

FALL RIVER COUNTY MINUTES OF MAY 15, 2012

The Fall River Board of County Commissioners met in regular session on May 15, 2012. Present: Mike Ortner, Joe Falkenburg, Joe Allen, Anne Cassens, Deb Russell and Sue Ganje, Auditor. Absent: none.

The Pledge of Allegiance was given and the meeting called to order at 9:00 a.m. The agenda was reviewed for conflicts; none were indicated.

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 Falkenburg, seconded by Cassens, to approve the minutes of May 1, 2012. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Falkenburg, 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 30th day of April, 2012.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,891.32</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>2,152,436.36</u>
Total Amount of Cash:	\$ <u>1,457.75</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>446,174.94</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>35,112.90</u>
CERTIFICATES OF DEPOSIT, First Interstate Bank:	\$ <u>3,920,000.00</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:

Henry, Raymond, \$290.64, LIC

TOTAL: \$6,810,798.91

Dated this 30th day of April, 2012.

/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 & AMBULANCE DISTRICTS AND STATE.

An applicant for assistance met with the Board. Motion by Cassens, seconded by Allen, to approve \$150.90 in assistance for CP #2012-13 for water and phone service with a repayment plan. With no further discussion and all voting yes, the motion carried.

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

GENERAL FUND

A&B BUSINESS EQUIPMENT	COPIER	\$432.91
BACHAND, LORI	TRAVEL	\$72.09
BAUERKEMPERS INC	REPAIR	\$124.24
BLACK HILLS CHEMICAL	SUPPLY	\$168.45
BH COUNCIL OF LOCAL GOV	ASSESSMENT	\$6,329.00
BURT, CURTIS	AIRPLANE	\$100.00
CAROL BUTZMAN CONSULTING	MI	\$615.06
CBM FOOD SERVICE	INMATE	\$4,609.08
CENTURY BUSINESS LEASING	COPIER	\$141.77
CHEYENNE SANITATION	UTILITY	\$280.00
CITY/CO ALCOHOL & DRUG	DETOX	\$1,965.00
COLBATH, ANGELA M	CAAF	\$558.00
CROP PRODUCTION SERVICES	SUPPLY	\$184.00
CULLIGAN SOFT WATER	WATER	\$103.75
DALE'S REPAIR	CAR MAINT	\$65.00
EDGEMONT HERALD TRIBUNE	PUBLISHING	\$326.82
ELECTION SYSTEMS & SOFT	SUPPLY	\$2,304.39
FALKENBURG, JOE	TRAVEL	\$129.50
FALL RIVER SHERIFF TRUST	SUPPLY	\$40.00
HILLYARD FLOOR CARE SUPP	SUPPLY	\$700.51
CITY OF HOT SPRINGS	UTILITY	\$269.52
HSR FUELING LLC	FUEL	\$183.54
LONE STAR HEATING & AIR	REPAIR	\$431.46
LYLE'S HANDYMAN	LABOR	\$214.20
MECHALKE, DICK	LABOR	\$216.00
NETTINGA, JOAN	SUPPLY	\$27.67
NEVE'S UNIFORM INC	UNIFORM	\$62.89
O'NEILL, JUSTIN	CAAF	\$119.56
PALMER, RAY	TRAVEL	\$58.66
PENN CO JAIL	INMATE	\$441.00
PENN COUNTY SHERIFF	INMATE	\$594.70
POWELL, DEBRA J	INMATE	\$70.00

RAPID CHEVROLET CO., INC	CAR MAINT	\$874.60
RAPID CITY JOURNAL (THE)	PUBLISHING	\$553.98
RAPID ROOTER	REPAIR	\$365.00
RICK'S AUTO CENTER	CAR MAINT	\$515.40
RUSHMORE COMMUNICATIONS	EQUIP;REPAIR	\$5,234.20
SISMA	SUPPLY	\$220.00
SDPAA	INS	\$65,726.42
SERVALL	SUPPLY	\$115.26
SKINNER, MATTHEW L. PC	CAAF	\$1,099.70
SOFTWARE SERVICES INC	SUPPORT	\$920.00
SCHOENFELDER, PAUL	INMATE	\$105.00
TIGER DIRECT	SUPPLY	\$340.26
TRUGREEN CHEMLAWN	MAINTENANCE	\$52.00
TWILIGHT INC	SUPPLY	\$167.60
ULTRAMAX	AMMO	\$861.00
VERIZON WIRELESS	CELL PHONE	\$978.60
WESTERN BUSINESS SOLUTION	SUPPLY	\$5.90
WESTERN SD JUV SERV CTR	JUVENILE	\$900.00
YANKTON CO TREASURER	MI	\$103.75
	GENERAL FUND TOTAL	\$101,077.44

ROAD & BRIDGE

B H ELECTRIC COOP INC.	UTILITY	\$18.28
CHEYENNE SANITATION	UTILITY	\$74.00
EDGEMONT, CITY OF	UTILITY	\$42.90
CITY OF HOT SPRINGS	UTILITY	\$24.46
RUSHMORE COMMUNICATIONS	EQUIP;REPAIR	\$225.00
SAFETY KLEEN	REPAIR	\$106.00
SDACHS	TRAVEL	\$30.00
SDPAA	INS	\$26,519.43
TWILIGHT INC	SUPPLY	\$22.70
VERIZON WIRELESS	CELL PHONE	\$64.36
	ROAD & BRIDGE TOTAL	\$27,127.13

911 SURCHARGE REIMBUR.

CENTURY LINK	TELEPHONE	\$621.01
RUSHMORE COMMUNICATIONS	EQUIP;REPAIR	\$294.00
WESTERN COMMUNICATION	LABOR	\$1,500.00
	911 REIMBUR. TOTAL	\$2,415.01

EMERGENCY MGT

RUSHMORE COMMUNICATIONS	EQUIP;REPAIR	\$367.00
SDPAA	INS	\$1,081.20

TIGER DIRECT	SUPPLY	\$22.36
VERIZON WIRELESS	CELL PHONE	\$243.34
	EMERGENCY MGMT TOTAL	\$1,713.90

FIRE PROTECTION FUND

NORTONS SINCLAIR	SUPPLY	\$28.00
RUSHMORE COMMUNICATIONS	EQUIP;REPAIR	\$193.00
SDPAA	INS	\$132.41
	FIRE PROTECTION FUND TOTAL	\$353.41

24/7 PARTICIPATION FEE

STATE REMITTANCE CENTER	24/7	\$300.00
	24/7 PARTICIPATION FEE TOTAL	\$300.00

GRAND TOTAL **\$132,986.89**

Discussion continued from the previous meeting on the issuance of county mining permits; it was noted that Harding County issues site permits. Motion by Cassens, seconded by Russell, to refer the question to the State’s Attorney for a legal opinion within thirty days on whether the county can issue mining permits for Fall River County and if so, how the process can be done. With no further discussion and all voting yes, the motion carried.

Brad Keizer, 4-H/Youth Advisor, presented his report on the many activities held since the beginning of 2012 and the increase in participants. Establishing a policy for lending county equipment was discussed and it was agreed that county property could be used by the schools or Keizer and staff for 4H/Youth or Extension activities.

Doug Rosane, Cheyenne Sanitation, met with the Board to discuss the county clean-up scheduled for June 2, 2012 and outlined policies on materials that are allowed at the waste site and their corresponding fees. Items included are rubble (building materials, excluding items that can blow away, and excluding contractor’s materials); metals; household garbage; batteries; appliances and tires. Individuals participating in the clean up are encouraged to cover their loads while transporting to Cheyenne Sanitation or the Custer/Fall River Waste Management site outside of Edgemont. The County will pay the tipping fees at both of these locations on that day.

Randy Seiler, Highway Supervisor, met with the Board and the rocky condition of Memorial Road was discussed. The possibility of renting a building from Paha Sapa for county storage was discussed; Seiler will examine the facility for available room and get back to the Board. The Board reviewed the retirement letter they received from Loren Seegrist, Highway Department, who worked for the County for nearly 29 years, and accepted it with appreciation for his years of service.

Motion by Falkenburg, seconded by Russell, to approve a transfer to reimburse the Highway Department for work done for the Emergency Management/Fire Fund on the Hay Canyon Fire on

April 24 and 25, 2012, in the amount of \$6,336.91. With no further discussion and all voting yes, the motion carried.

Based on recommendations, the Board chose Brosz and Interstate Engineering as firms for signing projects. Seiler will get quotes from them and bring them to a future Board meeting.

Motion by Russell, seconded by Falkenburg, to approve right-of-way agreement EM 0385 (15) 0, Fall River County, PCN 00D0, Parcel 23 with the South Dakota Department of Transportation and authorize the Chairman to sign. With no further discussion and all voting yes, the motion carried.

Seiler also noted there is a request into the SD Game Fish and Parks to approve 100% of the cost to apply dust control (mag water) on Shep's Canyon road, due to the hauling of gravel for their improvements to the Recreation Area.

A pipeline easement was presented for approval. Motion by Falkenburg, seconded by Russell, to approve a 15' pipeline easement for the Lyda Bowker Trust, (Lois Emery, trustee) adjacent to the S ½ NW ¼ of Section 4, T7, R7 and the S ½ NW ¼ of Section 4 in T7, R7 of the BHM, Fall River County, with the pipeline to run from the S ½ NW¼ of Section 4, T7, R7 to the S ½ NW ¼ of Section 4, T7, R7 of the BHM, Fall River County, South Dakota. With no further discussion and all voting yes, the motion carried.

A request for travel approval was presented by Seiler. Motion by Falkenburg, seconded by Allen, to approve Seiler's request to attend the Summer Workshop in Pierre on June 13-14, 2012, with mileage. With no further discussion and Cassens voting no, all others voting yes, the motion carried.

Seiler advised the Board that the State will pay for the replacement of two Igloo bridges. A written agreement will be obtained and be brought back to the Board. The bridges are on what was a State highway and have been signed with a load limit as per engineering recommendation.

Discussion was held on establishing a policy for time off granted to employees that is not specified in the Union Contract, such as Good Friday afternoon. Motion by Russell, seconded by Falkenburg, to approve paying four hours of time for Good Friday for employees that have not already received the holiday pay and to not deviate from the Union Contract on holidays in the future. With no further discussion and all voting yes, the motion carried.

The meeting was opened for public comment at 10:22 a.m. Susan Henderson discussed financial matters and expressed her concern over recent proposals that would scale back the highway department staff, encouraging the Board to make the maintenance of county roads a priority in funding and staffing. Paul Nabholz asked about which section line was on the agenda.

A break was taken at 10:40 a.m. The meeting resumed at 10:50 a.m. with the quarterly report of Community Health Nurse Tracy Bowman, which was placed on file.

Frank Maynard, Emergency Management, provided the Board with an inventory and assessment of county vehicles, excluding Weed and Highway Department vehicles. Quotes for replacing the vinyl flooring in the Weed and Extension Offices were reviewed. Motion by Cassens, seconded by Allen, to approve the quote of \$1,610.00 from Frank Flyte for installation and materials of new vinyl flooring in the Weed and Extension Offices. With no further discussion and all voting yes, the motion carried.

Maynard also reported that the fire tender needs hoses to be properly equipped. Motion by Falkenburg, seconded by Allen, to approve the purchase of two 25', 2.5" hoses and one 50', 2.5" hose and authorize Maynard to obtain them immediately to insure the safety of county residents. With no further discussion and all voting yes, the motion carried.

Results of the regional emergency exercise held on May 10, 2012 were discussed and the Board was informed that the PDM grant request for a courthouse generator was denied. The project will be resubmitted during the next grant period. Maynard noted that the contractor for the crossing at Evans Street is currently doing site work.

Keith Andersen, Andersen Engineering, presented two plats for approval. Motion by Falkenburg, seconded by Russell, to approve the following plat of Tract Braun as presented. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2012-19

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Tract Braun, a Subdivision of Tract B, located in the W ½ E ½ E ½ SW ¼ SW ¼ of Section 28, T7S, R6E, 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 15th day of May, 2012.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Motion by Falkenburg, seconded by Cassens, to approve the following plat of Cobblestone Mountain Estates as presented. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2012-20

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Lot 49 of Cobblestone Mountain Estates Subdivision located in the W ½ SW ¼ of Section 1, 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 15th day of May, 2012.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Terri Halls, Director of Equalization, met with the Board for hire approval. Motion by Russell, seconded by Allen, to approve hiring Mike Edwards and Logan Malde as part-time, seasonal Data Collectors for the Department of Equalization at a rate of \$9.00 per hour, for a ten-week period starting June 1, 2012. With no further discussion and all voting yes, the motion carried.

Karen Meston and Jerry Brammer met with the Board seeking information on section line issues, including fences and gates on section lines. At question was whether the county has the authority and ability to establish procedures for section line matters, including fencing, gates and lot improvements. State's Attorney Jim Sword joined the meeting and advised the Board he will research the matter and return an opinion to the Board.

Motion by Falkenburg, seconded by Allen, to enter into Executive Session for Union negotiations regarding the employee health insurance renewal and legal matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:57 a.m.

The Board came out of Executive Session at 12:09 p.m. Motion by Russell, seconded by Falkenburg, to renew the current employee health insurance plan CYN/AJ3 for 2012-2013. With no further discussion, Cassens voting no and all others voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 12:13 p.m.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor