Cullen stated that the first quarter of 2017 doubled from the first quarter of 2016. Russell stated that at the recent SD Association of County Commissioners meeting she heard praise for Cullen and the work he does. Cullen also received compliments from the other board members.

Ross Eberle, Brosz Engineers and Seiler met to continue discussion on the Chilson Bridge, with Eberle stating his most recent contact with the state on this bridge indicated a two lane bridge. His estimates with the State's plan would increase county cost by approximately \$100,000 to maintain the surface. Eberle stated that he was heading up to look at Dewey Bridge. Seiler questioned if the old bridge would be owned by the county or the contractors, as he has had requests to purchase it. Eberle advised it is normally the contractors.

Randy Seiler, Highway Superintendent met with the Board to present fuel bids.

	8000 Gallons #1/#2 Diesel blend
Nelson's	\$2.12/gallon
MG Oil Company	No Bid
Bill Tanner Fuel	No Bid

Motion made by Russell, seconded by Abbott to accept the low and only bid of \$2.12 per gallon from Nelson's Oil and Gas for 8000 gallons #1/#2 Diesel blend.

Seiler presented fuel transfers to the board. Motion by Abbott, seconded by Nabholz to approve March 2017 fuel transfers to reimburse the highway department for fuel used or work performed as follows: Weed & Pest for \$124.28; Sheriff's Department for \$1,639.20; Director of Equalization for \$21.55; GIS for \$30.70; Emergency Management for \$123.56; Building \$56.57 and State's Attorney \$18.86.

Seiler presented his report on the 2016 costs per road.

Seiler and the board briefly discussed the SD DOT Igloo road project, noting the state will have another meeting with the landowners.

Sealed bids were opened at 10:15 a.m. for two used belly dump trailers. Two bids were received from one bidder. Motion made by Abbott, seconded by Falkenburg to accept the bids as follows: 1985 Load King Belly Dump, \$7,500 and 1988 Rancho Belly Dump, \$8,500.00, from Quality Real Estate, Inc, 27851 S. Buffalo Gap Road, Oral, SD.

Motion made by Abbott, seconded by Russell, to approve bills as follows:

GENERAL FUND

FIDELITY SEC. LIFE INS CO	EYE INSURANCE	\$91.02
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSU	\$225.04
AHRENDT, BRIAN T	CONTRACT DEPUTY STAT	\$797.52
AUDRA MALCOMB CONSULTING	MI/CONSULTING	\$732.50
A'VIANDS LLC	INMATE FOOD/SUPPLY	\$7,690.10
BATTLE MTN HUMANE SOCIETY	2017 ALLOTTMENT	\$2,500.00
BLACK HILLS CHEMICAL	SUPPLY	\$178.81
BLACK HILLS ENERGY	UTILITY POWER ELECTR	\$3,563.71
BOSTON MUTUAL LIFE INS CO	10 LIFE INSURANCE	\$32.76
CENTURY BUSINESS LEASING	COPIER LEASE	\$14.42
CLINICAL LABORATORY OF	AUTOPSY	\$234.00
CREDIT COLLECTION BUREAU	COLLECTIONS	\$140.87
DAKOTA LEASING COMPANY	LEASE	\$155.00
DALE'S REPAIR	REPAIR/MAINT.	\$75.00
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,211.24
EFTPS	EFTPS PAYROLL TAXES	\$30,295.67
EDGEMONT HERALD TRIBUNE	PUBLICATION	\$1,021.40
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$140.00
FR COUNTY TREASURER	FR COUNTY TREASURER	\$149.67
GOVERNORS INN	HOTEL COMMISSIONER	\$174.00
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$555.00
HILLYARD/SIOUX FALLS	SUPPLY	\$217.22
HOT SPRINGS ACE HARDWARE	SUPPLY	\$374.03
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$14,788.50
JENSEN, LYLE	REIMBURSEMENT SUPPLY	\$30.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$325.00
MEDICAL WASTE TRANSPORT	UTILITY	\$158.60
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$88.25
NEW YORK LIFE INSURANCE	NEW YORK LIFE INS	\$65.00
NORTON, TINA	CONTRACT NURSE INMAT	\$1,140.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$1,259.00
OLSON TOWING	INVESTIGATION	\$370.00
OTIS ELEVATOR COMPANY	CO QUARTERLY SERVICE	\$384.09

PENNINGTON COUNTY JAIL	1 INMATE MEDICAL	\$39.61
POWELL, DEBRA J	BLOOD DRAW	\$70.00
QUILL CORPORATION	OFFICE SUPPLIES	\$569.34
RAMKOTA HOTEL-PIERRE	HOTEL COMMISSIONER	\$197.98
RANCHERS FEED AND SEED	SUPPLY	\$164.90
RAPID CITY JOURNAL (THE)	ADVERTISING/PROCEEDINGS	\$694.75
RAPID FIRE PROTECTION INC	BLDG SPRINKLER INSPE	\$275.00
REGIONAL PHARMACY	PRISONER MEDICATION	\$363.12
RUSHMORE COMMUNICATIONS	EMERGENCY RADIO	\$110.00
SAFRAN	SOFTWARE/MAINTENACE	\$5,940.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$13,951.27
SECRETARY OF STATE	1 NOTARY PUBLIC SEAL	\$30.00
SERVALL	RUG/UNIFORM SERVICE	\$375.13
SD SUPPLEMENT RETIREMENT	SDRS SUP RETIREMENT	\$750.00
STATE SUPPLY	SUPPLY	\$126.78
TWILIGHT INC	FIRST AID SUPPLY	\$149.20
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$38.00
BEHRENS, DONNA	MILEAGE REIMBURSEMENT	\$60.48
COMMISSION	MARCH SALARY	\$4,100.00
AUDITOR	MARCH SALARY	\$13,482.47
OVERTIME	MARCH	\$125.64
TREASURER	MARCH SALARY	\$10,267.98
OVERTIME	MARCH	\$65.08
STATE'S ATTORNEY	MARCH SALARY	\$7,688.79
OVERTIME	MARCH	\$420.75
MAINTENANCE	MARCH SALARY	\$6,794.10
OVERTIME	MARCH	\$115.35
ASSESSOR	MARCH SALARY	\$11,480.80
OVERTIME	MARCH	\$165.00
REGISTER OF DEEDS	MARCH SALARY	\$7,570.65
OVERTIME	MARCH	\$24.84
VETERAN'S SERVICE OFFICER	MARCH SALARY	\$3,193.34
GIS	MARCH SALARY	\$3,156.80
CORONER	MARCH SALARY	\$600.00
NURSE	MARCH SALARY	\$2,906.09
EXTENSION HOURS	MARCH SALARY	\$2,836.82
OVERTIME	MARCH	\$33.04
WEED	MARCH SALARY	\$3,253.42
	TOTAL FOR GENERAL FUND	\$172,363.94
COUNTY ROAD & BRIDGE		
ADVANCED DRUG TESTING	NEW HIRE DRUG TEST	\$26.00
FIDELITY SEC. LIFE INS CO	EYE INSURANCE	\$80.66
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSU	\$448.60
B H ELECTRIC COOP INC.	UTILITIES SMITHWICK	\$48.75

BLACK HILLS ENERGY	UTILITY POWER ELECTR	\$686.76
BLESSING, BRETT	UNIFORM ALLOWANCE	\$150.00
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$3,370.20
DEBOER AG SERVICE	ELECTRIC USAGE	\$21.42
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$444.95
EDDIES TRUCK SALES	REPAIRS/PARTS	\$138.33
EFTPS	EFTPS PAYROLL TAXES	\$8,276.93
EDGEMONT HERALD TRIBUNE	PUBLICATION	\$68.00
FLINT ELECTRIC	SERVICE	\$122.45
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$56.85
HEISINGER, GERARD	UNIFORM ALLOWANCE	\$150.00
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$150.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$51.25
HOT SPRINGS AUTOMOTIVE	AUTO SUPPLY PARTS	\$773.10
RICOH USA INC	HWY DEPT COPIER LEAS	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$3,648.00
INTERSTATE ENGINEERING	ROAD PROJECT	\$4,000.00
K & M TIRE	SUPPLY/REPAIR	\$199.65
LIUNA LABORERS LOCAL 620	UNION DUES	\$150.00
LYLE SIGNS	SIGNAGE	\$69.96
MG OIL	INVENTORY/SUPPLY	\$679.80
MCCLUNG, BRUCE	UNIFORM ALLOWANCE	\$150.00
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMEN	\$73.53
NELSONS OIL & GAS INC.	FUEL	\$16,960.00
POWERPLAN BF	REPAIR/PARTS/LABOR	\$100.00
RAPID CITY JOURNAL (THE)	ADVERTISING/PROCEEDINGS	\$167.00
RAPID DELIVERY	DELIVERY	\$77.04
RUSHMORE COMMUNICATIONS	EMERGENCY RADIO	\$110.00
SAFETY KLEEN	SUPPLIES	\$124.47
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$3,906.04
SEILER, RANDY	CELLPHONE REIMBURSEM	\$35.00
TWILIGHT INC	FIRST AID SUPPLY	\$15.95
HIGHWAY DEPARTMENT ADMIN	MARCH SALARY	\$6,989.23
HIGHWAY DEPARMENT	MARCH SALARY	\$1,512.50
OVERTIME	MARCH	\$6.50
	TOTAL FOR COUNTY ROAD & BRIDGE	\$54,107.42

911 SURCHARGE REIMB

CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$297.10
EFTPS	EFTPS PAYROLL TAXES	\$3,100.94
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$60.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$1,638.00
MESSERLI & KRAMER	COLLECTIONS	\$117.24

CENTURY LINK	911 DISPATCH LINE TR	\$10.09
RUSHMORE COMMUNICATIONS	EMERGENCY RADIO	\$817.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$1,549.71
	TOTAL FOR 911 SURCHARGE	
	REIMB	\$7,892.94
EMERGENCY MGT		
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$15.61
EFTPS	EFTPS PAYROLL TAXES	\$1,698.79
RUSHMORE COMMUNICATIONS	EMERGENCY RADIO	\$165.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$571.56
FALL RIVER EMERGENCY		
MANAGEMENT	MARCH SALARY	\$6,183.03
OVERTIME	MARCH	\$60.17
	TOTAL FOR EMERGENCY	
	MGT	\$8,694.16
24/7 SOBRIETY FUND		
EFTPS	EFTPS PAYROLL TAXES	\$234.18
SHERIFF	MARCH SALARY	\$22,467.09
OVERTIME	MARCH	\$3,586.33
JAIL	MARCH SALARY	\$13,538.24
OVERTIME	MARCH	\$3,520.85
DISPATCH	MARCH SALARY	\$9,950.68
OVERTIME	MARCH	\$1,796.16
	TOTAL FOR 24/7 SOBRIETY	
	FUND	\$55,093.53
	TOTAL PAID BETWEEN	
	3/22/17 AND 4/04/17	\$150,266.75

Break was taken at 10:17 a.m. and meeting resumed at 10:25 a.m.

Public Comment was heard from Uriah Luallin about deep injection well drilling, asking they listen to all residents about the issue, and asked commissioners to recuse themselves if they have worked for or own stock in the Powertech/Azarga company. Additional comments were heard on the recording of meetings, moving back to the 3rd floor meeting room, court security, with Dusty Pence advising that she is circulating non official petitions asking for signatures from people supporting the recording of commissioner meetings.

Bob Weyrich, Western Ag Development Rep and Andrea Powers, Southern Hills Economic Development Corporation (SHEDCO), presented a map showing results of the County Site Analysis program. The mapping notes areas with high water, low water access and rail access and other factors. It is the commissioners right to distribute the map to whom they want. Mapping sites by land ownership will need more protection. Motion made by Nabholz, seconded by Abbott to distribute the non public information to Andrea Powers of SHEDCO.

Presiding Judge Pheifle, Seventh Circuit Court, met with the board to take the opportunity to discuss the recent waiver of weapons motion. This has given the court system concern and the

judges do not feel this was an appropriate response to safety concerns. Pheifle feels that it increases risk to employees and community, and they need to continue working for increased security. Pheifle asked the commissioners to reconsider their motion. Pheifle states that Pennington County security guards were trained by Homeland Security personnel, and they do training for schools and give active shooter training and tips. Pheifle will also help with a security assessment for the courthouse. Falkenburg stated that he had received phone calls on the issue, and quoting a song, he 'knows when to hold them, and know when to fold' on the issue. The Pennington County Sheriff Deputies would gladly assess needs for Fall River County, but Pheifle stated that the commission has to look at things like this for the short term but in the long term they need to look at building needs.

Nabholz stated that there is a problem with the premise, as schools have issues with shooting and they don't allow guns and he sees safety issues for county employees when it is not known where the guns are. Pheifle stated that all the studies show more risk from having concealed carry in a courthouse and said he would provide that information. The most used response is how to figure ways to reduce access to areas where emotions run high. The court and law enforcement need to know who creates the threat, not who is innocent.

Motion was made by Allen, seconded by Abbott to rescind the motion to legally carry weapons in the courthouse. Russell is more worried now in the courthouse and asked to speed up the assessment. Pheifle will work with Evans and Thom, as well as take this on himself, and advised that court would resume tomorrow. Nabholz still will want stated studies and has an issue with court being cancelled. His intent was to improve safety. Russell called for a vote. With Nabholz voting no, all others voting yes, motion passed.

Nabholz spoke on recent newspaper articles, stating that Sword was misquoted or was in error. He gave a timeline of motions on the gun issue, and that they then went into executive session to discuss an offer for the ambulance building. John Taylor from the Hot Springs Star and Rick Kaan disputed this. Allen spoke of some confusion with the door being open or not, but that there was no intention to hide anything from the public and the commission will do better with the door. Sword stated that Paul was correct in the actions taken by the Board, but thought things could do better and appreciated that Falkenburg put it back on agenda.

Sheriff Bob Evans met with the board to discuss the proposed Edgemont Law Enforcement, stating the current 40 hours, with additional hours also requested from the county, at approximately \$18.50/hour, would barely cover wages for the year. The proposed contract is for \$66,359.04, with an effective date of 6-1-17. The Board discussed a letter Falkenburg drafted to the City. Nabholz spoke of the contract back in approximately 2000. It was noted by board members that there is a clause for right of termination with the proposed or current agreement. Motion made by Nabholz, seconded by Russell to authorize Joe Falkenburg to send a letter to the City of Edgemont referring to re-evaluation at the end of 2017.

Nabholz spoke of the recent RC & D meeting he attended, discussing that only 3 people attended, and amount retained (10-20%) when grants are approved for members of the organization. His recommendation is for approval to stop payments. Falkenburg asked to discuss it further after the next RC & D meeting.

Nabholz also spoke of CD's the Treasurer, Kelli Rhoe, purchased and reminded board of the Western S Hydrology Conference being held in Rapid City April 6, 2017.

Mike Ortner thanked the board for the actions on weapons in courthouse. Ortner believes in guns for employees only after specific training, but not citizens. He offered his assistance if it is wanted.

Susie Simkins, Director of Equalization, gave the board of equalization workbooks for the April 11, 2017 Consolidated board meeting. Allen asked for department supervisors to submit a list for security and office space needs. Simkins invited commissioners to the supervisor's meeting in the jury room on April 13.

Motion made by Russell, seconded by Abbott to enter executive session for personnel as per SDCL 1-25-2 (1) at 11:24 p.m. Board came out of executive at 11:28 a.m.

Motion made by Nabholz, seconded by Russell to adjourn the meeting at 11:29 a.m.

/s/ Joe Falkenburg
Joe Falkenburg, Chair
Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor